

ORDINANCE NO. 10792

AN ORDINANCE exempting homes in the plat of Horseshoe Lake from the provisions of the sensitive areas ordinance with regard to flood prevention structures.

FINDINGS:

1. Horseshoe Lake is a unique hydrologic phenomenon. It rises and falls unexpectedly, apparently due to movement of ground water. Its levels do not particularly correlate with storm events, as most streams and lakes do, but experience delayed responses to rainfall through changes in groundwater levels.
2. The plat of Horseshoe Lake was recorded in 1982. Thirty-three lots were approved. Based on the hydrologic analysis conducted at that time, the 100 year flood elevation was calculated at 510.1 feet (93 feet). In 1990 another study was done by Bennett PS & E and approved by King County that raised the 100 year flood elevation to 512 feet (95 feet).
3. In April of 1991, Horseshoe Lake rose unexpectedly and flooded several homes in the plat. The surface elevation during this event reached 514.6 feet (97.5 feet), well above that calculated when the plat of Horseshoe Lake was approved. The department of public works pumped the lake down for a period of approximately 10 days, after which time the lake level receded on its own. Recently, the lake level has dropped to virtually nothing.
4. The surface water management division undertook a hydrologic study of the lake. The study established that the flood elevation during the April 1991 event reached 514.6 feet, and further concluded an estimate of the 100 year flood elevation at 523.5 feet (106.5 feet), with a large margin of error. The transmittal memo for the study, signed by Paul Tanaka, indicated that homeowners have three methods for possible protection of their homes in a similar future event: constructing berms, installing pumps, or elevating the homes.
5. Six homes were under construction at the time of the flooding. The occupancy permit for one home was withheld, pending completion of a study of the lake's conditions by the surface water management division. That home is located entirely within the newly estimated 100 year flood plain. Completion of construction of the home continued, and the owner amended the permit application seeking to including a protecting wall around the house, which would also support a deck for the house. DDES has issued an occupancy permit for the home, but construction of the wall is contingent upon council action. Otherwise the occupancy permit is effective and has been for several months.

1           6. Such a wall may be argued to be contrary to  
 2           sensitive areas ordinance provisions which  
 3           emphasize use of construction designs which  
 4           allow the free flow of flood water in flood  
 5           plain areas. The permit will not be issued for  
 6           the wall, unless some sort of general or  
 7           special exemptions are granted to numerous  
 8           sections of the sensitive areas ordinance. The  
 9           department of development and environmental  
 10          services does not believe variances are  
 11          appropriate in this case, given the number of  
 12          sensitive area provisions which would need to  
 13          be waived for this situation.

14          7. One of the side effects of building protective  
 15          walls such as proposed by the owner of the lot  
 16          in question, is that diverted flood waters  
 17          could cause flooding on additional lots. This  
 18          risk is thought to be negligible.

19          8. In this case, where the lake rises from ground  
 20          water level changes rather than storm water  
 21          flows, walls built to keep the water at bay may  
 22          not be effective. The ground water might  
 23          potentially hydrostatically rise behind the  
 24          wall and again flood the home. A pump has been  
 25          installed to handle any seepage under or  
 26          through the wall.

27          9. Given the unique nature of this lake, and the  
 28          number of other homes in the plat for which  
 29          building permits have been issued with a good  
 30          faith belief that the flood plain level of the  
 31          lake is now estimated to be different than it  
 32          was understood to be, a special exemption from  
 33          the sensitive areas ordinance for the homes in  
 34          this plat only is appropriate. This exemption  
 35          should not be considered as providing a  
 36          precedent for other exemptions in other  
 37          situations. Nor does it guarantee to the owner  
 38          that the wall will actually protect the home.

39          BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

40          SECTION 1. Exemptions. The lots in the plat of Horseshoe  
 41          Lake are hereby exempted from the provisions of the sensitive  
 42          areas Ordinance 9614 regarding sensitive areas with respect to  
 43          construction of structures at elevations above the flood plain  
 44          line established when the plat was approved (i.e., 510.1 feet)  
 45          and later re-established by the 1990 study approved by King  
 46          County (i.e., 512 feet), to prevent flooding of the homes in  
 47          the plat. Such structures must be the minimum necessary to  
 48          provide such protection, while having the least probable  
 49          impacts to other homes in the plat.

50          SECTION 2. Notice on title. The department of design and  
 51          development services shall work with the prosecuting attorney  
 52          to draft appropriate notices to be placed on the title of any

1 lots in the plat which construct such structures, indicating  
2 that the county does not assure that the structures will  
3 provide flood protection or assume any liability as the result  
4 of allowing such construction.

5 SECTION 3. Severability. If any provision of this  
6 ordinance or its application to any person or circumstance is  
7 held invalid, the remainder of the ordinance or the application  
8 of the provision to other persons or circumstances is not  
9 affected.

10 INTRODUCED AND READ for the first time this 15th day  
11 of March, 1993.

12 PASSED this 12th day of April, 1993.

13 KING COUNTY COUNCIL  
14 KING COUNTY, WASHINGTON

15 Audrey Gruger  
16 Chair  
17

17 ATTEST:

18 Gerald A. Peterson  
19 Clerk of the Council

20 APPROVED this 21st day of April, 1993.

21 Jim Hill  
22 King County Executive

23 Attachments: