REGULAR MEETING DES MOINES CITY COUNCIL

June 14, 2012 - 7:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

COMMENTS FROM THE PUBLIC:

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

PRESIDING OFFICER'S REPORT

ADMINISTRATION REPORTS

CONSENT CALENDAR

Page 2 Item 1: APPROVAL OF MINUTES

Motion is to approve the minutes of the meetings of May 17 and 24, 2012

Item 2: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers described as follows:

Claim checks \$741,702.88

Payroll fund transfers in the total amount of \$429,823.31

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$1,171,526.19

Item 3: DRAFT RESOLUTION 12-096, POST-ISSUANCE G.O.-BOND POLICIES

<u>Motion</u> is to adopt Draft Resolution No. 12-096 authorizing a Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds.

PUBLIC HEARING

DMCBP MASTER PLAN PHASE I/2ND DEVELOPMENT AGREEMENT
 Staff Presentation: Senior Planner Jason Sullivan

OLD BUSINESS

1. RECONSIDERATION OF ORDINANCE NO. 1540, MULTIFAMILY TAX EXEMPTION
Staff Presentation: Senior Planner Jason Sullivan

NEW BUSINESS

- 1. HITCH HIKING ORDINANCE TO HELP DEAL WITH PROSTITUTION Staff Presentation: Police Chief John O'Leary
- 2. UPDATE SOLICITOR BUSINESS LICENSE REQUIREMENTS
 Staff Presentation: Assistant City Manager Lorri Ericson
- 3. COMPREHENSIVE MASTER PLAN EMERGENCY MANAGEMENT Staff Presentation: Police Chief John O'Leary

NEXT MEETING DATE June 28, 2012, City Council Regular Meeting

ADJOURNMENT

AGENDA REGULAR MEETING DES MOINES CITY COUNCIL May 17, 2012 – 7:00 pm

CALL TO ORDER - Mayor Kaplan called the meeting to order at 7:00pm

<u>PLEDGE OF ALLEGIANCE</u> The flag salute was led by Mayor Kaplan. Present were Mayor Kaplan; Mayor Pro-Tem/Councilmember Matt Pina; Councilmember's Dan Caldwell, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Staff present were City Manager Tony Piasecki; City Attorney Pat Bosmans; Parks, Recreation and Senior Services Director Patrice Thorell; Planning, Building and Public Works Director Grant Fredricks; Assistant Director Utilities and Environmental Engineer Loren Reinhold; Building Official Larry Pickard; Senior Planner Jason Sullivan; Assistant Building Official Rex Christensen and acting City Clerk Bonnie Wilkins.

COMMENTS FROM THE PUBLIC: None

BOARD & COMMITTEE REPORTS/COUNCILMEMBER COMMENTS

Councilmember Scott

- Reported on the opening of the Farmer's Market, June 2nd (location change)
- · Mentioned that the Highline Music For Life program is looking for musical instrument donations
- Reported on Soniu Garden (one small plot currently available)
- Teased Council that the theme of the Bayside Brunch will be exciting again this year and will be held the first Sunday in November, but did not mention the theme

Councilmember Sheckler

Quoted from his book The 776 Stupidest Things Ever Said by Politicians

Councilmember Burrage

- Attended the North Hill Community Club Meeting (Block Watch presentation)
- . Mentioned that the North Hill Water Tower will be receiving a facelift with new paint this summer
- · Announced that the Salt Water Café is now open in Saltwater State Park
- Received consensus from Council to have the City Manager check with the City of Lakewood regarding E-Verify, a program ran by the Department of Homeland Security, ensuring all contractors and City Employees are legal to be employed in the City

Mayor Pro Tem/Councilmember Pina

• Reported on the Public Safety and Transportation Committee Meeting (school zone enforcement project and new draft of transportation improvement plan)

Councilmember Musser

- Commented on the Beach Park Retreat held in April (Dining Hall, Coffee Stuga)
- Reported on the May 8th Marina Advisory Committee Meeting

PRESIDING OFFICER'S REPORT

 Announced that on May 21st there will be an open house to meet and greet the 5 finalists for the Police Chief position.

ADMINISTRATION REPORTS

- Parks, Recreation and Senior Services Director, Patrice Thorell introduced Arts Commission Co-Chair,
 Eileen O'Neal, who reported on the many upcoming events this summer.
- Patrice Thorell reported that the Park and Recreation Department won 3 Spotlight Awards at WRPA's annual banquet held May 3, 2012.
 - Des Moines Creek Trail
 - Celebrate Des Moines
 - Des Moines Beach Park Heritage Trail

 Mayor Kaplan presented the Des Moines Beach Park Heritage Trail Award to Councilmember Scott for her collection of photo markers indicating the Heritage Trail

CONSENT CALENDAR

Item 1: APPROVAL OF MINUTES

Motion is to approve minutes from the regular meeting of April 26, 2012.

Item 2: DRAFT RESOLUTION NO. 12-078, APPLICATION FOR GRANT FOR BARNES CREEK TRAIL PROJECT

Motion is to approve Draft Resolution No. 12-078 authorizing the City Manager to submit a grant application for a Washington Wildlife and Recreation Program (WWRP) project to the Recreation and Conservation Office (RCO) as provided in Chapter 790A.15 RCW, Acquisition of Habitat Conservation and Outdoor Recreation Lands, for the funding of the Barnes Creek Trail Acquisition Project.

Item 3: DRAFT RESOLUTION NO. 12-056, 2012 SUMMER EVENTS, AND AGREEMENT WITH DESTINATION DES MOINES

Motion is to approve Draft Resolution No. 12-056 which authorizes Destination Des Moines to use city property to conduct four Summer Events: Fireworks Over Des Moines; the Waterland Community Barbeque; the Des Moines Classic Car and Boat Show; and the Waterland Parade; and further, to authorize the City Manager to sign the Agreement with Destination Des Moines substantially in the form as attached that specifies the responsibilities assumed by Destination Des Moines and identifies the inkind services up to a value of \$14,000 that will be provided by the City to support the events.

Item 4: TOURISM PROMOTION AREA (TPA) SEATTLE SOUTHSIDE-CITY OF DES MOINES AS A SUPPORTING CITY

<u>Motion</u> is to give direction to the City Manager and staff of the City of Des Moines to work with the other participating cities in the creation of the Seattle Southside Tourism Development Authority.

Councilmember Musser moved to adopt the Consent Calendar; Mayor Pro-Tem/Councilmember Pina, second. The motion passed 7-0.

OLD BUSINESS

1. CONTINUED BUDGET DISCUSSION

Planning Building Public Works Director, Grant Fredricks presented the PBPW Prototype 2012 Goals/ Department Supporting Actions spreadsheet, seeking council direction.

ACTION/DIRECTION

It is consensus from council that Department Directors proceed with this budget process with minor changes, expecting to have completed spreadsheets in approximately 2-4 weeks.

NEW BUSINESS

2. REDONDO HEIGHTS PIPE REPLACEMENT PROJECT

Assistant Director of Utilities and Environmental Engineering, Loren Reinhold presented to council the Cooperative Agreement with the Redondo Heights Condominium for replacement of the culvert as part of the Redondo Heights Culvert Replacement Project.

ACTION/DIRECTION

Councilmember Sheckler moved to approve the Cooperative Agreement with the Redondo Heights Condominium for the replacement of the Association's culvert as part of the Redondo Heights Culvert Replacement Project and further authorize the City Manager to sign said agreement substantially in the form as attached; Councilmember Musser, second. The motion passes 7-0.

Councilmember Sheckler moved to direct Administration to submit a \$190,000.00 CIP budget amendment for the Redondo Heights Culvert Replacement Project; Councilmember Musser, second. The motion passed 7-0.

1. INSPECTION AND PERMITTING PROCESS

Planning Building Public Works Director, Grant Fredricks introduced Building Official Larry Pickard, who updated Council on the ongoing changes in the Building Inspection and Permitting process (Permit Trax System) and explained the inspection process of Permit Trax.

Larry also acknowledged Scott Romano for his help with the Auditorium roof project.

At 8:35pm Councilmember Sheckler left the meeting.

Senior Planner Jason Sullivan demonstrated the on-line application of Permit Trax that is currently being used in Development Services.

Assistant Building Official Rex Christensen demonstrated to Council how to access, approve or amend permits, in the field, via Permit Trax and a Departmental iPad.

NEXT MEETING DATE

May 24, 2012, City Council Regular Meeting

ADJOURNMENT

There being no further business to come before the City Council, Mayor Pro-Tem Pina moved to adjourn at 9:32pm; Councilmember Caldwell, second. The motion passes 7-0.

Respectfully submitted,

Bonnie Wilkins Acting City Clerk

REGULAR MEETING DES MOINES CITY COUNCIL

May 24, 2012 - 7:00 p.m.

CALL TO ORDER - Mayor Kaplan called the meeting to order at 7: 00.m.

<u>PLEDGE OF ALLEGIANCE</u> - The flag salute was led by Councilmember Scott. Present were Mayor Dave Kaplan; Councilmembers Dan Caldwell, Melissa Musser, Jeanette Burrage, Bob Sheckler and Carmen Scott.

Mayor Pro-Tem Matt Pina was absent. Councilmember Sheckler moved to excuse Mayor Pro-Tem Matt Pina; Councilmember Musser; second. The motion passed, 6-0.

Staff present were City Manager Tony Piasecki; Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Parks Recreation and Senior Services Director Patrice Thorell; Harbormaster Joe Dusenbury; Senior Planner Jason Sullivan; Economic Development Manager Marion Yoshino; Clerk Autumn Lingle.

COMMENTS FROM THE PUBLIC:

Sigrid Laegreid, P.O. Box 47440, Seattle, WA 98146. Ms. Laegreid requested a beach access permit.

Rikki Marohl, 22807 17th Ave S, Des Moines, WA 98146. Ms. Marohl invited all to the Farmers Market opening on June 2, 2012 at 10:00 a.m. at the north end of the Marina.

Bob Pond, 23116 30th Ave s, Des Moines, WA 98198. Mr. Pond commented on return versus investment on the remaining cost of construction of the Des Moines Beach Park.

BOARD & COMMITTEE REPORTS/ COUNCILMEMBER COMMENTS

Councilmember Scott

- Des Moines Farmers Market season opening
- Fish Basket food truck in the Des Moines Marina

Councilmember Sheckler

- SCORE board meeting and AWC Award
- Happy Birthday to Jeannie Moeller
- · Noted that Mayor Kaplan has been commended for his service

Councilmember Musser

- Open House for the Marina and Beach Park Development Advisory Committee
- Sculpture project
- · Beach Park Retreat
- · Potential Picnic Shelter Opening
- · Draft of Event Center capacity projections and dollar amounts that would be generated

- Home found for Sasquatch the black rooster
- · Paid parking in Marina

Councilmember Caldwell

Port of Seattle Sessions

PRESIDING OFFICER'S REPORT

Police Chief candidates interviewed

ADMINISTRATION REPORTS

- Beach Park and Tidelands Access clarification
- Reminding Councilmembers that the Public Hearing on Des Moines Creek business Park is quasi-judicial.
- June 2nd Rededication of Beyer Panels and public viewing of Camille Patha art in City Hall.
- Announced the offer of Police Chief to Commander George Delgado of Vancouver, Washington, contingent upon background check.

CONSENT CALENDAR

Item 1: APPROVAL OF VOUCHERS

Motion is to approve for payment vouchers and payroll transfers described as follows:

Claim checks \$ 865,385.08

Payroll fund transfers in the total amount of \$851,557.34,

Total certified Wire Transfers, Voids, A/P & Payroll vouchers are \$ 1,716,942.42

ACTION/DIRECTION

Councilmember Sheckler moved to adopt the Consent Agenda; Councilmember Burrage, second. The motion passed unanimously.

EXECUTIVE SESSION – Mayor Kaplan called an Executive Session per RCW 42.30.110(1) (i) at 7:38 p.m., to be held for thirty minutes to discuss current and potential litigation. In attendance were Mayor Dave Kaplan; Councilmembers Dan Caldwell, Melissa Musser, Jeanette Burrage, and Carmen Scott. Staff present were City Manager Tony Piasecki; Assistant City Manager Lorri Ericson; City Attorney Pat Bosmans; Assistant City Attorney Tim George; Planning Building and Public Works Director Grant Fredricks; Parks Recreation and Senior Services Director Patrice Thorell, Harbormaster Joe Dusenbury; Planning Building and Public Works Assistant Director Dan Brewer, W.C.I.A. Attorney Mike Walters, Keating, Bucklin & McCormick.

At 8:02 p.m. Mr. Walters left the meeting

At 8:05 Mayor Kaplan extended the meeting for five more minutes.

Executive Session adjourned at 8:10 p.m.

PUBLIC HEARING

MULTI-FAMILY TAX EXEMPTION DRAFT ORDINANCE NO. 12-058

Mayor Kaplan opened the public hearing at 8:17 p.m.

Economic Development Manager Marion Yoshino provided a PowerPoint presentation.

COMMENTS

Ronald Dupard, 11023 S 240th St., #D2, Kent, WA. Mr. Dupard commented on current restrictions on a property that is owned by his client. He stated that those restrictions need to be reviewed.

Joe Paar, 5955 42nd Ave SW, Seattle, WA. Mr. Parr praised Marion Yoshino, City of Des Moines Economic Development Manager. He urged Council to provide more incentives for developers.

Mayor Kaplan called three times for anyone else wishing to speak.

Mayor Kaplan asked if any clarification of the ordinance was needed. City Manager Piasecki provided clarification.

Mayor Kaplan closed the public hearing at 8:37 p.m.

ACTION/DIRECTION

Councilmember Sheckler moved to suspend Rule 26(a) to pass Draft Ordinance No. 12-058 on the first reading; Councilmember Musser, second. The motion passed 5-1. Councilmember Caldwell opposed.

Councilmember Sheckler moved to enact Draft Ordinance No. 12-058 amending DMMC 3.96 to expand the boundaries of the Residential Target Area for the Multifamily Tax Exemption to include the entire area of the Pacific Ridge Neighborhood; Councilmember Musser, second.

Discussion followed.

ACTION/DIRECTION

The motion passed 5-1. Councilmember Caldwell opposed.

Mayor Kaplan read the Tile of the Ordinance into the record.

Councilmember Sheckler moved to direct staff to draft an ordinance modifying the Pacific Ridge-Residential zone to allow apartment project development over 35 ft in height; Councilmember Musser, second.

Friendly Amendment was made by Councilmember Scott, to allow consideration of other uses in the PRR Zone, was accepted by the maker and seconder.

After consideration, maker did not accept the friendly amendment made by Councilmember Scott.

Councilmember Caldwell seconded the amendment made by Councilmember Scott.

The Amendment made by Councilmember Scott, fails 3 to 3.

ACTION/DIRECTION

The Original Motion passed 6 to 0.

Motion was made by Councilmember Burrage to direct staff to draft an ordinance modifying the MFTE to be allowed for use on buildings that are 50 feet in height in the PRR Zone; Mayor Kaplan, second. Motion passed 6 to 0.

PUBLIC HEARING

DRAFT ORDINANCE NO. 12-026 INSTITUTIONAL CAMPUS ZONING

Mayor Kaplan opened the public hearing at 9:00 p.m.

Senior Planner Jason Sullivan made a presentation to the Council.

Mayor Kaplan called three times for anyone else wishing to speak.

Mayor Kaplan asked if any clarification of the ordinance was needed. There was none.

Mayor Kaplan closed the public hearing at 9:12 p.m.

ACTION/DIRECTION

Councilmember Sheckler moved to pass Draft Ordinance 12-026 amending the Zoning Code, Title 18 DMMC by adding a new chapter entitled Institutional Campus Zone to a second reading on June 28, 2012, to include the concerns that Highline Community College incorporated in their letter dated May 22, 2012; Councilmember Caldwell, second. Motion passed 5 to 1. Councilmember Burrage opposed.

Mayor Kaplan read the Tile of the Ordinance into the record.

ADJOURNMENT

There being no further business to come before the City Council, Councilmember Musser moved to adjourn; Councilmember Caldwell, second. The motion passed with a 6-0 vote. The meeting was adjourned at 9:18 p.m.

NEXT MEETING DATE - June 7, 2012, City Council Regular Meeting

Respectfully submitted,

Autumn Lingle Clerk

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Authorization for Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds

ATTACHMENTS:

- 1. Draft Resolution No. 12-096
- 2. Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds

FOR AGENDA OF: June 14, 2012
DEPT. OF ORIGIN: Finance
DATE SUBMITTED: May 31, 2012
CLEARANCES: [X] Legal [X] Finance [] Marina N/A [] Parks, Recreation & Senior Services N/A [] Planning, Building & Public Works N/A [] Police N/A [] Courts N/A
APPROVED BY CITY MANAGER

Purpose and Recommendation

The purpose of this report is to seek City Council approval and adoption of Draft Resolution No. 12-096 authorizing a Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds.

FOR SUBMITTAL:

Suggested Motion

Motion: "I move to adopt Draft Resolution No. 12-096 authorizing a Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds."

Background

A requirement for the issuance of tax-exempt general obligation bonds includes completing Internal Revenue Service (IRS) Form 8038-G, *Information Return for Tax-Exempt Governmental Obligations*. The Tax Reform Act of 1986 requires issuers to register with the IRS in order for the interest to be tax-exempt. The new revised form 8038-G to be filed for the 2012 Limited Tax General Obligation Refunding issue includes a check box for the issuer to indicate they have established written procedures to monitor the requirements of section 148 of the Internal Revenue Code. Section 148 provides the federal arbitrage requirements.

Discussion

The Finance Director has been complying with section 148 of the Internal Revenue Code for all qualified general obligation bonds of the City, and has followed procedures as described in the written policy to be adopted without a formal policy. It is prudent for the City to formally adopt a post issuance compliance policy for tax-exempt general obligation bonds to ensure future finance directors and other responsible City staff follows these compliance procedures.

Alternatives

None.

Financial Impact

The financial impact by not complying with the post issuance compliance policy for tax-exempt general obligation bonds could result in the bonds losing their tax-exempt status.

Recommendation

It is recommended that the City Council adopt Draft Resolution No. 12-096.

Concurrence

Bond Counsel concurs with this recommendation.

FINANCE DIRECTOR'S FIRST DRAFT 05/31/12

DRAFT RESOLUTION NO. 12-096

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, authorizing a post issuance compliance policy for tax-exempt general obligation bonds.

WHEREAS, the City of Des Moines ("City") is authorized to incur debt by issuing and selling general obligation bonds from time to time as may be deemed necessary for the general welfare of the City and its general corporate purpose, and

WHEREAS, such debt may qualify as tax-exempt general obligation bonds under regulations promulgated by the Internal Revenue Service, and

WHEREAS, such tax-exempt qualification places certain compliance requirements upon the City for the duration of time that the bond issues are outstanding and beyond, and

WHEREAS, the City desires to adopt policies and procedures to ensure compliance with such requirements, thereby it is in the best interests of the City to adopt a Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

- Sec. 1. The above recitals are found to be true and correct.
- Sec. 2. Officers and City staff listed in the Post Issuance Compliance Policy for Tax-Exempt General Obligation bonds, as attached, are hereby authorized and directed to take such necessary, appropriate or desirable actions to effect implementation of the Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds.

ADOPTED		the	City	Cor	uncil	of						
Washington th				ay	of			012			gned	in
authentication	the	reof	this_		day	of_	~		_ , 20	12.		

APPROVED AS TO FORM:

MAYOR

Draft Resolution No Page 2 of 2
City Attorney
ATTEST:
City Clerk

CITY OF DES MOINES, WASHINGTON

Post Issuance Compliance Policy for Tax-Exempt General Obligation Bonds

Purpose

Use of tax-exempt bond proceeds must comply with Federal tax rules pertaining to the expenditure of proceeds, use of bond financed property, investment of proceeds in compliance with arbitrage rules, and retention of records. The policy of the City of Des Moines, Washington (the "Issuer") for monitoring compliance of its bond issues with these rules is as follows:

The Issuer will comply with the following procedures:

1. Expenditure of Proceeds

The chief financial officer of the Issuer shall have the responsibility for allocating bond proceeds to particular investments, expenditures, and assets. The chief financial officer of the Issuer may delegate this responsibility, but shall retain the primary responsibility for insuring that the following procedures are followed.

- a) Proceeds of a bond issue must be identified. The chief financial officer shall refer to the nonarbitrage and tax certificate (the "Tax Certificate") delivered by bond counsel in conjunction with each issuance of tax-exempt bonds of the Issuer for help in identifying the amount of the proceeds of such bonds and for identification of funds holding bond proceeds.
- b) Investments of bond proceeds must be tracked. The chief financial officer shall ensure that all investments of bond proceeds are recorded, including identification of the investment, the purchase price of the investment, the date of the investment, the date of any receipts from the investment, and the date of repayment or sale of the investment. Earnings from investments of bond proceeds will be treated as additional bond proceeds and similarly tracked.
- c) Proceeds must be tracked until they are allocated to expenditures. Proceeds may be allocated to a capital expenditure by direct tracing or by another reasonable method (such as treating an expenditure made from another source as having been made from bond proceeds if that source is reimbursed from bond proceeds).
 - i. If the Issuer uses direct tracing of bond proceeds, the chief financial officer shall establish the form and procedure for preparation and review of requisitions of bond proceeds. Requisitions must identify the financed property in conformity with the Tax Certificate, including certifications as to the character and average economic life of the bond-financed property.
 - ii. If the Issuer uses bond proceeds to reimburse costs that were paid prior to the issuance of the bonds, the chief financial officer shall document the use of bond proceeds to make such reimbursements and will only allow such reimbursements to the extent permitted in the Tax Certificate.

- iii. If the Issuer uses any other method for allocating bond proceeds to expenditures, the chief financial officer shall prepare at least annually until all proceeds have been spent a written allocation of bond proceeds to expenditures, including the dates and amounts of such expenditures. The chief financial officer shall only allocate bond proceeds to expenditures if there is a reasonably concurrent actual outlay of cash by the Issuer to a third party.
- iv. The chief financial officer shall prepare a written "final allocation" of bond proceeds to expenditures no later than the earlier of 18 months after the in-service date of the financed property and the fifth anniversary date of the issue of the bonds. If not all bond proceeds are allocated to expenditures by that date, allocations thereafter may only be made using a tracing method.
- d) The chief financial officer shall compare the allocation of proceeds to expenditures of proceeds to the statements of the Issuer concerning its expectation to spend or commit 5% of net sale proceeds within 6 months, to spend 85% of net sale proceeds within 3 years, and to proceed with due diligence to complete the project and fully spend the net sale proceeds, set forth in the Tax Certificate. In the event that those expectations are not met, the chief financial officer shall consult with bond counsel to determine whether further action is necessary. Similarly, the chief financial officer shall compare the allocation of proceeds to expenditures to the timetables set forth for the arbitrage rebate exceptions described in the Tax Certificate.
- e) As proceeds are allocated to expenditures for capital assets, the chief financial officer shall prepare and maintain a schedule of all capital assets treated as financed with the bonds. The chief financial officer shall maintain a separate schedule for each bond issue. If only a portion of a capital asset is treated as financed with a particular bond issue, the chief financial officer shall consult with bond counsel as to how to document the particular allocation. The chief financial officer shall provide a copy of such schedule to the manager of each department of the Issuer with responsibility for bond-financed assets (e.g., Marina, Parks, Transportation, etc.).

2. Use of Bond-Financed Property

The chief financial officer of the Issuer and the manager of each department with responsibility for bond-financed assets shall have the responsibility for monitoring compliance with private business use restrictions applicable to such assets, as follows.

- a) Prior to entering into any sale, lease, or other use agreement with respect to bond financed facilities, the manager of the department with responsibility for such facilities shall contact the chief financial officer of the Issuer to ensure that the proposed transaction will not result in any prohibited private business use of the proceeds of the Issuer's tax-exempt bonds. If the proposed use is inconsistent with the Issuer's expectations set forth in the Tax Certificate, the chief financial officer shall consult with bond counsel to determine whether such use would be considered a permitted use of tax-exempt bond financed facilities, or whether a remedial action or voluntary compliance agreement with the Internal Revenue Service is available in order to prevent a loss of tax-exemption.
- b) Upon the execution of any sale, lease, or other use agreement with respect to bond financed assets, and otherwise at least annually, the chief financial officer shall update the schedule described in Section 1(e) hereof to reflect such transaction.

3. Investments

Investment of bond proceeds in compliance with the arbitrage bond rules and rebate of arbitrage will be supervised by the chief financial officer of the Issuer.

- a) Guaranteed investment contracts ("GIC") will be purchased only using the threebid "safe harbor" of applicable Treasury regulations, in compliance with fee limitations on GIC brokers in the regulations. Any exceptions to this rule must be discussed with bond counsel.
 - b) Other investments will be purchased only in market transactions.
 - c) Calculations of rebate liability will be performed annually by outside consultants.
- d) Rebate payments will be made with Form 8038-T no later than 60 days after (i) each fifth anniversary of the date of issuance and (ii) the final retirement of the issue. Compliance with rebate requirements will be reported to the bond trustee and the Issuer.
- e) The chief financial officer shall identify the date for first rebate payment at time of issuance, in conjunction with bond counsel, and enter that date in the records for the issue.

4. Records

Management and retention of records related to tax-exempt bond issues will be supervised by the chief financial officer of the Issuer.

- a) The chief financial officer shall retain records relating to investment, expenditures, and use of bond financed facilities for the life of the bonds, plus any refunding bonds related thereto, plus three years. Records may be in the form of documents or electronic copies of documents, appropriately indexed to specific bond issues and compliance functions.
 - i. Retainable records pertaining to bond issuance include transcript of documents executed in connection with the issuance of the bonds and any amendments, and copies of rebate calculations and records of payments, including Forms 8038-T.

- ii. Retainable records pertaining to expenditures of bond proceeds include requisitions, trustee statements and final allocation of proceeds.
- iii. Retainable records pertaining to use of property include all agreements reviewed for nonexempt use and any reviewed documents relating to unrelated business activity.
- iv. Retainable records pertaining to investments include GIC documents under the Treasury regulations, records of purchase and sale of other investments, and records of investment activity sufficient to permit calculation of arbitrage rebate or demonstration that no rebate is due.
- v. Retainable records pertaining to any credit enhancement of the bonds during the entire term of the bonds, include bond insurance contracts, letters of credit and standby purchase agreements.
- vi. Retainable records pertaining to interest rate swaps, interest rate caps and other hedging contracts, include any ISDA agreements, fairness opinions, termination agreements and records of termination payments.

5. Compliance under Tax Certificate

The chief financial officer shall also periodically review and comply with all provisions of the related Tax Certificate so long as the bonds are outstanding and will consult with bond counsel to take timely remedial actions under section 1.141-12 of the Treasury Regulations (or other remedial actions authorized by the Commissioner of the IRS under Section 1.141-12(h) of the Regulations) to prevent from being considered "deliberate actions" any actions of the Issuer which cause the conditions of the private business tests or the private loan financing test to be met resulting in private activity bonds.

Overall Responsibility

Overall administration and coordination of this policy is the responsibility of the chief financial officer of the Issuer.

AGENDA ITEM

BUSINESS OF THE PLANNING AGENCY City of Des Moines, WA

SUBJECT: Des Moines Creek Business Park Second Development Agreement and PSE/Benarova Master Plan

PSE/Benaroya Master Plan File Number LUA2012-0016

ATTACHMENTS:

- 1. Draft Resolution 12-098 including the Second Development Agreement
- 2. DMCBP Final SEPA Decision
- 3. Wetland Mitigation Area Map
- 4. PSE/Benaroya Site Plan
- 5. PSE/Benaroya Project Narrative
- 6. Vicinity Map
- 7. Public Hearing PowerPoint Presentation

FOR AGENDA OF: June 14, 2012

DEPT. OF ORIGIN: Planning, Building, &

Public Works

DATE SUBMITTED: June 4, 2012

LEA	RANCES
[X]	Legal
[]	Finance N/A
[]	Marina N/A
[]	Parks, Recreation & Senior Services N/A
[X]	Planning, Building & Public Works
[]	Police N/A
[]	Courts N/A

APPROVED BY CITY MANAGER FOR SUBMITTAL:

Purpose and Recommendation:

The purpose of this agenda item is to seek the City Council's approval of the Second Development Agreement with the Port of Seattle regarding the development of the Des Moines Creek Business Park (DMCBP) and the master plan for the proposed Puget Sound Energy/Benaroya Capital Co. LLC (PSE) facility located within the DMCBP. Staff recommends that the City Council approve both the Second Development Agreement and the requested master plan by passing the following motion:

Suggested Motion

Motion: "I move to approve Draft Resolution 12-098 directing the City Manger to sign the Second Development Agreement with the Port of Seattle regarding the development of the Des Moines Creek Business Park substantially in the form as submitted and approving the master plan for the proposed PSE/Benaroya facility filed with the Des Moines Planning, Building, and Public Works Department under file number LUA2012-0016."

Background:

The site that is now referred to as the Des Moines Creek Business Park (DMCBP) had been developed as a single family residential neighborhood until the early 1990's. From 1989 to 1993, the Port of Seattle (Port) acquired approximately 77 acres of residential lots in the City of Des Moines (City) as part of Sea-Tac Airport's noise mitigation program. Subsequently, the Port removed all existing single family homes from the site leaving a few foundations and the asphalt roadways which served the neighborhood. The Port later purchased approximately 12 acres of abandoned streets in 2011 from the City, King County and the Washington State Department of Transportation.

In 2004, the Port of Seattle in partnership with the Cities of Burien, Des Moines, SeaTac, Seattle and the Puget Sound Regional Council commissioned the *New Economic Strategic Triangle (NEST) Study: A Study of Development Properties Around Seattle-Tacoma International Airport.* The report provided an overview and discussion of the potential benefits that development of the NEST Properties, which includes the DMCBP, would bring to the region focusing on the economic environment, identifying the target industries that offer the greatest benefits, providing strategic recommendations and outlining an implementation plan for each property

In 2005, the City and the Port began working together to bring economic development to the City and the region through the development of the DMCBP. In July of 2005, the City and the Port entered into the First Development Agreement which outlined the jurisdictional authority of each party and established the development process for the DMCBP including the creation of a conceptual master plan, environmental review, and approval of a master plan.

In April 2006, the Port published a Conceptual Master Plan (CMP) for the DMCBP. This CMP identified two potential development scenarios for the site that constituted the land use alternatives for the environmental review. The types of business envisioned in the CMP included light manufacturing, office, research and development, and logistics such as air cargo, warehousing, and distribution. The CMP bracketed the range of land use intensities from 900,000 square feet of development to 1.1 million square feet of development based on what the site could accommodate given: (1) the existing *City of Des Moines Comprehensive Plan* land use designation; (2) the existing zoning classification; (3) the stipulations of the First Development Agreement; and (4) site constraints, infrastructure capacity, and market conditions.

In November of 2006, the City and the Port acting together issued the *Des Moines Creek Business Park Draft Environmental Impact Statement* (DEIS) which analyzed and identified the probable significant environmental impacts that could occur as a result of development of the DMCBP. In March of 2007, the *Des Moines Creek Business Park Final Environmental Impact Statement* (FEIS) was issued to provide additional information and responses based on comments received during the comment period for the DEIS. Together, the FEIS and DEIS comprise the Environmental Impact Statement (EIS) for the DMCBP project and the parties issued the *Final SEPA Decision for the Des Moines Creek Business Park* on February 21, 2007 as required by SEPA (Attachment 2). As a result, developers are not required to conduct a separate environmental analysis as part the development, if the development is within the parameters of the alternatives evaluated in the DMCBP EIS. The City's SEPA Official has determined that

the proposed Second Development Agreement and the PSE project are within the parameters of the proposed actions evaluated under the DMCBP EIS; therefore, a threshold determination is not required pursuant to WAC 197-11-600.

The Port and City amended the First Development Agreement with a First and Second Addenda in May 2008 and November 2010 respectively. Both addenda ultimately led to the passage of Ordinance 1489 and 1490 which transferred ownership of all of the existing roadways within the DMCBP to the Port and resulted in the City's acquisition of the additional right-of-way along 24th Avenue South and South 216th Street needed for roadway widening and redevelopment under the Transportation Gateway Project.

Late in 2010, the Port and the City were approached by representatives of Puget Sound Energy regarding a project to relocate PSE's material distribution and emergency storage, storm response operations, and related office and shop facilities from Kent, the gas/electric meter services and shop facilities in SeaTac, and substation/technical field services and transformer shop in Renton to an integrated centralized facility located within the DMCBP. The Port and PSE are scheduled to finalize a long term ground lease in the coming weeks.

Discussion:

Development Agreement

As envisioned in the First Development Agreement, the City has also been working with the Port to finalize a Second Development Agreement addressing the development of the entire DMCBP to include the PSE project. A draft of the proposed Second Development Agreement is included as **Attachment 1**. The proposed terms of the Development Agreement include:

- Frontage Improvements. As the DMCBP site is built-out, the Port or its developers would be responsible for the frontage improvements along South 216th Street and 24th Avenue South. Typically each individual developer would construct the improvements adjacent to their site in incremental stages which would be significantly more costly than widening the streets as one integrated project given the magnitude and complexity of the Gateway Project. Therefore, the Port has agreed to make an advance payment of all in-lieu fees in order to advance the construction the Gateway Project; at this time only the in-lieu fees adjacent to PSE/Benaroya Project would be due. The Port's early payment will assist the City in securing state and/or federal grants to complete the Gateway Project. In consideration of the Port's advance payment of all in-lieu fees, the City would reduce the Port's total payment from approximately \$9.1 million to \$6 million for each of the segments discussed below:
 - o South 216th Street. The City has secured a Transportation Improvement Board grant of \$4 million for construction of segment 2 of the Gateway Project. This grant requires construction of this segment be underway in the first quarter of 2013. To facilitate the City's adherence to this schedule and to provide the necessary local match for the grant, the Port will make an in-lieu payment to the City of \$2.5 million on or before January 31, 2013.

- O 24th Avenue South. The City is seeking federal, state, and/or regional grants for construction of this segment. To assist in the City's timely construction of this segment and to provide the local match needed for pending grant applications, the Port will make an in-lieu payment to the City of \$3.5 million on or before May 31, 2013.
- Transportation Impact Fees. In consideration for the Port advance payment of in-lieu fees, the Port will not be required to pay transportation impact fees. As the Gateway Project is on the City Transportation Improvement Plan, the Port would have received a credit for the amount of the in-lieu payment against the Transportation Impact Fees. The amount of the in-lieu payment is equal to the addition of 2,000 peak PM hour trips. It is highly unlikely that full development of the DMCBP will result in 2,000 additional peak PM hour trips. Other project and system improvements (e.g., SEPA mitigation) identified in the EIS will be required as the DMCBP site is built-out.
- Retail Development Purchase Option. The Port would allow the City until September 28, 2012 to decide whether to negotiate an option for retail development on the southern portion of the DMCBP site. If the City elects to negotiate an option agreement, the Port and City will develop the agreement within 3 months of the City's notice. If the City chooses not to negotiate an option, the Port will pursue development of this area for other business park uses.
- Access and Internal Roadways. The Port will construct two new streets, South 208th Street and South 212th Street, that upon completion will dedicated to and maintained by the City as public streets. South 212th Street, or the internal loop roadway, will be constructed in two phases. The first phase will be constructed concurrent with development of PSE's leased premises. Construction of the second phase will occur with development of the remainder of the DMCBP site.
- Modification of the Development Regulations. As part of the agreement, the City would agree to modify the following three development regulations in order to facilitate the construction of the DMCBP:
 - O Parking. Within the North Subarea of B-P Zone, developments with buildings that are three stories or greater are mandated to provide at least 50 percent of required parking in a multistory parking structure¹ costing between \$8,000 and \$15,000 per stall². This requirement adds significant cost to the development of the DMCBP; for example, this requirement would add between \$1.8 million to \$3.3 million to the cost of the PSE/Benaroya Project.

In addition to the structure parking requirement, the Development Agreement also waives the requirement that PSE provide additional parking based on the square footage of the exterior storage yard.

² Parking Generation 4th Edition, Institute of Transportation Engineers 2010

¹ DMMC 18.25.060(1)

- o **Recreation Requirements.** Projects within the B-P Zone are required to submit a park study to evaluate the impacts on the City's park system and identify the recreational needs of the employees and customers³. In-lieu of submitting this study, the Port will construct the following recreation improvements:
 - Joint Use Access Path. This pathway will be located on the north and west sides of the internal loop road and will provide space for both bikes and pedestrians similar to the Des Moines Creek Trail. This pathway will ultimately connect to the Barnes Creek Trail and the Des Moines Creek Trail.
 - Des Moines Creek Trail Connection. This connection will also be a joint use pedestrian and bike pathway ultimately providing a connection between the Joint Use Access Path and the Des Moines Creek Trail. The Port would construct a spur from the Joint Use Access Path to the western boundary of the DMCBP. The remainder of the connection would be constructed when the properties to the west are developed in the future.
- O Landscaping. The twenty foot wide landscaping strip adjacent to South 216th Street and 24th Avenue South which is also required to contain an earthen berm at least five feet in height⁴ would be modified to a 10 foot wide Type II landscaping strip. This modified landscaping strip is the same requirement adjacent to 24th Avenue South for developments in the South Sub-Area of the B-P zone⁵.
- Critical Area Easement. In order to mitigate the impacts associated with filling the 5 small wetlands, less than ¼ acre in total, the Port is required to create new wetland areas at a 2:1 ratio. One of the areas targeted for this required wetland mitigation is around one of the off-site wetlands to the west which is located on City property as illustrated on Attachment 3. This area is currently encumbered with a number of critical areas and as such is not developable; therefore, the mitigation will not impact the future use of the property. As part of the development agreement, the City would agree to allow the Port to construct the mitigation for the DMCBP at this location. The specific language of the easement would be brought back to the City Council for approval if the site is selected for mitigation. However, this is unlikely to be done as part of the PSE project as they are planning to purchase credits from the King County Wetland In-Lieu Fee Program to fulfill their mitigation requirement given the desired construction schedule.
- Storm Water Management. The Port will construct two storm water ponds to address surface water runoff. One detention pond will be constructed to serve the northern twothirds of the DMCBP including the PSE site and a second pond will be constructed for the

³ DMMC 18.25.080

^{4 18.41.310(2)}

^{5 18.41.310(2)}

south one-third adjacent to South 216th Street. Both storm water facilities will be deeded to the City upon completion and maintained by the City⁶.

- Duration and Termination. The Second Development Agreement will remain in effect for 15 years unless the term is extended, the DMCBP is fully developed, or the Agreement is terminated.
- Vesting of Development Regulations. All development regulations that govern development of the DMCBP site and that are in effect when the City approves the Development Agreement will vest for a 15-year period, subject to the City's authority to impose new or different regulations to the extent necessary or required to address a threat to public health or safety. In addition, compliance with the International Building Code, the City's Street Design and Construction Standards, and other regulatory codes adopted by the State and County may preempt the development regulations in effect as of the date the Port submits a particular development application to the City for review.

PSE/Benaroya Master Plan

The DMCBP is zoned Business Park (B-P) and is located within the North Subarea of the North Central Des Moines Neighborhood and as such, a master plan is required to be approved by the City for any proposed development. A complete master plan includes two key components. First, a site plan is required which provides a graphic depiction of the general layout, type, and amount of development on a site. Second, a project narrative is also required which includes a description of the planned improvements and discussion of items such as the maximum site coverage, the types of uses, building heights, and the extent of off-site improvements.

The master plan is required to be reviewed and approved by the City Council and is therefore classified as a Type IV land use action requiring a public meeting with the Planning Agency and a public hearing with the City Council. Following the approval of the master plan, the applicant is then required to obtain administrative approval for design review, civil engineering, grading, building and other construction permits.⁹

The proposed site plan for the PSE project is included as <u>Attachment 4</u> and the project narrative is included as <u>Attachment 5</u>. Together these documents are the master plan for the development of the new PSE consolidated operations center located on northern half of the DMCBP and include the following key topics:

Warehouse. The warehouse is a 243,045 square foot building located in the southeast corner of the development adjacent to 24th Avenue South. This proposed facility will support PSE's logistic, maintenance and fleet operations for the Puget Sound region. The proposed facility will also serve as an operations base for emergency and storm first responders. The building is set back approximately 120 feet from the property line and an

⁶ DMMC 17.36.100(2)

⁷ DMMC 18.25.030(3)

⁸ DMMC 18.25.030(3)(b)

⁹ DMMC 18.25.030(2)

average of 24 feet lower than the grade of the adjacent 24th Avenue right-of-way. Additionally, the applicant is installing a 50 foot wide landscaping buffer adjacent to the 24th Avenue South. The embedded nature of the building together with the larger setback and landscaping will reduce the visible scale of the building and the perceived looming effect that tends to accentuate the perception of the mass and scale of large warehouse buildings.

- **Storage Yard:** West of the warehouse and office building is an exterior materials storage and management yard that covers approximately 21 acres of the site. A substation/operations shop and waste management facility of approximately 43,000 square feet will share a building located within the northwest corner storage yard.
- Office Building: PSE may pursue at some future date a three to five-story office building that is currently expected to be 75,000 to 125,000 square feet. The decision regarding the construction of the office building would be made in the next two to three years. This office building would be located adjacent to the warehouse and provide engineering and administration support space serving all of PSE's Washington operations. The building is planned to be set back approximately 130 feet from 24th Avenue and is an average of 6 feet lower than the grade of the adjacent 24th Avenue. This grade change along with the 50 foot wide landscaping buffer adjacent to the 24th Avenue South will lessen the visual impacts of the parking lots increasing the buildings prominence at the corner.
- Use and Zoning: The operations center will support PSE's mission of providing electricity and gas to 1.1 million electric customers and more than 750,000 natural gas customers in 11 counties. Facilities of this type are within Major Group 42 of the Standard Industrial Classification Manual (1987) which the City has included under Public Utilities as a permitted use in the B-P Zone¹⁰.
- Lot Coverage: The maximum allowable site coverage for buildings and structures is 75 percent; provided if a site has buildings which exceed 35 feet in height, the maximum site coverage is reduced by an amount equal to one-half the floor area for any story which extends to any degree above 35 feet. Given that the project includes buildings that are taller than 35 feet, the allowable site coverage for the PSE is reduced to 66%. The proposed buildings will cover approximately 15% of the proposed 47.24 acre project site.
- Critical Areas: Beyond the property lines to the west, is the Des Moines Creek Ravine. This environmentally critical area will be placed into a critical area tract and will be preserved in its current native condition. In addition to the ravine, there are 2 minor wetlands and a number of storm water ditches that are under the jurisdiction U.S. Army Corps of Engineers. The applicant is working with the Corps to finalize the permits to fill these regulated water features. The City agreed to waive the local permitting requirements for the wetlands as part of the First Development Agreement between the City and the Port. There are also a number of wetlands located beyond the western edge of the proposed site which will also be placed into protective critical area tracts.

11 DMMC 18.25.040(2)(b)

¹⁰ DMMC 18.25.020(6)(c)

• Access: Access to the facility will be provided via the construction of two new public roadways located on the north and south boundaries of the project. The roadway located on north boundary of the project site is within the former South 208th Street right-of-way providing points of ingress/egress to the office parking lot, the delivery and storage yard, and to the substation operations/waste management and storage yard. The roadway adjacent to the south edge of the project site will provide a connection through the DMCBP from South 216th Street to 24th Avenue South. However, only the first half of the roadway will be constructed to serve the PSE project; a temporary cul-de-sac will be constructed until the development of subsequent phases of the DMCBP complete the connection to South 216th Street. The City will also receive an in-lieu fee from the Port in the amount of \$6 million to cover the DMCBP proportionate share of the improvements needed for South 216th Street and 24th Avenue South as part of the Transportation Gateway Project.

Alternatives:

Second Development Agreement: With respect to the proposed Second Development Agreement, the City Council has the following alternatives:

1. Alternative 1: Do Nothing

The City Council could decline to enter into the Second Development Agreement. Doing so, however, would prevent the City from accessing grant funds awarded for the South 216th Street segment. This would delay construction on this phase of the Transportation Gateway Project and likely require the City to return the already awarded grant funds. Under this scenario, PSE would also have to redesign its project as a number of the modification to the development regulations are critical to the approval of the master plan for the PSE/Benaroya project. This is not the recommended alternative.

2. Alternative 2: Authorize the City Manger to Sign the Agreement

The City Council can adopt Draft Resolution 12-098 authorizing the City Manger to sign the Second Development Agreement. This option will ensure the Port's early payment of \$6 million allowing for the construction of South 216th Street in 2013 and providing the local match for the state and federal grants sought by the City for 24th Avenue South. This option will also facilitate the development of the DMCBP to include the PSE/Benaroya Project. This is the recommended alternative.

3. Alternative 3: Renegotiate the Agreement

The City Council can decline to adopt Draft Resolution 12-098 and instruct the Administration to renegotiate a portion or all of the Second Development Agreement. The Council would need to provide specific direction to Administration regarding the areas that would need to be renegotiated with the Port. This option may impact the Port's early payment of \$6 million allowing for the construction of South 216th Street in 2013 and providing the local match for the state and federal grants sought by the City for 24th Avenue South. This option could either delay or prevent the PSE/Benaroya Project. This is not the recommended alternative.

PSE/Benaroya Master Plan: With respect to the proposed Master Plan, the City Council has the following alternatives:

1. Alternative 1: Do Nothing

The City Council may determine that particular conditions exist that warrant denying the Master Plan; however, these conditions would have to be clearly articulated. This alternative results in no near-term revenue and other economic benefits for the City. This option would also likely prevent the payment of the earlier in-lieu fees by the Port as this is the catalyst project for the payment of the fees. This is not the recommended alternative.

2. Alternative 2: Recommend Approval of the Master Plan

The City Council may approve the Master Plan. This alternative would result in both significant short term and long term financial and economic benefits to the City as discussed in Financial Impact section. This option will also ensure the earlier in-lieu payments by the Port for the Transportation Gateway Project. This is the recommended alternative.

3. Alternative 3: Recommend Approval of the Master Plan with Conditions

The City Council may conditionally approve the Master Plan; provided that the conditions are proportional to the impact and are supported by the public record. This is not the recommended alternative.

Financial Impact:

The first phase of the proposed PSE/Benaroya development is expected to produce the following economic benefits for the City:

- **Jobs:** Approximately 250 permanent jobs will be located onsite. Over 200 construction jobs will be generated from building PSE's improvements.
- On-going Revenues: The City can expect to receive on-going revenues with an approximate annual total value of at least \$676,200 as a result of the development of the PSE/Benaroya Project.
- Construction Sales Tax Revenues: The City's portion of the direct, one-time tax revenues generated onsite from construction is estimated to be \$647,900.

Recommendation/Conclusion:

Administration has reviewed the Master Plan and determined that the proposed Master Plan is consistent with the requirements of B-P Zone (Chapter 18.25 DMMC). Administration has also determined that the project achieves a number of the economic goals and strategic objectives of

the City. Specifically, approving the Master Plan will achieve or implement the following City goals and objectives:

- City Council Objectives: A Strategic Objective of the City Council is to foster the development of the northern half of the DMCBP returning vacant land which has laid fallow for the last twenty-years to an economically productive use. The development of the property will also create an alternative revenue source to address the City's structural deficit which is another Strategic Objective of the City Council
- Des Moines Comprehensive Plan: The proposed new development will enhance the economic quality of the City as directed in Policy 2-03-09. The development will also help the City achieve its job target established in Appendix B.
- Des Moines Municipal Code: A primary purpose and objective of the Business Park (B-P) zone is to provide suitable areas of the City for development of compatible professional office and wholesale trade uses that provide for the planned economic development of the City.

Therefore, following the public hearing for this quasi-judicial action, Administration requests the City Council pass the draft resoultion authorizing the City Manager to sign the Second Development Agreement and approve the PSE Master Plan.

Concurrence:

South King Fire and Rescue has reviewed the proposed layout and has approved the layout for fire access proposes.

On June 4, 2012, the Planning Agency held a public meeting to review the proposed PSE/Benaroya master plan. During the public meeting, the Agency gave the proposed master plan a "do pass" recommendation.

DRAFT RESOLUTION NO. 12-098 Development Services 1st Version June 4, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, approving the Second Development Agreement By and Between The City of Des Moines (the "City"), and the Port of Seattle (the "Port")

WHEREAS, the City of Des Moines, pursuant to chapter 36.70B RCW has the authority to enter into a Development Agreement for development of property within its jurisdiction, and

WHEREAS, the Port owns property located within the City of Des Moines and wishes to develop the property, and

WHEREAS, pursuant to RCW 36.70B.200, a public hearing was held before the City Council on June 14, 2012, and all persons wishing to be heard were heard; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

The City Council hereby authorizes the City Manager to enter into the Second Development Agreement By and Between the City of Des Moines and Port of Seattle, attached hereto as Attachment "A" and incorporated herein by reference, for the development of the Des Moines Creek Business Park.

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MAYOR

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APPROVED AS TO FORM:	
City Attorney	
ATTEST:	
City Clerk	

SECOND DEVELOPMENT AGREEMENT BY AND BETWEEN

THE CITY OF DES MOINES and THE PORT OF SEATTLE



, 2012

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SECOND DEVELOPMENTAGREEMENT BY AND BETWEEN THE CITY OF DES MOINES and THE PORT OF SEATTLE

THIS SECOND DEVELOPMENT AGREEMENT, hereinafter referred to as the "Agreement", is entered into effective on the _____ day of _____, 2012 by and between the City of Des Moines, a Washington municipal corporation (hereinafter referred to as the "City") and the Port of Seattle, a Washington municipal corporation (hereinafter referred to as the "Port") in connection with the real property described herein (hereinafter referred to as the "Property"), and development of the Property by its assigns for the purposes and on the terms and conditions set forth herein.

RECITALS

- A. The City is a non-charter code city organized pursuant to Chapter 35A.13 RCW of the laws of the State of Washington having authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens, and thereby control the use and development of property within its jurisdiction.
- B. The Port is a municipal corporation, with authority under the Revised Airports Act, Chapter 14.08 RCW; the Airport Zoning Act, Chapter 14.12 RCW, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW; certain port district enabling statutes; and other state and local laws, to exercise discretionary land use jurisdiction over real property located with its boundaries.
- C. The Port and City share the goals of creating an attractive and safe commercial development, an employment center that provides family wage jobs, a new source of direct and indirect long-term revenue for both the Port and the City, and increasing trade opportunities for the region.
- D. The Port and the City executed the "First Development Agreement" concerning the Property in July 2005 under the authority of RCW 36.70B.170-.210 and the Interlocal Cooperation Act, Chapter 39.34 RCW, to enter into agreements for joint performance of actions within their separate powers.
- E. The Port and City subsequently amended the First Development Agreement with a First Addendum in May 2008, and a Second Addendum modifying the First Addendum in November 2010 regarding compensation for dedicated and deeded rights of way and purchase of right of way frontage within and for the Des Moines Creek Business Park (DMCBP).

- F. RCW 36.70B.170. et. seq., authorizes the City to enter into development agreements with owners, contract purchasers, and option holders of real property, to establish, among other things, the "development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement.
- G. RCW 36.70B.190 requires that any development agreement be recorded with the real property records of King County.
- H. The City and the Port have agreed to enter into this Agreement to establish, among other things, the development standards and other provisions that shall apply to, govern and vest the development, use, and mitigation of the development of the Property for the duration specified in the Agreement.
- I. The proposed Project accomplishes the statutory intent of a comprehensive, orderly, planned development within the City, providing public benefits to the citizens and residents of the City.
- J. Pursuant to RCW 36.70B.200, a public hearing has been held before the City Council and the City Council has enacted Resolution authorizing the City Manager to enter into this Agreement, and
- K. The Port Commission voted on ______ to authorize the Port Chief Executive Officer to enter into this Agreement.
- NOW, THEREFORE, in consideration of the foregoing, the mutual covenants of the parties contained herein, and pursuant to RCW 36.70B.170-200, the parties hereto agree as follows:

AGREEMENT

SECTION 1. DEFINED TERMS

Terms not otherwise defined herein have the meaning set forth in 36.70B.170 RCW, the provisions of which are incorporated herein by reference.

- 1.1 Agreement. The Second Development Agreement by and between the City of Des Moines and the Port of Seattle.
- 1.2 Conceptual Master Plan. The Des Moines Creek Business Park Conceptual Master Plan dated April 2006 prepared by CH2M Hill.

- 1.3 DMCBP. The Des Moines Creek Business Park, an approximately 89-acre property owned by the Port within the City, which can be generally described as the area bounded by South 216th Street to the south, the City municipal boundary to the north (roughly South 208th Street), 24th Avenue South to the east and the surplus SR 509 right-of-way to the west.
 - **1.4 DMMC.** The Des Moines Municipal Code.
- 1.5 **Development Regulations.** The controls, requirements, and limitations placed on development within the City adopted by the City, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, drainage requirements, transportation requirements, SEPA ordinances, and subdivision ordinances.
- 1.6 Environmental Documents. The background environmental studies identified in Sections 6.3 6.6 of this Agreement.
- 1.7 Master Plan. The generalized layout plans for development of the Property, including but not limited to environmental protections, transportation, surface water, general building location, associated parking facilities, loading facilities, square footage of buildings, utilities, and identification of lots and tracts.
- **1.8 Permitted Uses.** The uses allowed on properties zoned Business Park (B-P) as established by DMMC 18.25.020.
- 1.9 The Port. The Port of Seattle and/or the developer(s) who have executed a ground lease with the Port for development within the DMCBP.
- 1.10 The Project. The phased build-out of the DMCBP consistent with the terms of this Agreement.
- 1.11 Transportation Gateway Project. The City's project to construct transportation improvements to the South 216th Street and 24th Avenue South rights-of-way to accommodate multiple modes of travel (pedestrians, bicycles, transit, automobiles, & freight) in support of the DMCBP as well as accommodating future growth as reflected in the City's Comprehensive Transportation Plan. The project limits for South 216th Street are between I-5 and 18th Avenue South and for 24th Avenue South are between South 208th Street and South 216th Street. The project has been split in to the following segments:

- **1.11.1 S. 216th St. Segment 1A:** This segment of the project includes the portion of South 216th Street from 29th Avenue South to 24th Avenue South.
- **1.11.2** S. 216th St. Segment 1B: This segment of the project includes the portion of South 216th Street from 29th Avenue South to I-5. It is envisioned that Segment 1B of the project will be constructed concurrent with the State's SR 509 construction project.
- 1.11.3 S. 216th St. Segment 2: This segment of the project includes the portion of South 216th Street from 24th Avenue South to 18th Avenue South including the 24th/216th intersection.
- 1.11.4 24th Avenue South Segment: The portion of 24th Avenue South from South 208th Street to South 216th Street.

SECTION 2. PURPOSE.

- 2.1 General. The parties agree that this Agreement is premised upon the DMCBP Master Plan for Area 1 (Exhibit B), being approved by the City concurrent with this Agreement and the DMCBP Short Plat (Exhibit C), being approved by the City concurrent with this Agreement and later recorded. This Agreement addresses the development standards and other provisions that apply to and govern and vest the development, use, and mitigation of the development of the Property for the duration specified herein. It will guide the phased development of the Project, including addressing the street and stormwater improvements related to build-out of the Project.
- **2.2** Assurances. The Port desires to obtain and the City makes the following assurances:
 - The Property is appropriately zoned to serve the needs envisioned in the Master Plan.
 - The requirements for improvements to public streets and related infrastructure under the jurisdiction of the City are specifically identified.
 - The development standards, including any modifications and other provisions which apply to the development of the Property, are clearly specified.
 - Required environmental mitigation is accurately identified.

- Upon receipt of its development and construction permits the Port may proceed with the development of the Project.
- The Development Regulations vested for the duration of the Project are clearly identified.

SECTION 3. PROPERTY DESCRIPTIONS

- 3.1 Property. The Property subject to this Agreement is commonly referred to as the DMCBP and is fully described in **Exhibit A** attached hereto and incorporated herein by this reference.
- 3.2 Zoning Designation. The zoning designation of the Property as Business Park (B-P) shall be unchanged for the duration of this Agreement.

SECTION 4. PARTIES

- **4.1 The City.** The City of Des Moines, a municipality of the State of Washington, exercises governmental functions and powers pursuant to the laws of the State of Washington and the DMMC. The principal office of the City is located at 21630 11th Avenue South, Des Moines, Washington 98198.
- 4.2 The Port. The Port of Seattle, a municipal corporation, exercises governmental functions and powers pursuant to the laws of the State of Washington. The principal office of the Port is located at 2711 Alaskan Way, Seattle, Washington 98121.

SECTION 5. PROJECT

- **5.1** General. The DMCBP is envisioned as a thriving center for diverse light industrial and commercial activities.
- 5.2 Phases. It is anticipated that the Project will be developed in three phases that correspond to the three geographical areas identified in the Master Plan (Exhibit B) and generally described as follows:
 - 5.2.1 Area 1 Area 1 consists of Lots 1 3 and Tract Y of the DMCBP Short Plat. The Port plans to enter into a long-term lease agreement with Puget Sound Energy (PSE) covering this area. PSE intends to assign the lease to Benaroya Capital Co., LLC to construct a central operational facility to provide improved maintenance and emergency services to the Puget Sound Region and the greater Pacific Northwest.

- **5.2.2** Area 2 Area 2 consists of Lots 4 5 of the DMCBP Short Plat. The Port anticipates this area will be developed with business park uses, including light industrial or commercial office uses. The Port expects to enter into a long-term lease agreement with a developer for this area.
- 5.2.3 Area 3 Area 3 consists of Lots 6 9 of the DMCBP Short Plat. The Port anticipates this area will be developed with business park uses, including light industrial, commercial office, or retail uses. If this area is developed for retail uses, the Port anticipates the property will be purchased by the City or its assignee pursuant to Section 10 of this Agreement. Otherwise, the Port expects to enter into a long-term lease agreement with a developer for this area.

SECTION 6. BACKGROUND DOCUMENTATION AND PREVIOUS AGREEMENTS

- 6.1 General. The terms of this Agreement and the development envisioned for the DMCBP is influenced by a number of previous documents. The documents identified in this Section evaluated numerous aspects of the Property and provide critical information utilized to formulate decisions associated with the development of the Property and the preparation of this Agreement.
- 6.2 DMCBP Conceptual Master Plan. The Des Moines Creek Business Park Conceptual Master Plan dated April 2006 prepared by CH2MHill. This report presented illustrative concepts for the development of the DMCBP given the site's physical features, the applicable development regulations, and market conditions. It was meant to be representative of the range of possible future buildout scenarios. This report was also utilized to complete the environmental review analysis required under the State Environmental Policy Act (SEPA).
- 6.3 DMCBP Draft EIS. The Des Moines Creek Business Draft Environmental Impact Statement dated November of 2006 prepared by Blumen Consulting Group Inc., A.C. Kindig and Co., Cedarock Consultants, and CH2MHill. The Draft Environmental Impact Statement (DEIS) analyzed and identified the probable significant environmental impacts that could occur as a result of development of the DMCBP. The DEIS also identified environmental mitigation measures which must be incorporated into the Project in order to reduce or prevent the identified environmental impacts. The DEIS was completed jointly by the City and the Port as SEPA Co-Lead Agencies.
- 6.4 DMCBP Final EIS. The Des Moines Creek Business Final Environmental Impact Statement (FEIS) dated March of 2007 prepared by Blumen Consulting Group Inc., A.C. Kindig and Co., Cedarock Consultants, and CH2MHill. The FEIS provided additional

information and responses based on comments received during the comment period for the DEIS. Together, the FEIS and DEIS comprise the environmental impact statement for the DMCBP project as required by SEPA.

- 6.5 Traffic Trip Thresholds Technical Memorandum. The Des Moines Creek Business Park Draft Project Element Traffic Trip Thresholds Technical Memorandum dated February 20, 2007 prepared by CH2MHill. This technical memorandum describes the amount of traffic volume the DMBCP could generate in year 2008, 2015 and 2024 before triggering the project elements described in the Traffic Analysis Report of the DMCBP DEIS.
- 6.6 Wetland Re-Delineation Report. The Wetland Delineation and Habitat Assessment Des Moines Creek Business Park Puget Sound Energy Facilities dated February 15, 2012 prepared by Soundview Consultants. The report re-delineated and assessed the wetlands and other potentially regulated aquatic features within Areas 1 and 2 of the Property. The Port acknowledges that an updated delineation report for the wetlands and other potentially regulated aquatic features will be completed as part of the development of Area 3.

SECTION 7. DEVELOPMENT REGULATIONS

- 7.1 General. The Port shall comply with all applicable Development Regulations, except as modified by this Agreement.
- 7.2 Parking. The City agrees to waive the requirement of DMMC 18.25.060(1) that any buildings containing three or more floors provide at least fifty percent (50%) of the required parking within the building or an adjacent multistory parking structure pursuant to DMMC 18.52.100. Further, the City agrees to waive the parking requirement established by DMMC 18.44.060(5)(c) that requires one (1) parking space for every 2,000 square feet of uncovered storage area for Area 1 pursuant to DMMC 18.44.040(1).
- 7.3 Recreation Requirements. The Port shall provide the recreational facilities described in this Section. In consideration for these facilities, the City pursuant to DMMC 18.52.100 waives the requirement of DMMC 18.25.080 that sites within the B-P zone submit a park study to evaluate the impact on the City's park system and identify the recreational needs of the employees and customers.
 - 7.3.1 Joint Use Access Path. The Port will construct a 12-foot-wide joint use pedestrian and bike pathway located on the north and west side of the Internal Loop Road discussed in Section 11.1.2. The construction of the joint use access pathway will be completed in conjunction with the construction of each segment of the Internal Loop Road.

- 7.3.2 Des Moines Creek Trail Connection. The Port will construct a 12-footwide joint use pedestrian and bike pathway within a 24-foot-wide tract to provide a connection to the Des Moines Creek Trail in conjunction with the development of Area 3. The location of the tract will be south of the tract established for the detention facilities for Areas 1 and 2, as illustrated on the Master Plan and DMCBP Short Plat (Exhibits B and C respectfully). The tract will be established as part of the DMCBP Short Plat. This connection will provide access from the Joint Use Access Path via Barnes Creek Trail to the Des Moines Creek Trail which is part of the Lake to Sound Regional Trail System.
- 7.4 Landscaping Requirements. The City agrees to waive the requirement of DMMC 18.41.310(2) that sites within the DMCBP provide a twenty (20) feet wide Type I landscaping strip including a five (5) foot tall earthen berm adjacent to 24th Avenue South and South 216th Street pursuant to DMMC 18.52.100. In lieu of the required landscaping, the Port agrees to install a ten (10) foot wide Type II landscaping strip as defined by DMMC 18.41.350 along 24th Avenue South and South 216th Street.
- 7.5 **Design Standards.** The City agrees that the DMCBP Design Guidelines prepared by the Port are approved by this Agreement to guide the development of the Property and are attached hereto as **Exhibit D** and incorporated herein by this reference.

SECTION 8. MASTER PLAN

- 8.1 Approval. The City agrees that the Master Plan attached as Exhibit B and incorporated by this reference satisfies requirements of DMMC 18.25.030 for Area 1. The Port agrees that separate Master Plans for Areas 2 and 3 will be submitted to the City for review that will be processed in accordance with DMMC 18.25.030(5) and as an Amendment to this Agreement pursuant to Section 17.2.
- 8.2 Limitation. The Parties acknowledge that approval of the Master Plan by the City constitutes approval of the general layout of the Project and is subject to permitting conditions to be identified on individual permits. Master Plan approval does not constitute acceptance or approval of specific details of the Project. When the Port seeks permits to develop an individual area within the Property, the Port shall submit appropriate permit applications which include but are not limited to the applications identified in Section 14 and the supplemental traffic impact analysis as described in Section 9.3.

SECTION 9. STATE ENVIRONMENTAL POLICY ACT ("SEPA")

- 9.1 Development Agreement. The City's approval of a development agreement is a "project action" as defined by the State Environmental Policy Act (SEPA) and, as such, requires environmental review. The Parties agree that the SEPA review required for consideration and adoption of this Agreement has been fulfilled with the publication of the Environmental Documents.
- 9.2 SEPA Review. The Parties acknowledge that the Environmental Documents fully evaluated the environmental impacts from the development of the Project, except for the environmental impacts associated with the retail development as discussed in Section 10 of this Agreement. The City agrees that if additional SEPA analysis is needed to assess the environmental impacts associated with retail development within Area 3, the cost for such additional SEPA analysis will be paid for by the City or its assign.
- 9.3 Supplemental Traffic Impact Analysis. Several project and system improvements were identified within the Environmental Documents, and assumed to be constructed and in place at various points of the phased build-out of the Project. In order to mitigate the traffic impacts associated with the Project, trip thresholds were established that would trigger these various project and system improvements. The Port shall submit, for City review and approval, a supplemental traffic impact analysis with each phase of the Project to document that the proposed phase of the Project is consistent with the traffic analysis in the Environmental Documents. If the proposed phase of the development is not consistent with the traffic analysis in the Environmental Documents, mitigating measures shall be identified and constructed.
- 9.4 Other Mitigation Measures. As triggered during build-out of the Project, the Port agrees to implement the other environmental mitigation measures not related to traffic impacts established by the Environment Documents and provided in Exhibit E.

SECTION 10. RETAIL DEVELOPMENT

- 10.1 General. Following preparation of the Conceptual Master Plan and the Environmental Documents, the City requested that the Port include destination retail use on Area 3. The Port agreed in principle to allow the City to option Area 3 for retail use subject to certain conditions.
- 10.2 Purchase Option. If the City concludes that retail development is viable to the Port's satisfaction by September 28, 2012, the Port and the City shall negotiate and execute an option agreement within three (3) months of such date that outlines the terms for a fixed-term, assignable option not exceeding two (2) years for the City (or its assign) to acquire Area 3 for

retail development. If the City declines to pursue an option, the Port shall then develop Area 3 of the Project with other business park uses permitted by the DMMC.

SECTION 11. TRANSPORTATION INFRASTRUCTURE IMPROVEMENTS

- 11.1 Access and Internal Roadways. Roadways on the Property accessing South 216th Street and 24th Avenue South shall be built to City of Des Moines Street Design and Construction Standards as described in this Section. These roadways will be designed to match the final grades provided in the Transportation Gateway Project. Accommodations for interim grade transitions should be included in the Port's civil plans to address construction timing issues. The individual roadways are further described below:
 - 11.1.1 South 208th Street (Public). The Port shall construct the northern access roadway identified in the Environmental Documents generally within the boundaries of the vacated/surplused South 208th Street; provided that the roadway will be modified to be a dead end cul-de-sac and not connect to the Internal Loop Road discussed in Section 11.1.2. This road will be placed within a 60-foot-wide right-of-way, shall align with South 208th Street on the east side of 24th Avenue South, and shall be dedicated to the City as part of the DMCBP Short Plat. Prior to the construction of the road, the Port shall prepare civil engineering plans for review and approval by the City generally consistent with the cross-section provided in Exhibit F. The City will take over maintenance responsibility of this roadway when its construction is completed, and it is accepted in accordance with the provisions of the City's right-of-way permit. The threshold trigger for completion of South 208th Street shall be concurrent with the development of Area 1.
 - 11.1.2 Internal Loop Road (Public): The Port shall construct the Internal Loop Road providing a connection from South 216th Street to 24th Avenue South as identified in the Environmental Documents; provided that the alignment of the roadway will be modified to connect to 24th Avenue South at the approximate location of the vacated/surplused South 212th Street.

The Internal Loop Road will be constructed in phases. The first phase will be constructed concurrent with the development of Area 1 and is identified on the Site Plan – **Exhibit B**. This first phase of the road will be placed within a 66-foot-wide (minimum) right-of-way and dedicated to the City as part of the DMCBP Short Plat. The City will take over maintenance responsibility of the first phase of this roadway when its construction is

completed, and it is accepted in accordance with the provisions of the City's right-of-way permit.

Construction of subsequent phases of the Internal Loop Road shall be concurrent with the development of Areas 2 and 3, respectively, unless supplemental traffic impact analysis determines that its complete construction is required. As part of the DMCBP Short Plat, these future road segments will be shown in a 66-foot-wide (minimum) tract. When the construction of that phase of the roadway is completed, the tract will be dedicated to the City as right-of-way.

Prior to the construction of each phase of the Internal Loop Road, the Port shall prepare civil engineering plans for review and approval by the City consistent with the cross-section provided in **Exhibit G**.

- 11.2 Frontage Improvements. In accordance with the Environmental Documents and the DMMC, the Port is responsible for providing frontage improvements along South 216th Street and 24th Avenue South consistent with the design of the Transportation Gateway Project when permits are issued for construction fronting on these streets. Consistent with DMMC 12.40.040(2) and in advance of permitted development, the Port agrees to make an in-lieu cash payment to the City to fulfill the requirement to physically construct the required frontage improvements. Such payment will reduce, cap and limit the Port's future costs. In addition, the payment will allow the City to secure committed state grant funds and improve its competiveness for additional regional and federal funds. In accepting the in-lieu cash payment, the City agrees to take the lead on and be responsible for the construction of the frontage improvements adjacent to South 216th Street and 24th Avenue South. This in-lieu cash payment is based on the estimated cost of the frontage improvements pursuant to DMMC 12.40.040(2) and further described below:
 - 11.2.1 South 216th Street. The Port is responsible for fifty percent (50%) of the cost of Segment 2 of the Gateway Road Project as a condition for the City's issuance of a building permit for Area 3. The Port agrees that the cost estimate for Segment 2, including engineering, administration, right-of way, and construction totals \$8,653,787. Therefore, the Port's in-lieu cash payment for this frontage totals \$4,326,894.
 - 11.2.2 24th Avenue South. The Port agrees that it is responsible for fifty percent (50%) of the cost of the 24th Avenue Segment of the Transportation Gateway Project improvements as a condition for the City's issuance of a building permit for Areas 1 and 2. The cost estimate for this Segment, including engineering, administration, right-of-way, and construction

totals \$9,569,989. Therefore, the Port's in-lieu cash payment for this frontage totals \$4,784,995.

- 11.2.3 Advance Payment of In-Lieu Fees. The Parties acknowledge that as of the date of this Agreement, the Port is only prepared to begin the development of Area 1 and that any in-lieu cash payments made by the Port for Areas 2 and 3 are in advance of the typical payment trigger for development of Areas 2 and 3. The Parties further acknowledge that due to the magnitude and complexity of the Transportation Gateway Project, completing its construction in incremental stages would be significantly more costly than constructing it as one integrated project, given its off-set alignment, comprehensive storm drainage systems, traffic signal systems, and other utility improvements. Incremental construction would be most costly due to the fact that each individual stage of construction would have to account for interim roadway transitions, utility terminations, and other temporary systems, which would increase project costs by at least twenty percent (20%) and potentially as high as thirty percent (30%). Therefore, the Parties agree that in order to minimize the overall roadway improvement costs, the improvements are best completed at one time as part of an integrated project with advance payment of all in-lieu fees by the Port. The Port's agreement to such advance payment will help the City secure state and/or federal grants needed to complete the Transportation Gateway Project improvements, without which the Port's share of the costs for the roadway improvements would be significantly higher. To induce the Port's advance payment of all the in-lieu payments for the required Transportation Gateway Project frontage improvements, the Parties agree to the following payment amounts and schedule:
 - 11.2.3.1 South 216th Street. The City has secured a Transportation Improvement Board (TIB) grant of \$4 million for the construction of Segment 2 of the Transportation Gateway Project. This grant requires the construction of this segment be underway in the first quarter of 2013. To facilitate the City's adherence to this schedule and to provide the necessary local match for the grant, the Port agrees to pay the City an advance in-lieu cash payment in the amount of \$2.5 million, on or before January 31, 2013 instead of the \$4,326,894 that would otherwise be due. In return, the City agrees that the requirement for the Port to provide frontage improvements along South 216th Street will be fully satisfied. The Port's payment of \$2.5 million,

together with the in-lieu cash payment described in Section 11.2.3.2, is the basis for the Transportation Impact Fee waiver described in Section 11.3.

- 11.2.3.2 24th Avenue South. The City is in the process of securing federal, state, and/or regional grants for the construction of this segment. To facilitate the City's timely construction of this segment and to provide local match for these grants, the Port agrees to pay an advance in-lieu cash payment to the City in the amount of \$3.5 million, on or before May 31, 2013 instead of the \$4,784,995 that would otherwise be due. In return, the City agrees that the requirement for the Port to provide frontage improvements along 24th Avenue South will be fully satisfied. The payment of \$3.5 million from the Port, together with the inlieu cash payment described in Section 11.2.3.1, is the basis for the Transportation Impact Fee waiver described in Section 11.3.
- 11.2.3.3 20th Avenue South Traffic Signal. The Port acknowledges that the development of Area 1 will generate 364 PM peak hour trips. This is significant given the threshold trigger points identified in Several project and system improvements are Exhibit H. identified in the Environmental Documents when the total PM peak hour trips generated by the DMCBP are 390 or greater. The Parties acknowledge that one of these requirements is the installation of a traffic signal at the intersection of South 216th Street and 20th Avenue South, along with the associated roadway improvements at the intersection. This improvement is part of the Transportation Gateway Project, and therefore is included in the in-lieu cash payment for Segment 2 of South 216th Street. The Port agrees that while the development of Area 1 does not specifically trigger the requirement for this improvement at this time, its development does contribute to the overall and eventual need for the improvement, and that it would likely be triggered by the next phase of development on the Property whether in Area 2 or 3.
- 11.3 Transportation Impact Fees. In consideration for the Port providing in-lieu cash payments as discussed in Section 11.2, the Port shall not be required to pay Transportation Impact Fees (TIF) pursuant to RCW 82.02.060 for the duration of this Agreement; provided

however that this wavier does not relieve the Port of providing actual project and system improvements as described in Section 11.4.

Project and system improvements. The Port shall construct the required Project and system improvements identified in the Environmental Documents, and any additional Project or system improvements that may be identified in supplemental traffic impact analysis submitted for each phase of the Project. A list of the Project and system improvements, along with their threshold trigger points, is provided in **Exhibit H**. This list is not all inclusive, as it only includes the Project and system improvements identified in the Environmental Documents submitted as of the date of this Agreement. The list does not include any additional Project or system improvements that may be identified in supplemental traffic impact analysis submitted for each phase of the Project.

The City will accept proportionate share contributions from the Port for the system improvement identified for South 216^{th} Street – Segment 1A (between 29^{th} Avenue South and 24^{th} Avenue South (refer to **Exhibit H** – Project 5). When the threshold for the system improvement is triggered by a specific phase of the Project, that phase of the Project (and all subsequent phases of the Project) will make a proportionate share contribution towards this system improvement. The proportionate share contribution shall be calculated by taking the total PM peak hour trips generated by the specific phase of the Project at the intersection of Pacific Highway South and South 216^{th} Street, dividing it by the total PM peak hour trips at the intersection, and multiplying the result by the cost estimate for the system improvement.

SECTION 12. DRAINAGE REQUIREMENTS AND INFRASTRUCTURE

- 12.1 General. The Port shall provide stormwater facilities to address surface water runoff created as the result of development of the Property. All stormwater facilities shall be located in separate public tracts. The stormwater facilities will be built by the Port, and, upon completion, deeded to the City as part of the DMCBP Short Plat for long-term ownership and maintenance.
- Water Design Manual (KCSWDM) in effect at the time that permits are submitted for the development of Area 3. Development within Areas 1 and 2 shall be vested to the regulations of the 2009 King County Surface Water Design Manual for the duration of this Agreement. It is anticipated that Low Impact Development drainage standards will be a KCSWDM requirement for any development within the City after January 1, 2016. Before January 1, 2016, it is preferred, but not required, that stormwater be handled using Low Impact Development approaches when economically and technically feasible. The City may impose additional water quality or flow control requirements if it is deemed through performance that the facilities are not sufficient in achieving the standards set forth in the KCSWDM.

- 12.3 Surface Water Management Fees. All surface water development fees and surface water service fees are applicable to the DMCBP in accordance with Chapter 11.12 of the DMMC.
- 12.4 Flow Control. The Port may utilize the King County Level 1 flow control criterion and the 1994 land use condition as the pre-developed condition for sizing flow control facilities that discharge directly to Des Moines Creek, a drainage tributary or to a City conveyance system as set forth in the KCSWDM for the sizing of stormwater detention facilities due to the implementation of the Des Moines Creek Basin project. However, areas that discharge directly or indirectly to a wetland shall meet the criterion set forth in the KCSWDM as amended by Chapter 11.28 DMMC Supplemental Storm Water Standards.
- 12.5 Detention Tracts. Pursuant to DMMC 17.36.100, all detention facilities are to be located within separate tracts that are deeded to the City, whereupon the City shall assume all maintenance and ownership responsibilities. A private access easement to the detention tracts shall also be provided to allow access to the facilities for water quality testing that may be required in order to meet any issued industrial NPDES permits. Prior to City acceptance of the detention facilities, the Port will provide the City with an operations and maintenance manual for the care of the facilities, including any special instructions for maintaining any protective netting or plantings that is required to satisfy FAA regulations.

12.6 Drainage Reports.

- 12.6.1 Areas 1 and 2. The City agrees that the Technical Information Report (drainage report) submitted for the detention facility located in Tract A of the DMCBP Short Plat has been designed to address the drainage associated with the development of Areas 1 and 2 of the Property; provided that the development occurs consistent with the Technical Information Report prepared by Barghausen Engineering dated May 16, 2012.
- **12.6.2** Area 3. A Technical Information Report shall be prepared, for City Approval, to identify drainage facility requirements and demonstrate compliance with the KCSWDM or other approved standards as specified in Section 12.4 at the time the Design Review Application and/or Grading Permit is submitted for development of Area 3.

SECTION 13. ENVIRONMENTALLY CRITICAL AREAS

- 13.1 Wetlands. There are a number of wetlands that exist on or directly adjacent to the Property. The Environmental Documents envisioned filling all of the on-site wetlands in conjunction with the development of the Property.
- 13.2 Permits. The Port shall secure the required approvals from the Army Corps of Engineers and/or the Washington State Department Ecology as may be necessary for the fill of wetlands W, B11, 14 and 32 and any other regulated waters identified in the Environmental Documents. The City acknowledges that local permits are not required to fill these wetlands pursuant to Section V Step 2(4) of the First Development Agreement between the City of Des Moines and the Port of Seattle.
- 13.3 Mitigation Site. The City agrees to issue all necessary easements, construction licenses, and consent to construct the required mitigation for impacts to the wetlands and ditches regulated by the Army Corps of Engineers within the area illustrated on Exhibit I within the boundaries of the Des Moines Creek Park.
- 13.4 Critical Aquifer Recharge Area. The Port shall submit, for City approval, a report prepared by a licensed professional engineer demonstrating that the Project complies with DMMC 18.86.240, Critical Aquifer Recharge Areas (CARA). The Parties agree that the CARA Report can be submitted at the time of submittal of the building permit application(s) for each Area.
- 13.5 Tracts. The Port agrees to place the wetlands and corresponding buffers, stream buffers, and ravine sidewalls and corresponding buffer into separate tract(s) as part of the DMCBP Short Plat.

SECTION 14. PERMITTING

- 14.1 General. The Port shall submit all permit applications required by the City for the development of Areas 1, 2 and 3 within the Project. The Port acknowledges that the City has attempted to identify the permits and applications required for the development of the Project and that subsequent review of proposed development for Areas 1, 2 and 3 may reveal additional issues that may require other permits or applications not discussed in this Section.
- **14.2 Design Review.** The Port shall submit, for City approval, a Design Review application consistent with Chapter 18.58 DMMC Design Review for development of each individual Area within the Property. The application materials required for Design Review are provided on Form DSW-01.

- 14.3 Clearing and Grading. The Port shall submit, for City approval, a Clearing and Grading Plan consistent with Chapter 14.24 DMMC for the development of each individual Area within the Property. The application materials required for Grading Permit are provided on page 4 of Form DSA-02. Clearing and grading for the Project shall be restricted to those areas identified on the clearing and grading plans approved by the City for each Area. No other clearing of any nature shall be allowed without prior written approval of the City.
- **14.4 Building Permits.** The Port shall submit, for City approval, Building, Electrical, Plumbing, and Mechanical Permit Applications consistent with Title 14 DMMC Buildings and Construction Code.
- 14.5 Right-of-Way Permits. The Port shall submit, for City review and approval, right-of-way permits for any work occurring within the City right-of-way. Since both South 208th Street and the Internal Loop Road identified in Section 11 will eventually be dedicated to the City, right-of-way permits will also be required for the construction of these roadways.
- 14.6 Permit Fees. The City agrees to vest the Port to the provision of Des Moines Executive Order 10-001 (Exhibit L) for the term of this Agreement. This Executive Order established a City-Wide Development Incentive Program for all commercial projects by reducing fees for design review, environmental review, subdivision, planned unit development, short subdivision and lot line adjustment, engineering plan review, building plan check and building permit, land clearing, grading or filling, mechanical, electrical and plumbing permit, and right of way permits by twenty percent (20%) for projects with over 50,000 square feet of gross floor area excluding parking areas.

SECTION 15. VESTED RIGHTS AND TERM

- of fifteen (15) years unless either (a) the Parties both agree to extend the Agreement for a period to be defined, (b) the Project is fully developed consistent with Master Plans approved by the City for Areas 1 3, or (c) the Agreement is sooner terminated by the Parties. Other than as may be prohibited by law, and specifically subject to the limitations of RCW 36.70B.180, the Parties may terminate this Agreement by providing ninety (90) days written notice pursuant to Section 17.1. Termination of this Agreement shall not result in termination of any other legally binding agreement or action based upon this Agreement unless such additional termination is required under the terms of such other agreement or action. Notice of termination shall be provided in accordance with Section 17.1.
- 15.2 Vesting of Development Regulations. The Port is assured that all Development Regulations that govern development of the Property that are in effect as of the date of the City's approval of this Agreement shall apply for a period of fifteen (15) years from the effective date

of this Agreement; provided, the Port shall be required to comply with the International Building Code, the City's Street Design and Construction Standards, and other regulatory codes adopted by the State of Washington and King County that preempt the City's authority in effect as of the date that the Port submits a complete permit application to the City for review. If the Property has not reached full build-out within this 15-year period, the Parties agree that Development Regulations in effect at that time will control the further development of the Property. The Port may elect, at its discretion, to conform to new Development Regulations that the City may adopt from time to time. Notwithstanding the foregoing, the City reserves the authority to impose new or different regulations to the extent necessary or required to address a threat to public health or safety.

SECTION 16. CERTAINTY OF DEVELOPMENT AGREEMENT

- 16.1 Development Agreement Deemed Controlling. This Agreement, once recorded, and any terms, conditions, maps, notes, references, or regulations which are a part of the Agreement shall be considered enforceable. In the event of a specific conflict with any provisions of the DMMC, this Agreement shall take precedence. Unless otherwise provided by this Agreement, the City's ordinances, resolutions, rules and regulations, and official policies governing permitted land uses, density, design, improvement, and construction standards shall be those City ordinances, resolutions, rules and regulations, and official policies in force at the time of the execution of this Agreement.
- 16.2 Subsequent Actions. This Agreement shall not prevent the City, in subsequent actions applicable to the Property, from applying new rules, regulations, and policies which do not conflict with those rules, regulations, and policies applicable to the Property, nor shall this Agreement prevent the City from denying or conditionally approving any subsequent development project application on the basis of such new rules, regulations, and policies.
- 16.3 Changes in the Law. In the event that City, state or federal laws or regulations, enacted after this Agreement has been entered into, prevent or preclude compliance with one or more of the provisions of the Agreement, such provisions of the Agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations following modification procedures in Section 17 for an amendment or cancellation.
- **16.4** Emergency Situations. The City may suspend the issuance of building permits for the planned Project if it finds that continued construction would place surrounding residents or the immediate community in a condition dangerous to their health or safety.

SECTION 17. GENERAL PROVISIONS

17.1 Notices, Demands and Communications. Formal notices, demands and communications between the City and the Port shall be sufficient if given and shall not be deemed given unless dispatched by certified mail, postage prepaid, returned receipt requested, or delivered personally, to the principal offices of the City and the Port as follows:

City:
Anthony Piasecki or successor
City Manager
City of Des Moines
21630 11th Avenue South
Des Moines, Washington 98198

Port:
Tay Yoshitani or successor
Chief Executive Officer
Port of Seattle
2711 Alaskan Way
Seattle, Washington 98121

- 17.2 Amendments. This Agreement may be amended or modified in accordance with RCW 36.70B.170-200, and other applicable laws, rules or regulations, and upon mutual consent of the Parties, such mutual consent of the Parties shall be evidenced by a written amendment signed by the Parties.
- of any governmental body or board, whether of local, regional, state or federal jurisdiction, the Port shall bear the sole cost and responsibility for obtaining needed approvals. The City, upon request by the Port, shall lend its full cooperation and affirmative support if it deems such would be in the interest of timely performance under this Agreement, and such cooperation and support would not compromise the responsibilities of the City, including its responsibilities to the Port as set forth in this Agreement. Nothing contained herein is designed to relieve the Port of the necessity of complying with the laws governing the permitting requirements, conditions, terms or restrictions.
- 17.4 Conflict of Interests. No member, official or employee of the City shall make any decision relating to the Agreement which affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested. The Port warrants that it has not paid or given, and shall not pay or give, any third person any money or other consideration for securing the City's approval of this Agreement.
- 17.5 Non-Liability of City, Officials, Employees, and Agents. No member, official, employee or agent of the City shall be personally liable to the Port, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Port or successor or on any obligation under the terms of this Agreement.

- 17.6 Enforced Delay. Performance by either party under this Agreement shall not be deemed to be in default where delays or defaults are due to war; insurrection; strikes, lock-outs; riots; floods; earthquakes; fires; casualties; acts of God; acts of the public enemy; epidemics; quarantine restrictions; freight embargoes; lack of transportation; governmental restrictions of priority; litigation (including suits filed by third parties concerning or arising out of this Agreement); unusually severe weather; inability to secure necessary labor, materials or tools; acts or failure to act of any public or governmental authority or entity (other than the acts or failure to act of the City which shall not excuse performance by the City), or any other causes (other than lack of funds of the Port) beyond the control or without the fault of the party claiming an extension of time to perform. An extension of time for any such cause shall be for a period of the enforced delay and shall commence to run from the commencement of the cause, if notice by the party claiming such extension is sent to the other party within fifteen (15) calendar days of the commencement of the cause. Times of performance under this Agreement may also be extended in writing by the City's City Manager or designee.
- 17.7 Title of Parts and Sections. Any titles of the parts, sections or subsections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any part of its provisions.
- 17.8 Hold Harmless. The Port shall indemnify and hold harmless the City and their officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of the negligent act or omission of the Port, its officers, agents, employees, or any of them relating to or arising out of the performance of this Agreement. If a final judgment is rendered against the City, its officers, agents, employees and/or any of them, or jointly against the City and the Port and their respective officers, agents and employees, or any of them, the Port shall satisfy the same to the extent that such judgment was due to the Port's negligent acts or omissions.
- 17.9 Enforcement, Rights and Remedies Cumulative. This Agreement shall be enforceable by the City, applicant, or successor-in-interest notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the City which alters or amends the rules, regulations, or policies specified in this Agreement. Enforcement may be through any remedy or enforcement method or process, or combination thereof, allowed under law and/or equity. Except as otherwise stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise or failure to exercise one or more of these rights or remedies by either party shall not preclude the exercise by it, at the same time or different times, of any right or remedy for the same default or any other default by the other party.

- 17.10 Applicable Law. This Agreement shall be interpreted under and pursuant to the laws of the State of Washington. Venue for any legal action brought hereunder shall be in the King County Superior Court.
- 17.11 Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged by such invalidation, voiding or unenforceability.
- 17.12 Legal Actions. In the event any legal action is commenced to interpret or to enforce the terms of this Agreement, or to collect damages as a result of any breach of the Agreement, the party prevailing in any such action shall be entitled to recover against the party not prevailing all reasonable attorneys' fees and costs incurred in the action.
- 17.13 Binding Upon Successors. This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties. Any reference in this Agreement to a specifically named party shall be deemed to apply to any successor heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.
- 17.14 Parties Not Co-ventures. Nothing in this Agreement is intended to or does establish the Parties as partners, co-venturers, or principal and agent with one another, nor employees and/or employers of each other.
- 17.15 Warranties. The City expresses no warranty or other representation to the Port or any other Party as to fitness or condition of the Property other than those expressed within this Agreement.
- 17.16 Reasonable Approvals. The approval of a party of any documentation or submissions herein called for shall not be unreasonably withheld unless the text clearly indicates a different standard. All such approvals shall be given or denied in a timely and expeditious fashion.
- 17.17 **Recordation.** Within ten (10) days after the effective date of this Agreement, or any modification or the cancellation thereof, the City Clerk shall have this Agreement, the modification or cancellation notice recorded with the County Auditor/Recorder of King County.
- 17.18 Execution of Other Documentation. The City and the Port agree to execute any further documentation that may be necessary to carry out the intent and obligations under this Agreement.

DRAFT 9: 6/4/12

duplicate originals, each of which is deemed	to be an original. This Agreement consists of oits and constitutes the entire understanding and
CITY OF DES MOINES	PORT OF SEATTLE
Anthony A. Piasecki City Manager By direction of the Des Moines City Council in Open Public Meeting on, 2012	Tay Yoshitani Chief Executive Officer By direction of the Port Commission in Open Public Meeting on, 2012
Dated:	Dated:
Approved as to Form:	Approved as to Form:
City of Des Moines Attorney	Port of Seattle Attorney

DRAFT 9: 6/4/12

STATE OF WASHINGTON)	
) ss	
COUNTY OF	_)	
On this day of Notary Public in and for the S Anthony A. Piasecki to me knot executed the within and foregot voluntary act and deed of said oath stated that he is authorized	State of Washington own as the City Man oing instrument, and City of Des Moines I to execute said instrument have hereunto set	
	State of Washington	
who executed the within and f and voluntary act and deed of oath stated that he is authorized	oregoing instrument said Port of Seattle, d to execute said inst	, and acknowledged the said instrument to be the free for the uses and purposes therein mentioned, and on rument on behalf of said municipal corporation. To set my hand and affixed my official seal on the date
	_	NAME
	W	OTARY PUBLIC in and for the State of ashington, residing at
	M	Y COMMISSION EXPIRES:

DES MOINES CREEK BUSINESS PARK LEGAL DESCRIPTION

THE EAST HALF OF THE NORTHWEST OUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE NORTHEAST OUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON LYING EASTERLY OF THE WESTERLY LINE AND SOUTHERLY OF THE NORTHERLY LINE OF THE PLAT OF MAYVALE NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 78 OF PLATS, PAGE 55, IN KING COUNTY, WASHINGTON; TOGETHER WITH THAT PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 22 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, LYING EASTERLY OF STATE HIGHWAY SR 509 AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 753046 AND CONVEYED TO THE STATE OF WASHINGTON BY DEEDS RECORDED UNDER RECORDING NUMBERS 7105060274, 7201180290, 7206160326 AND 7206160338; EXCEPTING THEREFROM THE EAST 30 FEET FOR 24TH AVENUE SOUTH AND THE SOUTH 30 FEET FOR SOUTH 216TH STREET: AND EXCEPT THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A MONUMENT IN CASE AT THE NORTHEAST CORNER OF SAID NORTHWEST

QUARTER, ALSO BEING THE INTERSECTION OF 24TH AVENUE SOUTH AND SOUTH 208TH STREET;

THENCE NORTH 88°26'01" WEST ALONG THE NORTH LINE OF SAID NORTHWEST OUARTER,

30.00 FEET TO THE NORTHERLY EXTENSION OF A LINE THAT IS 30.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH), AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 01°06'35" EAST ALONG SAID NORTHERLY EXTENSION, 30.00 FEET TO A LINE THAT IS 30.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER;

THENCE NORTH 88°26'01" WEST ALONG SAID PARALLEL LINE, 37.50 FEET TO THE NORTHERLY EXTENSION OF A LINE THAT IS 67.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH);

THENCE SOUTH 01°06'35" WEST ALONG SAID NORTHERLY EXTENSION AND ALONG SAID PARALLEL LINE, 1751.88 FEET;

THENCE SOUTHERLY ON A CURVE TO THE LEFT WHOSE CENTER BEARS SOUTH 88°53'25" EAST, 6049.50 FEET, AN ARC DISTANCE OF 226.75 FEET; THENCE SOUTH 01°02'16" EAST, 255.41 FEET;

THENCE SOUTHERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS SOUTH 88°57'44" WEST, 5950.50 FEET, AN ARC DISTANCE OF 223.04 FEET TO A LINE THAT IS 49.50 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID

EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH);

THENCE SOUTH 01°06'35" WEST ALONG SAID PARALLEL LINE, 119.10 FEET;

THENCE SOUTH 46°25'19" WEST, 42.84 FEET TO A LINE THAT IS 63.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE

ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE NORTH 88°15'56" WEST ALONG SAID PARALLEL LINE, 1172.31 FEET;

THENCE NORTH 01°18'27" EAST, 2.00 FEET TO A LINE THAT IS 65.50 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE

ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET);

THENCE NORTH 88°15'56" WEST ALONG SAID PARALLEL LINE, 1.00 FEET; THENCE NORTHWESTERLY ON A CURVE TO THE RIGHT WHOSE CENTER BEARS NORTH 01°44'04" EAST, 19.50 FEET, AN ARC DISTANCE OF 30.49 FEET;

THENCE NORTH 01°18'27" EAST, 17.04 FEET;

THENCE NORTH 88°41'33" WEST, 39.36 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID NORTHWEST QUARTER;

THENCE SOUTH 01°06'10" WEST ALONG SAID WEST LINE, 71.60 FEET TO A LINE THAT IS 30.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER (SAID SOUTH LINE ALSO BEING THE CENTERLINE OF SOUTH 216TH STREET); THENCE SOUTH 88°15'56" EAST ALONG SAID PARALLEL LINE, 1281.85 FEET TO A LINE THAT IS 30.00 WEST OF AND PARALLEL WITH THE EAST LINE OF SAID NORTHWEST QUARTER (SAID EAST LINE ALSO BEING THE CENTERLINE OF 24TH AVENUE SOUTH);

THENCE NORTH 01°06'35" EAST ALONG SAID PARALLEL LINE, 2609.79 FEET TO THE TRUE POINT OF BEGINNING.

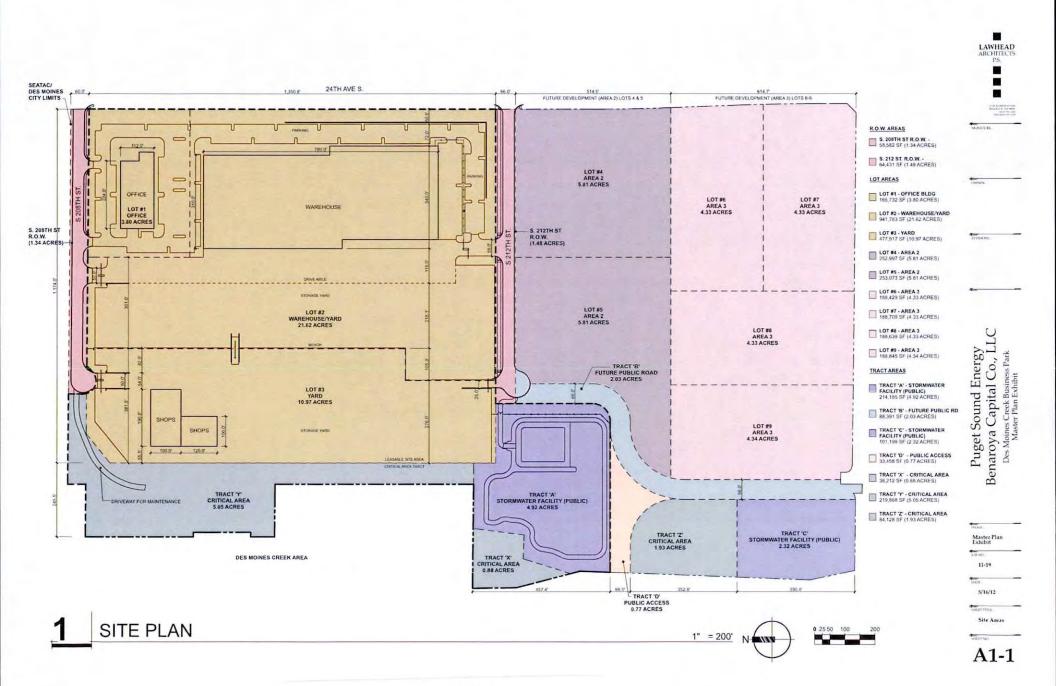


EXHIBIT B

CITY OF DES MOINES WASHINGTON SHORT PLAT

NO: LUA -

CITY OF DES MOINES APPROVAL:

DEPARTMENT OF PLANNING, BUILDING & PUBLIC MORKS EXAMINED AND APPROVED THIS ______ DAY OF _______ 2012.

PLANNING BUILDING AND PUBLIC WORKS DIRECTOR

THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TWO IS NAMED IN COLUMN TW		
KING COUNTY:		
DEPARTMENT OF ASSESSMENTS EXAMINED AND APPROVED THIS	DAY OF	201
KING COUNTY ASSESSOR		
SEPUTY KING COUNTY ASSESSOR	-	

PORTIONS OF:

NW1/4-NW1/4 SEC 9 TOWNSHIP 22N., RANGE 4 E., W.M., NE1/4-NW1/4 SEC 9 TOWNSHIP 22N., RANGE 4 E., W.M.,

SW1/4-NW1/4 SEC 9 TOWNSHIP 22N., RANGE 4 E., W.M., SEI/4-NW1/4 SEC 9 TOWNSHIP 22N., RANGE 4 E., W.M.,

DEDICATION:

KNOW ALL PUPPLE BY THESE PRESENCE THAT ME THE UNDERGIBEROD OWNERS OF INTEREST IN THE LAND HEREBY SHORT SUBDIVIDED PURSUANT TO ROW SE. 17,060 AND CHAPTER 17,12 DMMC AND HEREBY DECLARE THIS SHORT FLAT TO BE THE GRAPHIC REPRESETATION OF THE SHORT SUBDIVISION MADE HEREBY, AND ON HEREBY DEDICATE TO THE USE OF THE PUBLIC PROBLEM OF DETICATE TO THE USE THEREOF FOR ALL PUBLIC PUPPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR ALL PUBLIC PUPPOSES NOT INCONSISTENT WITH THE USE THEREOF FOR PUBLIC RIGHTOF—AMP PURPOSES, AND ALSO THE RIGHT OF MAKE ALL NECESSARY CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORDITANAL PRESIDES. AND ALSO THE RIGHT OF MAKE ALL NECESSARY CUTS AND FILLS UPON THE LOTS SHOWN THEREON IN THE ORDITANAL PRESIDES AND ALSO THE USE OF THE PUBLIC ALL THE ASSEMBLY SAN PURPOSES AS TROICATED OF SAID STREETS AND AVENUES, AND FURTHER DEDICATE TO THE USE OF THE PUBLIC ALL THE ASSEMBLY OF THAT THE DESIDER OF THE PUBLIC PURPOSES AS TROICATED THE USE OF THE PUBLIC SUCH EASEMENT OF TRACTS AS SPECIFICATED. TIENTIFIED MET OF THE PUBLICATE OF THE PUBLIC PURPOSE AS THE PUBLICATE OF THE PUBLIC DENTIFIED OF A PERSON OF MAIN THE SUCH THE ORDITANT OF THE PUBLIC STREETS. EASEMENTS, ON TRACTS TO THE PERSON OF MAINTY INDENTIFIED AND THE PURPOSE STATEOUR OF HEILTY INDENTIFIED OF THE PUBLIC SECOND OF THE PUBLIC SECOND OF THE PUBLIC SECOND OF THE PUBLICATE OF

OR ENTITY INDENTIFIED AND FOR THE PURPOSE STATED.

FURTHER, THE UNDERSIGNED OWNERS OF THE LAND HERBEY SHORT SUBDIVIDED, MAIVE FOR THEMBELVES, THEIR HEIRS AND ASSIGNS AND ANY FERSON OR ENTITY DERIVING TITLE FROM THE UNDESIGNED, ANY AND ALL CLAIMS FOR DAMAGES AGAINST THE CITY OF DES MOINES, TIS SUCCESSORS AND ASSIGNS WHICH MAY BE OCCASIONED BY THE STALLISHMENT, CONSTRUCTION, OR MAINTENANCE OF ROADS AND/OR DRAINAGE SYSTEMS MITHIN THIS SHORT SUBDIVISION OTHER THAN CALLINS RESULTING FROM NEGLEGENCE BY THE CITY OF DES MOINES, FURTHER, THE UNDERSIDED DWINESS OF THE LAND HERBEY SHORT SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDENNIFY AND HOLD THE CITY OF DES MOINES, FURTHER THE UNDERSIDED DWINESS OF THE LAND HERBEY SHORT SUBDIVIDED, AGREE FOR THEMSELVES, THEIR HEIRS AND ASSIGNS TO INDENNIFY AND HOLD THE CITY OF DES MOINES, ITS SUCCESSORS AND ASSIGNS, MARNESS FROM ANY DAMAGE, INCLUDING AND COSTS OF DEFENSE, CLAIMED BY PERSONS MITHIN THAIT SHORT ALL WE DEED CAUSED BY ALTERATIONS OF THE BRUIDD SHAPE ALL WE ALL THE OWN THE MITHING THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS MITHIN THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS MITHIN THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS MITHIN THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS MITHIN THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS MITHIN THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS MITHIN THIS SHORT SUBJURISHMENT, CONSTRUCTION OF MAINTENANCE OF THE ROADS HITCH THIS SHORT SUBJURISHMENT OF THE ROADS HITCH THIS SHORT SUBJURISHMENT DES MOINES. ITS SUCCESSORS OR ASSIGNS

THIS SHORT SUBDIVISION, DEDICATION, WAIVER OF CLAIMS AND AGREEMENT TO HOLD HARMLESS IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID DWNERS.

NAME	NAME	
STATE OF WASHINGTON	1	

COUNTY OF

ON THIS DAY OF SECTION 1992 OF

WITNESS MY HAND AND SEAL HERETO AFFIXED THE DAY AND YEAR IN THIS CERTIFICATE ABOVE MRITTEN.

OF	MAS	HING	TON	FE	SID	ING	IN	STATE
"	LUM	1133	1 Um		112	*		
			POST	11.15	TILLY.	A 65.00	NAME	

DESCRIPTION:

DESCRIPTION:

THE EAST, HALF OF THE NORTHWEST QUARTER OF SECTION 9, TORNSHIP 22 NORTH, RANGE 4 EAST, N.M., IN KING COUNTY, MASHINGTON.

TOGETHER WITH THAT PORTION OF THE ROBOTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE PLAT OF MAYVALE NO. 3, ACCORDING TO THE PLAT OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER QUARTE

Notes:

- THE MONUMENT CONTROL SHOWN FOR THIS SITE WAS ACCOMPLISHED BY FIELD TRAVERSE UTILIZING A THREE (3) SECOND THEODOLITE WITH INTEGRAL ELECTRONIC DISTANCE MEASURING METER (GEODIMETER 800) AND REAL TIME KINEMATIC (RTK) GLOBAL POSITIONING SYSTEM (GPS). LINEAR AND ANGULAR CLOSURE OF THE TRAVERSES MEET THE STANDARDS OF MAC 332-130-090.
- TOPOGRAPHY INFORMATION SHOWN HEREON WAS PROVIDED BY BARGHAUSEN ENGINEERING AND GROUP MACKENZIE. NO TOPOGRAPHIC SURVEY WAS PERFORMED BY CONTOUR ENGINEERING, LLC. 2)
- FULL RELIANCE FOR LEGAL DESCRIPTIONS AND RECORDED EASEMENTS HAVE BEEN PLACED ON THE TITLE REPORT FROM CHICAGO TITLE INSURANCE COMPANY COMMITMENT ORDER NO. 1334264, DATED JANUARY 19, 2012. NO ADDITIONAL RESEARCH HAS BEEN ATTEMPTED.

Legend:

@ = MONUMENT FOUND AS NOTED. VISITED MAY 11, 2012.

TRACT DESIGNATION:

TRACT A= STORMHATER FACILTY (PUBLIC)
TRACT B= FUTURE PUBLIC ROAD
TRACT C= STORMHATER FACILTY (PUBLIC)
TRACT X= CRITICAL AREA (PUBLIC)
TRACT Y= CRITICAL AREA (PUBLIC)
TRACT Z= CRITICAL AREA (PUBLIC)



1"=1/4 MILE

RECORDING CERTIFICATE:

Filed for record this _____ day of ___ . 2012 at _M. in book ____ of Surveys at page ____ at the request of Stephen H Moods, PLS

Superintendent of Records

LAND SURVEYOR'S CERTIFICATE:

This short plat correctly represents a survey made by me or under my direction in conformance with the requirements of the appropriate State and County statute and ordinance in May 2012.





S Woods S Woods DATE 12-041 NAY 14 2012

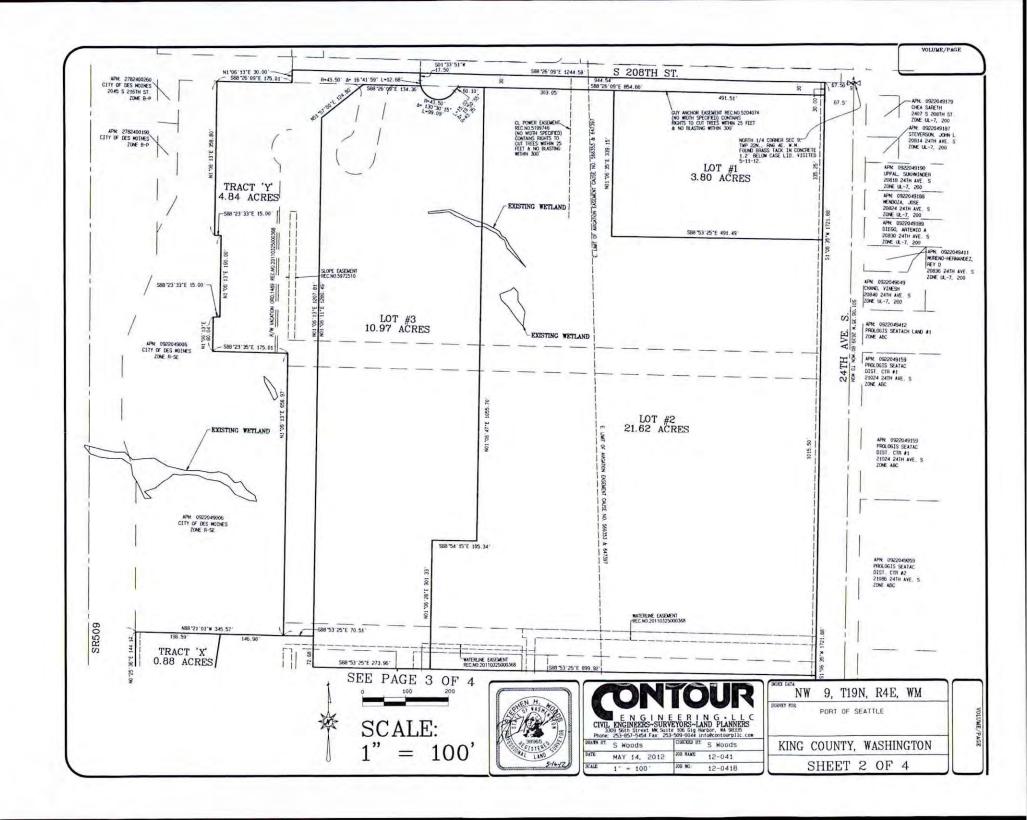
12-041B

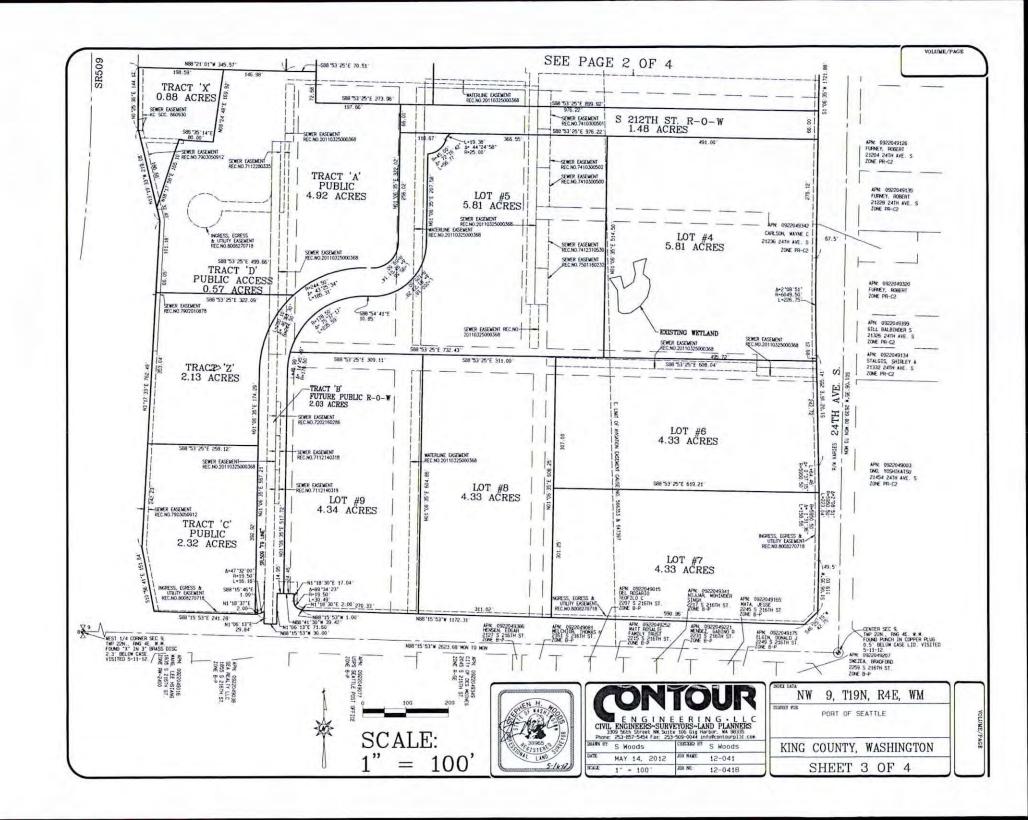
THURS DATE						
ALL	1/4's	NW	9,	T19N,	R4E,	WM

SURVEY FUR PORT OF SEATTLE

KING COUNTY, WASHINGTON SHEET 1 OF 4

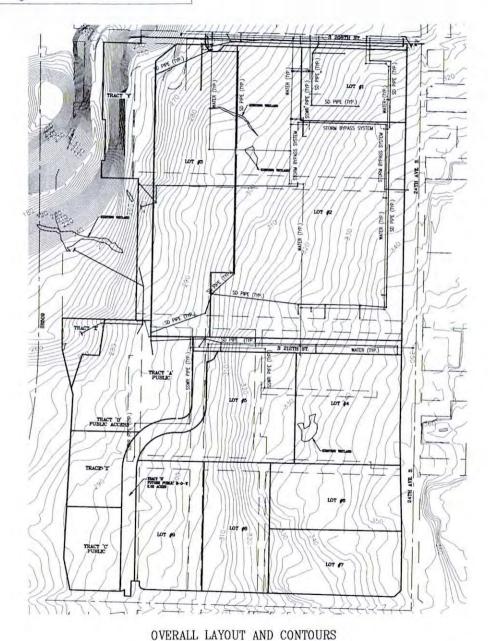
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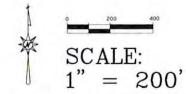






CITY OF DES MOINES
WASHINGTON
SHORT PLAT
NO: LUA____









ENGINERS-SURVEYORS-LAND PLANNERS
3309 56th Street M, Suite 106 Gip larbor, MA 98335
Phone: 253-857-5454 Fax: 253-599-0044 inforcontourplic.com

Phone:	253-857-5454 Fax: 253	-509-0044 info@contourplic.com
DRAWN BY	S Woods	CHECKED HY S WOODS
DATE	MAY 14, 2012	12-041
SCALE	1" - 200'	12-041B

NW	9,	T19N,	R4E,	WM	
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PORT OF SEATTLE

KING COUNTY, WASHINGTON SHEET 4 OF 4

РКОЈЕСТ Е ЕМЕИТЅ ТО ВЕ ІИСОЯРОВАТЕР ІИТО ТНЕ РЯОРОЅА Г

The following features would be incorporated into the DMCBP proposal to offset the potential for significant impacts.

Earth

- A more definitive grading plan would be prepared at the Final Master Plan stage, and would be submitted to the City of Des Moines for review and approval. This grading plan would comply with the City's regulations for grading (DMMC Section 14.60) and for protection of steep slope areas (DMMC Section 18.86).
- During initial construction, soil may become compacted by construction traffic. The area
 of compacted soil would be minimized by restricting the construction traffic to a single
 access road. Following construction, the remaining compacted soils would be broken up
 and plowed to reduce the potential for erosion.
- Excavated native materials from the site considered suitable for fill or landscaping could be stockpiled onsite for later use. If onsite native materials are used for fill they would be compacted first to avoid the potential for settlement during the life of the project. Less desirable excavated soils would require off-site disposal and would be replaced by imported material. An appropriately permitted off-site disposal site would be identified prior to construction.
- If onsite Vashon Till soils are used for filling, blending with dry material may be necessary to bring the natural moisture content down so that compacting can occur. Alternatively, other material could be imported to provide adequate backfill for structural support in development areas.
- Perched groundwater interflow that is encountered during construction would be controlled using trenching and sump pumps.
- A comprehensive temporary erosion and sediment control (TESC) plan would be prepared and implemented for the full duration of construction for the DMCBP, in accordance with the Washington State Department of Ecology (Ecology) and City of Des Moines requirements. This plan would include Best Management Practices (BMPs) to minimize erosion and sedimentation impacts during construction. BMPs would also prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from past operation of the ASARCO prevent the mobilisation of arsenic in the site soils from the mobilisation of arsenic in the site soils from the mobilisation of architecture and the mobilisation of arch
- Performing major grading and soil disturbing activities during the drier portions of the year (i.e. between May 1 and September 30), unless modified by Ecology as part of the National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan (SWPPP) for the site, and approved by the Stormwater Pollution Prevention Plan (SWPPP) for the site, and approved by the City of Des Moines. See Section 3.3, Water Resources of this Draft EIS for further discussion of the NPDES and SWPPP;
- Beginning construction activities as soon as possible after a section has been cleared and stripped of vegetation;

- Revegetating disturbed areas as soon as possible after completion of construction, using plants that would rapidly stabilize the soil;
- Placing straw bales or silt fences to reduce runoff velocity, in conjunction with collection, transport, and disposal of surface runoff generated in the construction zone:
- Placing straw, jute matting, or commercially available erosion control blankets on slopes that require additional protection; and
- Covering soil stockpiles with plastic sheeting and weights and protecting stockpile areas from vehicular traffic.
- The TESC measures for stormwater discharge during construction would comply with Washington State Department of Ecology's NPDES requirements and would include monitoring.
- During the dry season, dust would be controlled by watering or spraying dust suppressants to control fugitive dust on unpaved haul roads.
- Stabilized quarry spall pads would be used to remove mud from the tires of construction trucks before they exit the site onto adjacent roads to help keep mud off of the paved roads and prevent sediments from being washed off of the roads during wet weather.
- Subsurface exploration would be conducted as part of the construction and/or building permit process, to verify the quality of subsurface material and provide specific foundation and construction recommendations. Specific foundation support systems would be determined as part of the specific design and permitting of infrastructure and individual buildings associated with future site development at the DMCBP.
- An undisturbed buffer of native vegetation would be retained from the top of the Des Moines Creek ravine sidewall west of the site, and a building setback would be maintained from the ravine buffer edge to prevent erosion and sedimentation impacts on environmentally sensitive areas, such as steep slopes and the creek (per DMMC 18.86.076). The City may approve a buffer reduction if a special geotechnical study is prepared that demonstrates that the reduction would result in minimal impacts to soil stability and existing native vegetation (DMMC Section 18.86.076(2)). Specific buffers would be determined as part of the Final Master Plan process.
- The final grading plan for the DMCBP would require that the final grade of any mass excavation be at least 10 feet in elevation above the top of the Advanced Outwash unit, providing a ten-foot thickness of low permeability till as a protective buffer above the top of the uppermost regional aquifer. Should excavation for a new stormwater pipe that could be constructed from the site west to the existing S 212th Street outfall to Des Moines Creek extend through the lower 10 feet of the Vashon Till layer at any point, pipe backfill would be constructed using impermeable materials. A geotechnical survey would be conducted in conjunction with preparation of the final grading plan to confirm the till thickness and establish construction excavation limitations.
 - The relationship of DMCBP site development, and associated site disturbance, to the various slope categories established in DMMC Section 18.86.077 would be determined at the Final Master Plan stage, when a final grading plan is formulated.

- USTs encountered during grading would be managed consistent with appropriate state regulations.
- Following construction, areas of exposed soils would be either developed or revegetated to prevent erosion and sedimentation.
- A permanent stormwater control system, designed in accordance with Washington State Department of Ecology's 2005 Manual, would be installed to control stormwater runoff release and prevent erosion and sedimentation impacts onsite and downstream (see Section 3.3, Water Resources and Appendix C for further information).
- The design of all structures would comply with applicable building code requirements that address typical seismic considerations, such as ground acceleration.

Air Quality

- The construction contractor(s) would be required to comply with PSCAA regulations that require control of emissions of odor-bearing air contaminants that could be injurious to human health, plant or animal life, or property, or that could unreasonably interfere with the enjoyment of life and property (Regulation 1, Section 9.11).
- It is anticipated that regular watering of the construction site would occur to minimize fugitive dust. The construction contractor(s) would be required to comply with the PSCAA (Regulation I, Section 9.15), requiring reasonable precautions to avoid dust emissions and could include, but are not limited to the following:
 - o The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds;
 - Surfacing roadways and parking areas with asphalt, concrete, or gravel;
 - Treating temporary, low-traffic areas (e.g. construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; and/or
 - Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.
- Certain future uses that would potentially be new air emission sources would be required
 to obtain permits from PSCAA to ensure that appropriate technology is in place to
 prevent the release of harmful contaminants into the atmosphere.

Water Resources

 Monitoring and erosion control measures would be employed for stormwater discharge associated with construction activities, per a National Pollutant Discharge Elimination System (NPDES) permit from the Department of Ecology (Ecology) to protect water quality.

- A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented, as required by the NPDES permit. The SWPPP would contain specific best management practices (BMPs) for each construction season.
- Temporary erosion and sediment control (TESC) best management practices (BMPs) as specified in the Ecology Manual (2005) would be implemented. See Tables 3.1-1 and 3.1-2 in Appendix C and Section 3.1, Earth for specific BMP measures.
- Construction entrances would include truck wheel washes in addition to quarry spalls to dislodge sediment, if warranted by the specific truck traffic and soil export volumes.
 Streets would also be routinely cleaned during construction.
- Specialized products, such as Chitosan or Electrocoagulation, and other water treatment systems could be used, if warranted and approved by Ecology under the NPDES permit.
- During drier weather, settling ponds would be drawn down via pumping and the water dispersed to upland vegetated areas away from steep slopes, as feasible.
- BMPs for concrete work would include the following:
 - Cement trucks wash water would not be disposed of onsite, but would be returned to the off-site batch plant for recycling as process water;
 - o New concrete work would be covered and protected from rainfall until cured; and,
 - o Monitoring of pH would occur in areas with active concrete work.
- If concrete amendments to soils are proposed to meet compaction standards, specific measures described in **Appendix C** would be employed.
- Excavations conducted as part of mass grading for infrastructure and buildings onsite
 would be at least 10 feet in elevation above the top of the advanced outwash unit and in
 the Vashon Fill Layer, which forms a water quality-protective barrier between the ground
 surface and the Qva Aquifer. Excavation for the new stormwater discharge pipe (under
 stormwater routing option 2) could be 50 feet deep onsite; such a cut would be backfilled
 with impermeable material to maintain the integrity of the till aquitard and to protect the
 Qva Aquifer.
- Wetland fill would be limited to 0.96 acres of isolated wetlands that are perched on the Vashon Till and are dry during the summer. These wetlands have low groundwater recharge potential. Approximately 0.85 acres of wetlands with some recharge potential would be retained as part of DMCBP development.
- Stormwater would be managed per the requirements of the 2005 Ecology Manual (2005). All stormwater runoff from pollution-generating surfaces would be collected and treated to enhanced water quality treatment standards, per the Ecology Manual (2005).
- Approximately 30 percent of the site would be retained as natural (perimeter buffers, wetlands and wetland buffers) or landscaped areas which would contribute to groundwater recharge (this percentage does not include area in stormwater facilities).

The stormwater conveyance function of on-site ditches would be replaced by relocation
of ditch conveyance in pipes (or as open channel); conveyance and discharge points to
off-site Wetlands B4 and B13 would be maintained.

Wetlands

- Wetland impacts would be limited to isolated wetlands approved for fill by the previously issued Sections 404 and 401 issued by the Corps of Ecology and subsequent Corps jurisdictional determinations and/or Ecology-issued Administrative Orders pertinent to the site.
- Except for the Wetland 48 buffer, it is anticipated that native vegetation in wetland buffers would not be altered in order to avoid potential water quality and habitat impacts.
- Construction best management practices (BMPs) would be employed to prevent construction impacts to wetlands and wetland buffers (see Section 3.3, Water Resources and Appendix C for details on the BMPs).
- Roof run-off or treated stormwater runoff would be used to maintain wetland hydrology, as warranted (i.e. for Wetlands B15 and 48). No new open water habitat that could attract waterfowl would be created. Untreated stormwater runoff from non-roof areas would not be distributed to, stored, or treated in the wetlands.
- A permanent stormwater management system would be installed that would control stormwater runoff release and prevent erosion and sedimentation impacts to wetlands on and adjacent to the site (see Section 3.3, Water Resources and Appendix C for further information on this system).
- The conditions of the previously issued Section 404 permit and 401 Water Quality Certification require mitigation for all wetlands that would be filled by the DMCBP project. The Port would construct this wetland mitigation to compensate for the loss of wetland area and wetland functions at the DMCBP site. The mitigation is planned and would be constructed on Port-owned property to the north of the DMCBP site, as well as on Port-owned property near the City of Auburn. The mitigation north of the DMCBP site would consist of the enhancement of approximately 1.4 acres of wetland area and approximately 1.3 acres of wetland and stream buffer adjacent to Des Moines Creek. Construction was completed on mitigation near the City of Auburn in June 2006.

Plants and Animals

- Open space areas, including natural and landscaped areas, would encompass approximately 32 acres, or 35 percent of the site. Natural areas would consist of steep forested slopes, retained wetlands and their buffers.
- Landscaping would be provided along the site boundaries (adjacent to public streets), along internal roadways, and in parking lot areas in accordance with applicable City of Des Moines' landscaping regulations (or as modified through the Final Master Plan).

Landscaping would also be consistent with FAA and Port of Seattle standards to ensure that no wildlife or avian habitat is created on the site.

- Per the City's tree retention regulations, existing healthy evergreen trees six inches in diameter at breast height (DBH) or greater and existing healthy deciduous trees eight inches DBH or greater would be retained within landscape areas; specifics would be determined during the Final Master Plan review process.
- No construction activities or development on the DMCBP site would occur within 200 feet of Des Moines Creek adjacent to the site (most development areas would be more than 200 feet from the creek).
- In accordance with City of Des Moines development standards, an undisturbed buffer of
 native vegetation would be retained from the top of the Des Moines Creek ravine
 sidewall west of the site. Appropriate building setbacks would be maintained from the
 ravine buffer edge to prevent impacts on environmentally sensitive areas. Specific
 buffers and setbacks related to slopes would be determined during the Final Master Plan
 process.
- A permanent stormwater management system would be installed that would control stormwater runoff release and prevent erosion and sedimentation onsite and downstream (see Section 3.3, Water Resources and Appendix C for further information on this system).

Noise

- Construction hours would be limited, as required by the Des Moines Municipal Code (DMMC Section 14.04.0900 and DMMC 14.60.150). Operation of heavy construction equipment during grading operations would not take place between 5 PM and 8 AM Monday through Sunday and other construction activities would not take place between 7 PM and 7 AM Monday through Saturday, or between 5 PM and 8 AM Sundays or on legal holidays.
- Stationary construction equipment would be positioned as far from sensitive noise uses as possible, and construction trailers or other quiet stationary objects would be parked in a location that would help block noise, as possible.
- Construction equipment with sound-attenuating devices would be supplied, as possible.
- Equipment would be enclosed within sound-proof enclosures, as possible.
- Portable noise barriers would be used, as possible, to provide additional noise attenuation.
- Equipment would be turned off when not in use rather than left idling, as possible.
- Hydraulic or electric equipment would be used instead of impact equipment, whenever possible.

- Equipment locations (i.e. placement of HVAC systems) would be selected to minimize potential off-site noise impacts.
- Mechanical systems would be designed to minimize the use of noisy equipment, as feasible.
- Neighboring uses on S 208th Street and 24th Avenue S would be shielded from operational noise by appropriate building orientation (location of loading docks behind the buildings).
- Mufflers and quiet packages for chillers and other high-level noise sources would be used, as warranted for manufacturing uses.
- The perimeter buffers, possibly including earthen berms, to be provided along 24^{th} Avenue S, and S 216^{th} Street (and potentially S 208^{th} Street if it remains a public street) and the open space area in the west portion of the site would reduce potential noise impacts on adjacent uses.
- Loading areas would be set back, recessed and/or screened to minimize potential noise impacts to surrounding off-site uses.
- Truck traffic would be directed to use the primary site access at $S \ 216^{th} \ Street$ and $20^{th} \ Avenue \ S$ and $S \ 208^{th} \ Street$.
- Buildings would be designed to meet the City of Des Moines Sound Transmission Control Ordinance (DMMC 14.08.280).

Land Use

- Approximately 35 percent of the site would be in some form of open space area, including natural vegetation and newly landscaped area.
- Average 20-foot wide perimeter buffers containing landscaping, and potentially an
 earthen berm, would be provided along the eastern and southern boundaries of the site
 to provide a visual screen to site development per sections 18.41 and 18.25.060 of the
 DMMC; the specific details of the perimeter landscaped buffer and/or the berm would be
 determined in the Final Master Plan.
- Truck loading areas would be located in the back of buildings (away from adjacent streets) and would be designed to minimize impacts to surrounding uses by incorporating setbacks, recesses and/or screening (per section 18.25.060 of the incorporating setbacks, recesses and/or screening (per section 18.25.060 of the
- The business park would be designed to conform with the applicable general site and building design guidelines of the BP zone (per sections 18.25.060 and 18.25.070 of the DMMC or as modified in the Final Master Plan). See Section 3.8, **Relationship to Plans and Policies** of this Draft EIS for further discussion of the guidelines.

 All future business park buildings would be required to obtain design review approval in accordance with DMMC 18.58.

Aesthetics/Light and Glare

- Approximately 35 percent of the site would be retained in some form of open space area.
- Average 20-foot wide perimeter buffers containing landscaping, and potentially an earthen berm, along the eastern and southern boundaries of the site would provide visual screening of site development per sections 18.41 and 18.25.060 of the DMMC; the specific details of the perimeter landscaped buffer and/or the berm would be determined in the Final Master Plan.
- Landscaping would be designed to create an aesthetically pleasing park-like setting (per Section 18.25.060 of the DMMC).
- Truck loading areas would be set back, recessed, and/or screened so as not to be visible from neighboring streets or residentially zoned or used properties and to minimize visibility from areas zoned Business Park (per Section 18.25.060 of the DMMC).
- Building design would be compatible with the site and with uses in the area. Building
 modulation and other design techniques to add architectural interest and minimize
 building mass would be used. Variety in detail, form, and siting would be used to
 provide visual interest (per Section 18.25.070 of the DMMC).
- Exterior lighting fixtures and standards would be part of the architectural concept and harmonious with building design (per Section 18.25.070 of the DMMC).
- Exterior lighting fixtures would use appropriate shields to reduce light spillage and lighting would be directed away from adjacent areas, including wetlands and Des Moines Creek Park.
- All future business park buildings would be required to obtain design review approval in accordance with DMMC Section 18.58.

<u>Transportation</u>

• A threshold of 840 PM peak hour trips could be established for the DMCBP. In order to exceed this threshold, additional capacity would need to be created in the transportation network. Additional capacity could include the completion of the SR 509/S Access Road project, the 28th/24th Avenue S Improvement project, and/or other traffic capacity improvements. Full buildout of Alternative 2 (1,045 PM peak hour trips) could be accommodated without exceeding LOS mobility standards and without resulting in significant impacts assuming completion of the capacity improvements noted above.

- Signal optimization and corridor progression improvements on International Boulevard/Pacific Highway S between S 188th Street and S 216th Street would be required to improve intersection operations under Alternatives 1 and 2 in years 2015 and 2024. Specific funding responsibilities for these improvements would be determined as part of the Second Development Agreement between the Port and the City of Des Moines.
- Signal optimization at the S 216th Street/24th Avenue S intersection would be required
 to improve operations under both Alternatives 1 and 2 in 2024, and to respond to the
 change in travel patterns created by the SR 509/S Access Road and 28th/24th Avenue
 S improvement projects. Specific funding responsibilities for these improvements would
 be determined as part of the Second Development Agreement between the Port and the
 City of Des Moines.
- The Port or future developer(s) would install a traffic signal at the S 216th Street/20th Avenue S intersection by year 2008 in order to improve the LOS of the intersection to an acceptable level, assuming 500,000 square feet of development occurs in the initial 2008 scenario. This signal would be interconnected with the traffic signal recently installed by the City of Des Moines at the S 216th Street /24th Avenue S intersection.
- The City of Des Moines (DMMC Chapter 12.40) and City of SeaTac regulations require that street frontage improvements, or a fee in lieu of, be provided by new developments. It is anticipated that a construction schedule and arrangements concerning DMCBP frontage improvements would be addressed in the Second Development Agreement between the Port and City or in the Final Master Plan. The Port anticipates coordinating with the City of SeaTac on any frontage improvements for portions of the site that abut the City. The frontage improvements would be designed and constructed to ensure adequate right-of-way width to accommodate the planned expansion of 24th Avenue S and S 216th Street improvements by the Cities of Des Moines and SeaTac.
- Construction of appropriate traffic calming measures along 24th Avenue S, south of S 216th Street would occur, to minimize the desirability of this road as an access to and from the DMCBP site (see Table 20 in Appendix D for some of the potential traffic calming measures that could be constructed). Specific funding responsibilities for these improvements would be determined as part of the Second Development Agreement between the Port and the City of Des Moines.
- During site construction and operations, trucks would be signed to use S 216th Street
 and access the site at the main entrance at 20th Avenue S to reduce potential impacts to
 residents along S 208th Street and 24th Avenue S. By year 2024 with the proposed SR
 509/S Access Road and 28th/24th Avenue S improvement projects, trucks would be also
 directed to use 24th Avenue S for access to and from SR 509.
- The DMCBP development would support transportation demand management (TDM)
 measures, such as bus pass subsidies, preferential parking for car and van pools,
 flextime, bicycle parking, and ride match services.
- The DMCBP development would abide by the adopted City of Des Moines
 Transportation Impact Fee Service Area program. To the extent that the Port and/or
 future developer(s) contribute to certain improvements on a greater than pro-rata basis,

credits against impacts fees could be granted. Specifics related to funding responsibilities would be determined in conjunction with the City of Des Moines as part of the Second Development Agreement process.

Public Services

- Construction worker safety measures would be implemented during construction in accordance with Occupational Safety and Health Administration (OSHA) standards.
- All new buildings would be constructed in compliance with the applicable International Building Code and International Fire Code regulations, as adopted by the City of Des Moines.
- On-site security would be provided during construction. On-site security measures, such
 as fencing and securing areas where equipment is stored, would be implemented to
 reduce the potential for construction-related incidents.
- Traffic control measures would be provided for both construction vehicles as well as for truck trips as part of operation of the DMCBP (see Section 3.10 **Transportation** for details). Other transportation improvements would be implemented to preclude significant impacts on the transportation network as a result of the DMCBP.

Utilities

- The Port or future developer(s) would coordinate with the City of Des Moines and Highline Water District regarding all water utility installation on the site to insure consistency with overall water systems.
- Fire hydrants would be placed on the DMCBP site in a grid pattern, spaced in accordance with the City of Des Moines Fire Code.
- The Port or future developer(s) would coordinate with the City of Des Moines and Midway Sewer District regarding all sanitary sewer utility installation on the DMCBP site to insure consistency with overall sewer system.
- The Port or future developer(s) would coordinate with PSE regarding amending the existing service agreement between the Port and PSE and installation of electrical facilities on the DMCBP site.
- All new buildings on the DMCBP site would meet or exceed applicable City of Des
 Moines and State of Washington energy code provisions for energy utilization.
- The Port or future developer(s) would coordinate with PSE during design and permitting to insure that new natural gas lines on the site would be adequately sized to maintain sufficient pressure for new natural gas costumers on site and existing customers in the stea.



Des Moines Creek Business Park

DESIGN GUIDELINES



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CHAPTER 1:

Introduction



Visual continuity of architecture, open space, and landscaping elements provide an attractive environment.



Use of landscaping to buffer building elevations and provide orderly and safe pedestrian circulation.

Intent

These design guidelines are intended to aid in the development of the property owned by the Port of Seattle known as the Des Moines Creek Business Park (DMCBP) in an orderly and visually cohesive manner. These guidelines are to be used in conjunction with the basic principles of good design and the applicable jurisdictional regulations (City of Des Moines, WA.) to expedite the approval process and development of projects within the business park.

Objectives

The objectives of these guidelines are:

- To create a high-quality, functional, and visually attractive environment that will encourage development and promote safe interaction between vehicles and pedestrians.
- To encourage visual continuity of architecture in terms of mass, scale, materials and color.
- To encourage cohesive landscaping, building orientation, and relationship to the street frontages that provides an orderly and unifying visual appearance to the business park.

2.1

CHAPTER 2:

SITE PLANNING



Preservation of existing landforms and significant trees is encouraged.



Pedestrian paths integrated with landscaping provide a safe path for pedestrians.



Use of landscaping and building facade to screen storage areas.

Intent

The overall site design should contribute to the character of the City of Des Moines. The South portion of the business park at the corner of South 216th Street and 24th Ave South should be considered a "Gateway" to the city. Site planning should consider the internal organization and circulation of the site and the external relationship with the public right-of-way, adjacent properties and public transportation.

Building Placement

The arrangement of individual buildings on the site shall consider their relationship to adjacent parcels and lots. Building forms shall complement and preserve the natural landforms and minimize cut and fill to the greatest extent possible. Preservation of significant trees is encouraged where appropriate in relationship to building and parking placement.

Buildings should provide a positive presence along South 216th Street and near the corner at 24th Ave South that orients main building entries, courtyards and pesdestian space to the public rights-of-way. The placement of buildings should consider the connectivity of pedestrians and employees using transit or recreational paths onsite and avoid facing the back of buildings toward these routes.

Passenger Vehicle Parking Areas

A variety of building, parking and landscaping setbacks shall be provided to promote visual interest and diversity to design. Pedestrian access to building entries should be provided in a clear and sequential path from parking areas as well as from the public right-of-way and transit stops where appropriate. Open space, plazas, courtyards, patios, and outdoor areas for recreation are encouraged to help promote human scale and identify building entrances, secondary entries and pedestrian paths. Parking areas should not dominate the street frontage and should be screened by building and landscaping.

Service Yards, Loading Areas, Equipment Storage Areas, and Trash and Recycling Enclosures

Service yards, loading areas, equipment storage areas, and trash and recycling areas should be provided with separate access and circulation whenever feasible. The placement of secondary structures shall be designed to minimize visibility and adverse impacts to the street frontage and building entries to the greatest extent possible. All secondary structures should be designed in a manner that is compatible with the overall design of their respective buildings and the business park as a whole. Trash storage enclosures shall accommodate a recycling area. Loading areas and service yards shall be concealed from public view, at the rear of the site and behind the facade of the principal structure. These areas shall be screened appropriately with walls, fencing, and landscaping that minimizes the visual impact of the area.

CHAPTER 3:

SITE AMENITIES

3.1



Site furnishings help to define outdoor spaces.



Bicycle storage in coordination with building design is encouraged.



Bollards help define pedestrian and vehicular traffic

Intent

The integration of site amenities in open spaces adjacent to building entries, such as site furniture and landscaping; promotes visual interest, cohesive use, and general enjoyment of the site.

Site Furnishings

Site furnishings are an important element of the business park, creating cohesiveness for individual buildings. Cohesive site furnishing selections contribute to a unique campus identity. Diverse outdoor seating opportunities for employees and visitors adjacent to building entries and pedestrian areas are encouraged. Benches shall be securely attached in hardscape areas, plazas, and courtyards adjacent to main building entries. Outdoor tables shall be provided as appropriate in relation to the building use. Special consideration shall be made when planning outdoor tables to recognize solar aspect and prevailing winds. Informal seating opportunities such as seat walls and raised planter walls with a minimum of 15 inch depth and between 15 and 24 inch height are encouraged. The top of seat walls shall be sloped to prevent puddling. Skate deterrents or skate discouraging wall design are appropriate, but should not interfere with seating opportunities. Materials and forms of seat walls and raised planters shall relate to adjacent building architecture.

Bicycle Storage

To accomodate alternative and multi-modal transportation and to help meet trip reduction goals set by the City of Des Moines by secure bicycle storage opportunities for employees and visitors is encouraged. The quantity of bicycle parking shall be determined by the City of Des Moines. Bicycle parking areas should included adequate, convenient and easily identifiable bicycle storage for employees and visitors and be located near primary building entries but shall not interfere with vehicular and pedestrian access or outdoor seating areas. Bicycle parking shall be fully coordinated with the building and landscape design.

Bollards

Bollards should be used to provide a physical separation between pedestrian spaces and vehicular access areas. Bollards shall be utilized in locations where spatial constraints or access requirements prevent the use of landscaping. Where appropriate, bollards with illumination should be considered to meet site lighting requirements and provide accent to pedestrian spaces. The use of bollards will not be allowed within the internal loop roadway outlined in Chapter 3.2.

Trash and Ash Receptacles

Convenient outdoor litter receptacles for employees and visitors should be provided. Litter receptacles shall discourage wildlife and be resistant to climatic influences. Trash only receptacles shall be located near primary building entrances and at all outdoor gathering areas in which seating is provided. Trash and ash receptacles shall be provided 30 feet away from building entrances. Receptacles shall be located so as to not interfere with vehicular or pedestrian circulation. CHAPTER 3:

SITE AMENITIES

3.2

Recreational Requirements

As per the Second Development Agreement between the Port of Seattle and the City of Des Moines, the Des Moines Creek Business Park is required to provided recreational facilities as follows:

A. Joint Use Access Path

A 12-foot-wide joint use pedestrian and bike pathway shall be located on the north and west side of the Internal Loop Road. The construction of the access pathway will be completed in conjunction with the construction of the Internal Loop Road.

B. Des Moines Creek Trail Connection

A 12-foot-wide joint use pedestrian and bike pathway shall be located within a 24-foot-wide tract to provide a connection to the Des Moines Creek Trail. The location of the tract is illustrated on the DMCBP Short Plat. This connection will provide access from the Joint Use Access Path via the Barnes Creek Trail to the Des Moines Creek Trail which is part of the Lake to Sound Regional Trail System.

CHAPTER 4:

SITE LIGHTING

4.1



Parking lot lighting



Pedestrian area lighting

Intent

The primary objective of site lighting is to provide safe and functional illumination for the business park. Secondarily, lighting shall create an aesthetically pleasing environment which creates a unified campus. The visual impact of light shall be minimized to the project site. Fully shielded lights with cut-offs shall be utilized to prevent light from being emitted above the horizontal plane of the light fixture. Fixtures shall be shielded to prevent direct illumination of adjacent properties. Light fixture placement shall achieve appropriate illumination levels for all outdoor uses. The scale of light fixtures and poles shall be carefully considered for various use areas. Fixtures shall be "Dark Sky" compliant and shall comply with the Exterior Lighting Power Allowance for Zone 2 as established in the most recent edition of the Washington State Energy Code or current applicable code.

Light fixture heights (as measured from grade below) shall be as follows unless otherwise permitted by the City of Des Moines or the Port:

- Building mounted: 14 foot maximum
- Parking lot pole mounted:14 foot maximum
- Service yard area pole mounted: 18 foot maximum (Unless otherwise approved by the Port)
- Streets and public rights-of-way: 14 foot maximum

All lighting must meet the standards set forth by current Federal Aviation Requirements. The use of LED lights is required for street lights. All light fixtures, poles and bases (including size, style, and color) shall be reviewed and approved by Port of Seattle prior to installation.



Use of bollards as pedestrian pathway lighting

5.1

CHAPTER 5:

LANDSCAPING



Low-Impact Development landscaping is encouraged.



Mixed landscaping buffer are encouraged.



Limit the use of turf grass in favor of landscaping

Intent

Landscaping shall minimize negative effects of the business park on the natural environment. Landscape treatments that create a continuous and harmonious appearance are strongly encouraged Treatments shall be tailored to the building use (i.e. industrial, retail, office use.) Landscape buffers shall be in scale with adjacent uses and shall at maturity accomplish their intended purpose. Landscaping should be utilized to define outdoor spaces and use areas. Landscaping should provide screening for outdoor areas which have differing uses. Landscaping should also screen adjacent streets, properties, buildings and open space from undesirable views and use areas. Parking areas should appear to have groves of trees rather than single isolated specimens.

General Landscape Requirements

Low impact development strategies as listed below are strongly encouraged:

- Utilization of drought tolerant and native plant materials.
- Retention and re-use of native topsoil as well as existing native landscaping.
- The use of compost for soil amendment.
- Grinding of wood and stumps on site for re-use.
- Limiting the use of turf grass to 25 percent or less of the landscape areas. Consider the use of lawn alternatives or the use of drought tolerant turf grass.
- Mulching landscape areas with a minimum of two inches of organic mulch.
- A minimum of 50 percent of the landscape area should have shade coverage from trees at maturity.

Trees shall be provided and protected as stated here. Tree caliper shall be measured per ANSIZ 60.1-2004 or most current code edition. Deciduous trees shall be a minimum of 1 1/2 inch caliper in parking lots, public and interior roadways, storage, loading, shipping, and receiving areas. Deciduous trees shall be a minimum of 2 1/2 inch caliper at main building entrances, site entrances and areas of special interest. Evergreen trees shall be a minimum 5-6 foot in height. Trees in paved areas such as parking lot islands shall have root barrier systems unless trees are selected that exhibit a root growth habit that does not require a root barrier. Planting areas with root barriers shall be sized to allow normal tree growth. Care should be taken to choose appropriate species for subject areas. All landscape areas shall be protected from vehicles by vertical curbs, wheel stops or raised planter walls. Site lighting and tree placement shall be carefully considered to minimize conflicts. Proper clearance shall be provided around all fire protection equipment. Landscape irrigation shall utilize fully automatic, intelligent control systems, rain sensors, weather station coordination, flow sensors, low volume/ high efficiency spray nozzles or drip irrigation systems. Overspray or runoff of irrigation onto paved surfaces is prohibited.

LANDSCAPING

5.2



Use of landscaping and site furnishing helps to define pedestrian areas and entries.



Use of parking area landscaping helps creates a buffer between pedestrian and vehicular areas.

Building Entrances

The use of landscape structures such as raised planters and trellises is encouraged to provide transitional spaces between interior and exterior spaces. Landscape structures shall utilize colors and materials that are responsive toward the architecture. Special paving is required for all entry plazas and courtyards. Pedestrian areas shall be accented by distinctive planting materials and extensive planting areas.

Building Elevations

Foundation plantings between parking areas and building walls are required. The careful consideration of landscape treatments at blank walls is required. The use of trellises and screens which support climbing plants is encouraged to minimize the appearance of blank

Passenger Vehicle Parking Areas

A minimum of 5 percent of the parking area shall be landscaped (excluding buffer plantings). Interior parking lot landscaping areas shall contain a minimum of 100 square feet and have a minimum dimension in any direction of 8 feet. A minimum of 40 percent of the trees within parking lot landscape areas shall be coniferous evergreen trees. Plantings areas within parking areas shall be clustered to support numerous trees within the same area. Clustering of coniferous evergreen trees at the perimeter of parking lot landscaping areas is encouraged. Planting strips are required between every other row of parking. Rain gardens are encouraged. Special consideration should be given to pedestrian circulation through these areas. Primary pedestrian circulation routes through parking areas shall be screened or buffered with a combination of landscaping, berming and fencing. Parking area landscaping shall completely screen the lower 42 inches of the parking area. Parking areas shall have a minimum of 75 percent evergreen shrubs. One tree is required for every five parking spaces. Clustering of the required trees is encouraged.

Service Yards, Loading Areas, Equipment Storage Areas, and Trash and Recycling Enclosures

Loading, shipping and receiving areas shall be screened from adjacent streets, buildings, properties or open space by a fully landscaped buffer. Trees shall be 75 percent coniferous evergreens. Trees shall be planted at a minimum of 20 feet on center. One shrub is required for every 16 square feet of landscape buffer. Groundcover shall be spaced to achieve full coverage within a twoyear period

LANDSCAPING

5.3

Approved Plant List

The following plants have been approved for use by the Port of Seattle within the DMCBP. Additional plants may be considered for use within the DMCBP after review and approval by the Port of Seattle. Plant selection shall be non-attractive to wildlife and should not produce edible fruits, nuts or berries. Plant selection should be carefully considered for local conditions including but not limited to solar exposure, micro-climate, soil conditions, slope and adjacent uses. Tree species selection should be carefully considered when the treess will be adjacent to paved areas and walkways as it relates to their root growth habit.

Evergreen Trees

- Abies ambilis Pacific Silver Fir 0
- Abies grandis Grand Fir 0
- Calocedrus decurrens Incense Cedar 0
- Cedrus deodar Deodar Cedar 0
- Chamaecyparis nootkatensis Nootka Cypress 0
- Cupressocyparis leylandii Leyland Cypress 0
- Cupressus sempervirens Italian Cypress 0
- Picea omorika Serbian Spruce 0
- Pinus contorta contorta Shore Pine 0
- Pinus monticola Western White Pine 0
- Pinus nigra Austrian Black Pine 0
- Pinus ponderosa Ponderosa Pine 0
- Psuedotsuga menziesii Douglas Fir 0
- Thuja occidentalis Arborvitae
- Thuja plicata Western Red Cedar 0
- Thuja plicata 'Hogan' Hogan Western Red Cedar
- Tsuga canadensis Canadian Hemlock 0
- Tsuga heterophylla Western Hemlock



Douglas Fir

· Deciduous Trees

- 0 Acer circinatum - Vine Maple
- Acer macrophyllum Big-leaf Maple 0
- Alnus rubra Red Alder 0
- Betula glandulosa Swamp Birch 0
- Betula jacquemontii Jacquemontii Birch 0
- Betula occidentalis Water Birch 0
- Betula papyrifera Paper Birch 0
- Cornus nuttalli Pacific Dogwood 0
- Fraxinus latifolia Oregon Ash
- Fraxinus oxycarpa Raywood Ash 0
- Magnolia 'Galaxy' Galaxy Magnolia 0
- Populus trichocarpa Black Cottonwood 0
- Prunus sargentii 'Columnaris' Spire Flowering 0
- Zelkova serrata Saw-leaf Zelkova



Pacific Dogwood

LANDSCAPING



Point Reyes Ceanothus



Orchid Rockrose



Wild Rose

Evergreen Shrubs

- Abelia grandiflora 'Edward Goucher' -Edward Goucher Abelia
- Ceanothus gloriosus Point Reyes Ceanothus
- 0 Ceanothus thyrsiflorus - Victoria Ceanothus
- Cistus hybridus White Rockrose 0
- Cistus purpureus Orchid Rockrose
- Escallonia langleyensis Apple Blossom 0 Escallonia
- Leucothoe axillaris Coast Leucothoe
- Osmanthus delavayi Delavay Osmanthus 0
- Osmanthus heterophyllus Holly-leaf Osmanthus
- Prunus laurocearsus 'Otto Luyken' Otto 0 Luyken Laurel

· Deciduous Shrubs

- Euonymus alatus compactus Dwarf 0 **Burning Bush**
- Hydrangea quercifolia Oak-leaf Hydrangea 0
- Philadelphus lewisii Mock Orange 0
- Physocarpus capitatus Pacific Ninebark 0
- Rhododendron var. Rhododendron 0
- Ribes sanguineum Red-flowering Currant 0
- 0 Rosa nutkana - Wild Rose
- Salix hookeriana Hooker's Willow
- Salix lucida Pacific Willow
- Salix scouleriana Scouler's Willow 0
- Salix sitchensis Sitka Willow 0
- Spiraea douglasii Hardhack Spiraea 0
- Spiraea thunbergii Thunberg Spiraea 0
- Thuja occidentalis 'Little Gem' Little Gem 0 Dwarf Arborvitae
- Umbelluria californica California Bay 0
- Viburnum opulus nanum Dwarf European 0
 - Cranberry Bush

Groundcover

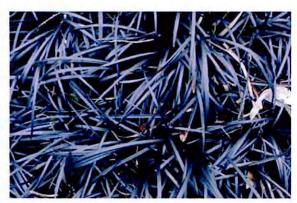
- Ceanothus prostratas Mahala Mat 0
- Erica carnea Heather 0
- Eunymus fortune coloratus Wintercreeper 0
- Genista pilosa 'Vancouver Gold' Vancouver 0 Gold Broom
- Laurentia fluviatilis Blue Star Creeper 0
- Pachysandra terminalis Japanese Spurge 0
- Phylllodoce spp. Mountain Heather 0
- Trachelospermum asiaticum Asian Jasmine

LANDSCAPING

5.5



Lavender



Black Mondo Grass



Goldenrod

Perennials

0

- Anemone hybrid Japanese Anemone
 - Aster subspicatus douglasii Douglas Aster 0
 - Bergenia 'Bressingham Ruby' Bressingham 0 Ruby Begenia
 - Geranium macrorrhizum var. ingerwersen -
 - Ingerwersen Cranesbill Epimedium rubrum - Epimedium 0
 - Hemerocallis Daylily 0
 - Heuchera sanguinea 'Purple Palace' Purple 0 Palace Coralbells
 - Heuchera sanguinea Coralbells 0
 - Iris siberica Siberian Iris
 - Lavandula angustifolia Lavender 0
 - Oxalis oregano Oregon Oxalis 0
 - Phlox Phlox 0
 - Tulipa var Tulip 0
 - Vancouveria planipetalap Small Inside-out Flower

Ornamental Grasses

- Carex morrowii 'Ice Dance' Ice Dance Sedge
- Carex nigra 'Variegatus' Variegated Japanese
- Deschampsia caespitosa Tufted Hairgrass 0
- Elymus glaucus Giant Blue Wild Rye
- Festuca ovina glauca Large Blue Fescue
- Ophiopogon planiscapus Black Mondo Grass

Raingardens

- 0 Agrostis exarta - Spike Bent Grass
- 0 Alopecurus geniculatus - Water Foxtail
- Beckmanii syzigachne Slough Sedge 0
- Calamagrostic canadensis Blue Joint 0
- Carex amplifolia Big-leaf Sedge 0
- Carex praticola Meadow Sedge 0
- Carex stipata Sawbeak Sedge 0
- Glycera elata Tall Mannagrass 0
- Scripus cyperinus Wool-grass 0
- Solidago canadensis Canada Goldenrod

Maintenance

Turf grass or turf grass alternative areas and planting beds shall be kept in a neat, trim appearance and free of weeds. Mulch planting beds shall have fresh mulch added annually to aid in the retention of soil moisture, reduction of weeds and to improve general appearance. All trees, shrubs, groundcovers, perennials and ornamental grasses shall be allowed to mature to full, natural size. Temporary irrigation systems shall be installed prior to completion of landscaping in accordance with best practices for establishment of landscaping. Irrigation scheduling shall be performed by a landscape professional experienced in water conservation techniques and maintaining landscapes in the Pacific Northwest.

Fencing and screening should provide security and safety to the operational activities within the DMCBP. Fencing and screening shall also minimize adverse views from adjacent streets, buildings, properties or open space. Screening and fencing shall be architecturally integrated with adjacent buildings with respect to materials, colors, forms and proportions. The use of razor wire is prohibited. Barbed wire fences are permited and may be a maximum of five feet in height containing four strands of taut parallel barbed wire. Fences may incorporate three strands of parallel barbed wire a maximum of two feet in height on the top of a fence and oriented per City of Des Moines DMMC 18.40.260.

Intent

DMCBP campus.

CHAPTER 6:

FENCING AND SCREENING

6.1



screen loading area.

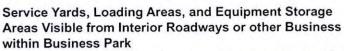


Service Yards, Loading Areas, and Equipment Storage Areas Visible from Public Right-of-Way

campus. Fencing shall provide visual continuity throughout the

Fencing shall also be utilized to direct pedestrians toward pedestrian areas and routes of travel. Fencing shall be utilized to provide edge definition to the site and create implied security to the DMCBP

Visually screen these areas from adjacent streets, residential properties or open space with a minimum six foot high visual barrier measured from the high point of the loading, shipping or receiving area. The use of a masonry wall matching the building color in conjunction with landscaping is encouraged.



Provide security and safety to these areas. A minimum six foot black vinyl coated chain link fence as measured from the adjacent grade. The chain link fence shall be placed directly adjacent to the loading, shipping or receiving area.

Trash and Recycling Enclosures

Visually screen these areas from adjacent streets, buildings, properties or open space. A six foot high visual barrier measured from the high point of the storage, trash or recycling area. The use of a masonry wall matching the building color or black vinyl coated chain link fence in conjunction with landscaping is encouraged.



Use of landscaping and fencing to screen trash and recycling areas.



Use of black vinyl coated fencing at site perimeter

7.1

CHAPTER 7:

SIGNAGE



Ground mounted signs at site corners. Coordination of signage types throughout site create uniformity. (See building sign below)



Readily visible directional signage provides orderly vehicular and pedestrian traffic on site.



Signage using the same materials as building are encouraged.

Intent

All signs shall be reviewed and approved by the Port for appropriateness, including location and proportionality. Informational/directional signage shall be governed by these guidelines. All other signage requires a signage permit and review by the City of Des Moines prior to installation. Signs shall be restricted to the corporate or company name or logo and informational/directional signs (i.e. identification or type of business, hours of operations, products and services of the business at the site). Sign requests shall include details of design, materials, location, size, height, color, and lighting. Sign design shall not be oriented solely to vehicular traffic and shall be an integral part of the architectural design with respect to materials and color.

Informational/Directional Signs

Signs that provide the user with information about location, business hours, and other general information are informational/ directional signs. Informational/directional signs may either be posted or ground-mounted and a maximum of 6 square feet per sign. Signs must be consistent in size, materials, and color with the overall site signage program. The number of signs may vary by site but should be sufficient to accommodate both vehicular and pedestrian traffic. The number of signs shall be approved by the Port. Signs for pedestrians should be placed at decision points in parking lots, in plazas, and where highly traveled walkways intersect. Parking lot entrances should be identified with employee and/or visitor designation along with the complex or building name. In areas of multiple buildings, directories should be placed at decision points for both vehicular and pedestrian traffic. Directories should be clearly visible, easily read, and part of a cohesive sign system.

Ground-Mounted/Monument Signs

Ground-mounted/monument signs shall be a maximum height of 6 feet including base from grade to the top of the sign. The base of any ground sign shall be planted with shrubs and landscaping. Ground signs may not be located within 10 feet of the property line.

Prohibited Signs

The following signs are prohibited:

- Pole/Pylon signs (for advertising use)
- Signs projecting above any vertical building surface (i.e. above a building roofline.)
- Signs painted on any wall of a primary or accessory building.
- Signs using unshielded (bare bulb) type lighting.
- Billboard signs.
- Animated, moving, rotating or sound-emitting signs.
- Reader boards and changeable message signs.
- Sign projecting more than two feet out from a building wall.
- Temporary banner signs or other signs not of a permanent nature shall be subject to Port approval.

8.1

CHAPTER 8:

Utilities Design and Infrastructure



Site development must meet all jurisdictional requirements as well as those for future development in the business park.



Stormwater systems should be installed at appropriate depth for future development of undeveloped portions of the business park.

Utility Design

The overall design approach of the utility system should take the entire Port of Seattle ownership into consideration as each portion of the site is developed. The Port will provide the developer of each portion of the site a list of potential uses for the remaining undeveloped portions of the site so the capacity and location of utilities can be properly planned and developed. The utility system will require the developer to obtain the necessary permits from applicable jurisdictions and the design and construction of the system shall meet all applicable standards. Following are some specific design guidelines.

A. Stormwater

The stormwater system for the site must be designed comprehensively. The depth and capacity of storm conveyance shall take into consideration potential development of upstream or downstream areas on undeveloped portions of the site. The water quality, quantity, and conveyance design shall meet all current City of Des Moines, King County, and State of Washington Department of Energy requirements. If the proposed use is industrial in nature, NPDES permits may be required. Adequate testing and water quality facilities should be designed in order to meet these permit requirements. It is anticipated that Low Impact Development standards for stormwater will be a requirement for any development within the City of Des Moines after January 1, 2016. Before January 1, 2016 it is preferred that stormwater be handled using Low Impact Development approaches when economically and technically feasible.

It is anticipated that the DMCBP will be served by two detention ponds. One pond shall serve the industrial portion of the business park while the other shall serve the potential retail portion.

In the design of any open storm water conveyance systems or ponds all FAA regulations in regards to bird attractants must be followed. This includes following all recommendations within the Wildlife Management Plan for the Seattle Tacoma International Airport dated June 4, 2004 or the most current version as well as implementing the approved plant list provided in Chapter 5.3 of the guideline. Coordination with the Port will be necessary to determine specific project requirements.

B. Sewer System

The sewer system must be designed and installed with the future development of the balance of the property owned by the Port in mind. The Port will review the design to ensure that it does not limit the development of adjacent properties in the business park. All sewer system improvements shall be designed and installed to the Midway Sewer District standards and/or other authorities having jurisdiction.

CHAPTER 8:

Utilities Design and Infrastructure

8.2

C. Water System

The water system must be designed and installed with the future development of the balance of the property owned by the Port in mind. The Port will review the design to ensure that it does not limit the development of adjacent properties in the business park. All water system improvements shall be designed and installed to the Highline Water District standards and/or other authorities having jurisdiction. It is preferred that all above-ground facilities other than fire hydrants are screened with landscaping.

D. Dry Utilities

The electrical, phone, cable, and fiber optic systems must be designed and installed with the development of the balance of the property owned by the Port in mind. The Port may require greater system capacity as they see fit in order to allow for flexibility to serve future tenants. All dry utility systems shall be designed and constructed to all applicable standards and obtain all necessary permits. It is preferred that all above-ground facilities are screened with landscaping while maintaining required clear working distances.

CHAPTER 8:

Utilities Design and Infrastructure



Screening of roof-mounted antennas, and equipment should be integrated into the design of the building



Ground mounted facilities shall provide a shelter and screened enclosure to minimize visual impact.

8.3

Antennas and Microwave Dishes

The design of the site shall consider the potential installation of antennas and microwave dishes. It is recommended that the major wireless providers be contacted during the design of the proposed improvements to determine interest in locating a communications site within a part of the proposed development. This will allow the communications facility to be fully integrated with the project design rather than having to retrofit the proposed building or site to provide for a wireless communications site. Please note the design and installation of antennas and microwave dishes are required to follow all City of Des Moines code and design standards, and all other applicable regulations and permitting requirements including current FAA wireless communications/ frequency regulations and height restrictions. The following are some specific design guidelines.

A. Roof-Mounted

Roof-mounted antennas shall be screened with a solid visual barrier so that there is no negative visual impact as a result of the installation. Photo simulations shall be supplied to the Port for review and approval prior to the antennas being installed on an existing building. If it is anticipated that a wireless facility will need to be located on a roof, that roof shall be designed with the proper access and with the appropriate roof loading to accommodate the site. When feasible, it is recommended that communications equipment be located within the building with a separate HVAC system and adequate utility corridors to connect the communications equipment to the antennas.

B. Ground-Mounted

Ground-mounted facilities design standards shall meet all City of Des Moines requirements and receive approval by the Port. A typical ground-mounted wireless communications facility requires ground space of 50' x 50'. It is recommended that communications equipment be located inside a shelter, or screened with landscaping in order to reduce the visual impact of the site. The proposed tower shall be a monopole (unless otherwise approved by the Port) and painted to match the surroundings unless the City of Des Moines has more stringent standards, in which case those shall govern. Ground-mounted wireless facilities shall allow for multiple carriers.

C. Associated Utilities

If the Port requires a portion of the site to allow for a wireless communications facility, an allowance shall be made for the power and data required by a typical site. A major wireless provider shall be contacted to obtain the most current information regarding these requirements.

CHAPTER 8:

Utilities Design and Infrastructure

8.4



Retaining walls and site pavings should be \ consistent throughout site.



Use barrier curbs and curb and gutter as appropriate.

Infrastructure

The site infrastructure, including access, paving, retaining walls, fences, curbs and gutters, and sidewalks shall be designed to meet all applicable City of Des Moines standards. In addition, these items shall meet the following design guidelines.

A. Access and Paving

The Access to the site shall meet all City of Des Moines standards regarding the development of frontage improvements as well as public versus private access roads through the site. The pavement on site can be pervious or impervious, as allowed by the City of Des Moines, the Port and all other regulatory requirements. It is recommended that to the greatest extent feasible, no pollution generating impervious surfaces (walkways and courtyards) be pervious pavements.

B. Retaining Walls

The type of retaining walls should be consistent throughout the site. All retaining wall types shall be reviewed by the Port for visual appearance and shall meet all landscaping design requirements. Retaining wall types shall be consistent with the overall site design. All retaining walls shall be designed to and permitted by the City of Des Moines.

C. Fences

It is recommended that black vinyl fencing be utilized throughout the site as the standard fencing type. If a visual screening fence is part of the landscaping design requirements they should be consistent with other visual screening fences throughout the site.

D. Curbs and Gutters

The curbing throughout the site should meet the City of Des Moines standards. It is recommended that all curbs be barrier curbs (in areas that are the high point) or curb and gutter (where the curb collects water). Barrier curbs and curb and gutter are appropriate for this site because they are strong enough to withstand the type of use associated with this site.

E. Sidewalks

Sidewalk location, widths, and design shall meet the City of Des Moines standards. ADA access shall be provided from the public rights-of-way to the proposed building as required by code. It is recommended, where feasible, that sidewalks be designed as permeable to aid in the management of storm water.

9.1

CHAPTER 9:

BUILDING DESIGN



Use of canopies and contrasting colors help to identify building entries.



Building modulation and changes in window types help to create visual interest.



Landscaping and outdoor spaces soften building facades

Intent

The intent of the building design guidelines is to provide direction for the built elements of the business park in order to achieve a built environment that is cohesive with the natural setting, adjacent properties, and provides visual interest.

Buildings developed for a single tenant or use shall provide a unified architectural concept. Methods to achieve this include the use of similar architectural styles, materials, roof forms, signage, and colors. All buildings should relate visually to one another and encourage pedestrian routes between building entries.

The following architectural elements are encouraged:

- Building modulation and architecture detailing.
- Building entry accentuation.
- Screening of service yards, loading areas and equipment, trash, and storage areas.
- Landscaping to soften the building exterior, reduce blank walls and buffer between more intensive uses.

The following architectural elements are discouraged:

- Blank un-modulated wall surfaces.
- Exposed untreated concrete masonry walls (grey block).
- Unscreened loading doors facing street frontage.

Height and Mass

The height and mass of buildings should consider the relationship to the site and public rights-of-way. Buildings should be broken down into a hierarchy of scales and forms that create a sense of human scale. Buildings should employ simple forms and coordinated masses to produce overall unity and visual interest. Varying building heights, massing, and setbacks are encouraged to define different functions within a building such as office and warehousing.

Buildings should be designed to step back and step down to follow natural terrain and help break up mass. Landscape materials should reinforce tiered building forms. This approach is especially appropriate for breaking up larger structures and those over two stories in height.

CHAPTER 9:

BUILDING DESIGN



Recessed entries and varying rooflines bring visual interest and identify entries.



Durable materials add visual interest and will withstand abuse and accidental damage.

Building Design

Facades should have a high level of visual interest from both vehicular and pedestrian street frontages. The exterior character of all buildings should enhance public rights-of-way and the neighborhood. Elevations visible from interior roadways and public parking areas should provide building offsets and architectural details similar to the front façade. Entrances should be readily identifiable through the use of recesses, pop-outs, roof elements, canopies, columns or other architectural elements.

Rooflines are an important design element and should include variations in height, style, and modulation that is harmonious with the facade. Rooftop equipment should be screened from view of public rights-of-way and public parking areas. Screening shall be integrated with the design of the building.

Materials should be chosen to withstand abuse by vandal or accidental damage. The use of various siding materials to produce effects of texture and relief that provide visual interest are encouraged. (i.e. masonry, concrete texturing) The use of compatible colors in a single façade is required. Compatible colors add interest and variety while reducing scale and breaking up blank walls. Contrasting trim and color bands that help reduce scale are encouraged.

CHAPTER 10:

DEVELOPMENT REVIEW PROCESS

10.1

Intent

In addition to the applicable Design Review approval and permitting by the City of Des Moines, a separate review process will be administered by the Port. The Port will review, approve, or disapprove all site plans, architectural plans, elevations, and other submittals. The Port is responsible for reviewing and approving all site plans and architectural plans for all development including landscaping, lighting, signage, and all other improvements. All plans are reviewed to determine their compliance with these Design Guidelines. This process ensures harmony of design and compatibility of uses throughout the development of the Business Park. The review process by the Port does not equate to approval by the City of Des Moines. In the case of differing standards between these Design Guidelines and the City of Des Moines, the more restrictive standard shall prevail.

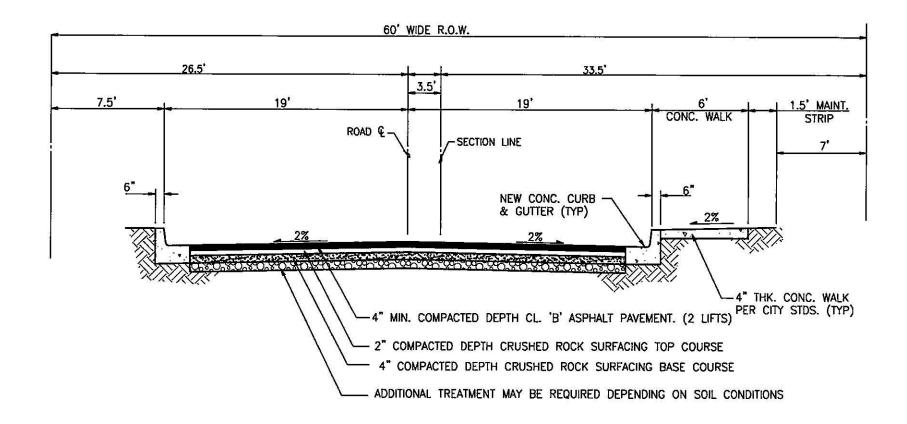
Review Process

The purpose of the review process is to facilitate cohesive and long-term development through evaluation and approval. These Design Guidelines establish consistent standards of quality to be used in the evaluation of each development. As described in this document, the review procedures are intended to provide an early interface between the developer and the Port so that preparation of site plans and buildings can be completed in a timely and efficient manner. The developer should meet with Port representatives early in the planning process to discuss the attributes of the site, the preliminary concept for development, and these Design Guidelines to develop a schedule for the formal approval process. The focus of this meeting is to exchange ideas and concepts regarding the development in relation to the Business Park as a whole. The review process will require a minimum of (2) submittal phases. Phase I will focus on site plan layout and building orientation. Phase II will focus on Building Design. These phases may be approached and approved concurrently as permitted by the Port based on the scale and size of the development. All improvement plans must be in compliance with these Design Guidelines. The Design Guidelines may be more restrictive than, but do not supersede or modify, any applicable governmental regulations. Conformance to the Design Guidelines and approval by the Port does not imply conformance to any governmental regulation or approval by any governmental agency. In some instances, governmental regulation may be more restrictive and shall prevail.

Variances

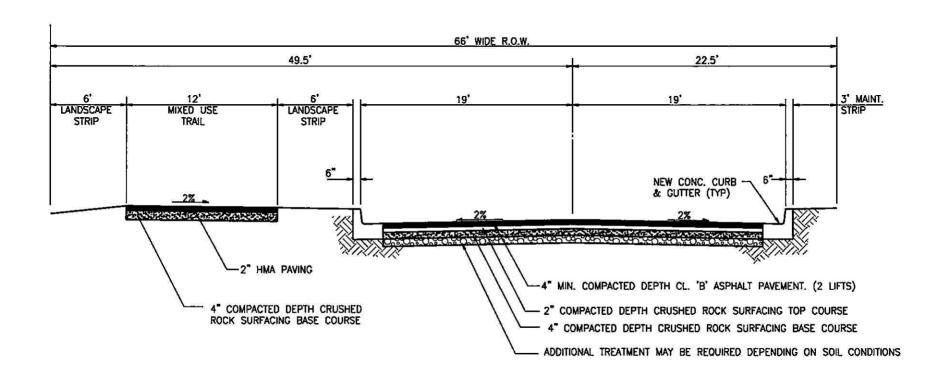
The Port may authorize variances from the Design Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic or environmental objectives or considerations may warrant, as long as the variances are not in conflict with City of Des Moines zoning and building code regulations.





SOUTH 208TH STREET TYPICAL SECTION

NOT TO SCALE (LOOKING EAST)



INTERNAL LOOP ROAD TYPICAL SECTION

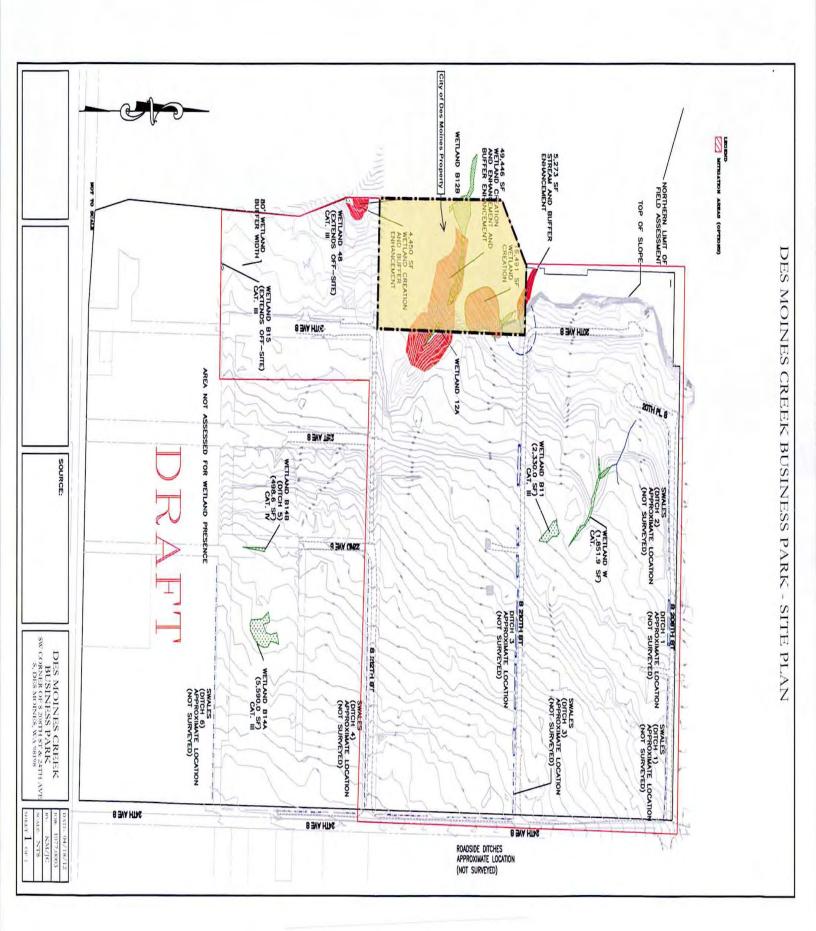
NOT TO SCALE (LOOKING EAST)

Project and system improvements with threshold trigger points

Development Traffic Trip Thresholds – based on 2006 EIS (arranged to assume north end develops first)

Improvement	Threshold	Notes
1 – Access roadway to 24 th Ave S (S. 212 th St – vicinity)	40 PM peak hour trips	Part of Area 1 site development. (*342 PM peak hour trips/ 489,470 s.f. of development)
2 - SR 99 Signal coordination	390 PM peak hour trips or >500,000 s.f. of development.	Initially completed fall 2010. Will just need to update the coordination plan.
3 – Completion of internal Loop road (connection to S. 216 th St.)	390 PM peak hour trips or >500,000 s.f. of development	Refer to Section 11.1.2. of the 2 nd Development Agreement
4 – New Traffic Signal at S. 216 th /20 th Ave S	390 PM peak hour trips or >500,000 s.f of development (Level of Service (LOS) exceeds standard of D at $212^{th}/24th$ or LOS >D at $216^{th}/24^{th}$ Ave S)	*Assuming Area 1 site develops: 48 PM peak hour trips available/ ~10,530 s.f. development avail. Signal will be included with S. 216 th Seg. 2 improvements.
5 – Traffic Signal improvements at 216 th /SR-99	Level of Service of 216 th /SR-99 exceeds standard of F (v/c >1.0)	Based on supplemental site specific Traffic Impact Analysis (TIA).
6 – 24 th /28 th Ave South Extension to S. 200 th St.	**840 PM peak hour trips from DMCBP	
7 – New Traffic Signal at S. 208 th /24 th Ave S	Level of Service of 208 th /24 th exceeds standard of D	Based on supplemental site specific Traffic Impact Analysis (TIA)

- 8 Traffic Signal improvements at 208th/SR-99 Level of Service of 208th/SR-99 exceeds standard of E (Sea-Tac) Site specific TIA (may not be needed if 24th/28th extended)
- *Based on PSE Site Plan dated 5/16/12 included as Exhibit B to the 2nd Development Agreement
- **A site specific Traffic Impact Analysis may allow this number to be higher based on previous improvements made and background traffic growth.



CITY MANAGER'S EXECUTIVE ORDER NO. 10-001 CITY OF DES MOINES

AN EXECUTIVE ORDER OF THE CITY MANAGER OF THE CITY OF DES MOINES establishing the City-Wide Development Incentive Program for all commercial and multifamily zoned areas in Des Moines, and to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan, the Downtown Neighborhood and North Central Neighborhood elements of the Comprehensive Plan, the City Council's economic development goals and strategic objectives, and to provide additional incentives to encourage development throughout the City, effective September 1, 2010.

RECITALS

WHEREAS, DMMC 12.04.100 provides that the fee for right-of-way permits issued by the City under the authority of Chapter 12.04 DMMC shall be established by the City Manager.

WHEREAS, DMMC 14.04.080 provides that the fee for any permit issued by the City under the authority of Title 14 DMMC shall be established by the City Manager, and

WHERAS, DMMC 16.04.260 provides that the fee for a State Environmental Policy Act (SEPA) determination issued by the City under the authority of Title 16 DMMC shall be established by the City Manager, and

WHERAS, DMMC 17.40.010 provides that the fee for any approval issued by the City under the authority of Title 17 DMMC shall be established by the City Manager, and

WHEREAS, DMMC 18.58.050 provides that "the City Manager may adopt by executive order procedural rules for the efficient implementation of this chapter" [Chapter 18.58 DMMC – Design Review], and

WHEREAS, DMMC 18.64.050 provides that "fees for the following land use applications are established by the City Manager

- (a) Change of zone;
- (b) Unclassified use permit;
- (c) Planned unit development;
- (d) Variance;
- (e) Conditional use permit;
- (f) Comprehensive plan amendment

WHEREAS, the Des Moines City Council established "Improved economic vitality and development" as a strategic goal and "facilitate development of the Des Moines Creek Business Park" and changes to Downtown development regulations and improvements to the Downtown water system as strategic objectives to advance this strategic goal; and

WHEREAS, the City Manager by Executive Order No. 07-005, established the Pacific Ridge Redevelopment Incentive Program to further the goals and objectives established by the Pacific Ridge Neighborhood Improvement Plan effective January 1, 2008; and

WHEREAS, DMMC 18.31.010 provides that the purpose of the Pacific Ridge Zone is "to provide development regulations that will promote redevelopment of Pacific Ridge properties in order to create attractive, safe, and desirable areas to work and reside," and

WHEREAS, Policy 11-03-02 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "encourage increased building heights in this neighborhood to enhance land value, promote redevelopment, expand view opportunities, and to accommodate household growth targets specified by the Countywide Planning Polices for King County," and

WHEREAS, Policy 11-03-06 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "ensure that development requirements, land use review procedures, and mitigation measures do not unnecessarily hinder redevelopment. Utilize innovative land use review techniques/procedures to minimize timeframes and uncertainty during permit review. Examples of such techniques/procedures include: streamlined environmental review; optional DNS; impact fees, etc." within the Pacific Ridge, and

WHEREAS, Policy 11-03-07 of the Pacific Ridge Element of the Des Moines Comprehensive Plan provides that the City should "promote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge," and

WHEREAS, DMMC 18.25.010 provides that the purpose of the Business Park Zone is, "provide suitable areas of the city for development of compatible business, professional office, light industrial, research and development, service uses, wholesale trade, and retail uses serving the needs of business park tenants," and

WHEREAS, DMMC 18.27.010 provides that the purpose of the Downtown Commercial Zone is, "to enhance, promote, and maintain the business areas of the downtown neighborhood," and

WHEREAS, Policy 2-03-08 of the Land Use Element of the Des Moines Comprehensive Plan provides that the City should, "promote new development and

redevelopment within the Downtown Business District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements," and

WHEREAS, Policy 10-02-04 of the Downtown Neighborhood Element of the Des Moines Comprehensive Plan provides that the City should, "promote new development and redevelopment within the Downtown Business District to reflect and enhance its ties to the waterfront, pedestrian orientation, and role in serving local shopping and service requirements," and

WHEREAS, given the size of the large scale projects envisioned in the Pacific Ridge and Des Moines Creek Business Park and potential for such projects in the Downtown, along Pacific Highway South and in the RM-900B Restricted Service Zones, the City will achieve an economy of scale allowing the City to recover the cost of land use and building permitting at a lower rate than needed for smaller scale projects, and

WHEREAS, encouraging development throughout the City is in the best interest of the public health, safety or welfare of the City's citizens, NOW THEREFORE.

It is hereby ORDERED as follows:

)

- 1. The City-Wide Development Incentive Program is established.
- 2. The Incentive Program shall reduce fees for design review, environmental review, subdivision, planned unit development, short subdivision and lot line adjustment, engineering plan review, building plan check and building permit, land clearing, grading or filling, mechanical, electrical and plumbing permit, and right of way permits as follows:
 - a. By 20%, provided that the individual permit applications contain a minimum of 50,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
 - b. By 10%, provided that the individual permit applications contain a minimum of 25,000 square feet of commercial or residential development or a combination thereof, excluding the area necessary for any required parking.
- 3. The Incentive Program shall not apply to any fee established by ordinance or by another agency including transportation impact fees, park in-lieu fees, South King Fire & Rescue review fees, surface water management hook up fees, or business licenses and taxes. The Incentive Program shall also not include the cost for any third-party review.
- 4. The Incentive Program shall apply to the first group of tenant improvements provided that the building was constructed as a "shell building." All future tenant improvements regardless of size shall comply with the City wide fee schedules.

- 5. The Incentive Program is only available to the first 3,125,000 square feet of occupiable commercial development (excluding the area necessary for any required parking) and 5,541 residential units if the project is in Pacific Ridge. Once the allotments are exhausted this Incentive Program will cease for Pacific Ridge projects unless additional allotments are added by executive order of the City Manger.
- 6. The Incentive Program for the Downtown Neighborhood and the North Central Neighborhood will cease five years from the date of this Executive Order unless an extension is granted by executive order of the City Manager.
- 7. Fees for development activity that qualify for the Incentive Program will be assessed in accordance with the City Development Services Fee Schedule (Exhibit A), the Building Permits Fee Schedule (Exhibit B), Right-of-Way Permit Fee Schedule (Exhibit C).
- 8. Issuance of the Executive Order replaces and supersedes Executive Order Number 07-005 regarding the Pacific Ridge Redevelopment Fee Incentive Program

DATED this 19th day of Cuyunt, 2010.

Anthony A. Piasecki
City Manager
City of Des Moines

APPROVED AS TO FORM:

City Attorney

ATTEST:

Sandy Paul

Final SEPA Decision for Des Moines Creek Business Park Final Environmental Impact Statement (FEIS) Des Moines Creek Business Park

Proponent/applicant: Port of Seattle

Description of Proposal: The Port of Seattle (Port) is proposing to redevelop the Des Moines Creek Business Park site with land uses that are compatible with the site's business park zoning and its location near Sea-Tac Airport. The proposal includes: execution of a Second Development Agreement between the Port and the City of Des Moines (City) that will include: the Des Moines Creek Business Park (DMCBP) Conceptual Master Plan (an initial Development Agreement was executed in July 2005); designation of future development of the site as a Planned Action through adoption of a Planned Action Ordinance by the City; and, other actions that would ultimately lead to long-term development of the site. The Port anticipates that it will enter into a long-term lease agreement with a developer(s) for the DMCBP.

The EIS addresses the probable significant impacts that could occur as a result of the Proposed Actions, as well as impacts from future development activities over an approximately 8-year build out period on the DMCBP site. For purposes of environmental review under SEPA, two possible development alternatives and a No Action Alternative have been identified and evaluated. The two development alternatives bracket the range of land use intensities that the site could accommodate, given: the existing City of Des Moines Comprehensive Plan designation and zoning classification of the site (Business Park); the stipulations of the First Development Agreement and the proposed Conceptual Master Plan; and, site constraints, infrastructure capacity and market conditions. The development alternatives assume development envelopes of from approximately 900,000 to 1.1 million square feet of business park uses on the site. Under the No Action Alternative, the site would continue in its present vacant, undeveloped condition.

Location of Proposal: The DMCBP site is located in the City of Des Moines, approximately two miles south of the main Sea-Tac Airport terminal. The site is bounded by S 208th Street on the north; S 216th Street on the south; 24th Avenue S on the east; and, the Washington State Department of Transportation (WSDOT) right of way (previously considered for the extension of SR 509), a portion of the Des Moines Creek Park and Des Moines Creek on the west. The site analyzed in this EIS is approximately 87 acres in size.

Co-Lead Agencies: Port of Seattle (SEPA No. 07-05) and City of Des Moines

Determination: This environmental evaluation has been prepared following the provisions of the Washington State Environmental Policy Act, RCW Chapter 43.21C and WAC Chapter 197-11 and applicable policies and procedures of the Port of Seattle and City of Des Moines.

Supporting Information: Information used to prepare this Environmental Impact Statement, and applicable Washington State laws and Port of Seattle and City of Des Moines policies, regulations and procedures are available for public review at the Port of Seattle Engineering Services Department, Second Floor Bid Counter, Pier 69, 2711 Alaskan Way, Seattle and the Des Moines City Hall, 21630-11th Avenue S, Des Moines, WA. Any questions relating to this SEPA review or to the proposed actions should be referred to David McCraney, Port of Seattle, Environmental Review and Permitting, PO Box 1209, Seattle, WA 98111. Tel: 206-728-3193 and/or Grant Fredricks at 21630-11th Avenue S, Des Moines, WA, 98198. Tel: 206-870-6568.

Public & Agency Comment: Public and agency comments have been received through the Port and City's SEPA process, including: the Determination of Significance and Request for Comments on the Scope of the EIS issued on April 14, 2006; the public scoping meeting held on April 24, 2006; the Draft EIS issued on November 17, 2006; and, the Draft EIS public hearing held on

December 5, 2006. The Final EIS, which includes responses to all comments received on the Draft EIS, is now being issued, as of **March 2, 2007**. Please refer questions and comments about this Final EIS or the proposal to David McCraney and/or Grant Fredricks at the addresses or telephone numbers above.

Final EIS Available: Copies of the Final EIS have been distributed to agencies, organizations and individuals noted on the Distribution List. Copies of the Draft and Final EIS documents are also available for review at the following locations:

- Copies are available for viewing at the Port of Seattle offices at the Engineering Services
 Department Second Floor Bid Counter at P69, 2711 Alaskan Way, Seattle, WA, during business
 hours of 8:30 AM to 4:00 PM, Monday through Friday;
- Copies are available for viewing at the City of Des Moines City Hall, 21630 11th Avenue S, Des Moines, WA during business hours of 8:00 AM to 4:30 PM.
- A limited number of printed copies of the Draft and Final EIS may be purchased at the Port's Engineering Services Department Second Floor Bid Counter at Pier 69 or at the City of Des Moines City Hall. The purchase price is \$80 per copy of the Draft EIS and \$10 per copy of the Final EIS.
- Copies of this document are also accessible at the Burien Public Library (14700 Six Avenue SW), Des Moines Public Library (21620 11th Ave S), Valley View Public Library (17850 Military Road, SeaTac), Seattle Central Library (1000 4th Street) and the University of Washington (Government Publications Division).
- Persons interested in receiving a copy of the Draft or Final EIS on CD (no charge) should contact Brenda Thomas at 206-728-3382 or by email at <u>SEPA.p@portseattle.org</u> or contact the Des Moines City Hall front desk.

Appeals: Anyone wishing to appeal the adequacy of the Des Moines Creek Business Park Final Environmental Impact Statement (EIS) must file a written appeal consistent with Section 16.04.210 of the Des Moines Municipal Code. Appeals must be complete and filed with the City Clerk at 21630 11th Avenue South, Suite D, Des Moines, WA 98198, by 4:30 p.m., on March 12, 2007. The appeal letter must cite specific procedural errors, omissions, environmental impacts, inaccurate environmental information or failure to comply with specific adopted policies or codes that dispute the validity of the Final EIS.

Responsible officials: Michael Feldman, Deputy Managing Director, Sea-Tac International Airport, Port of Seattle; and, Grant Fredricks, Director, Planning, Building and Public Works, City of Des Moines.

Date: 2/21/07

Signature:

Michael Feldman

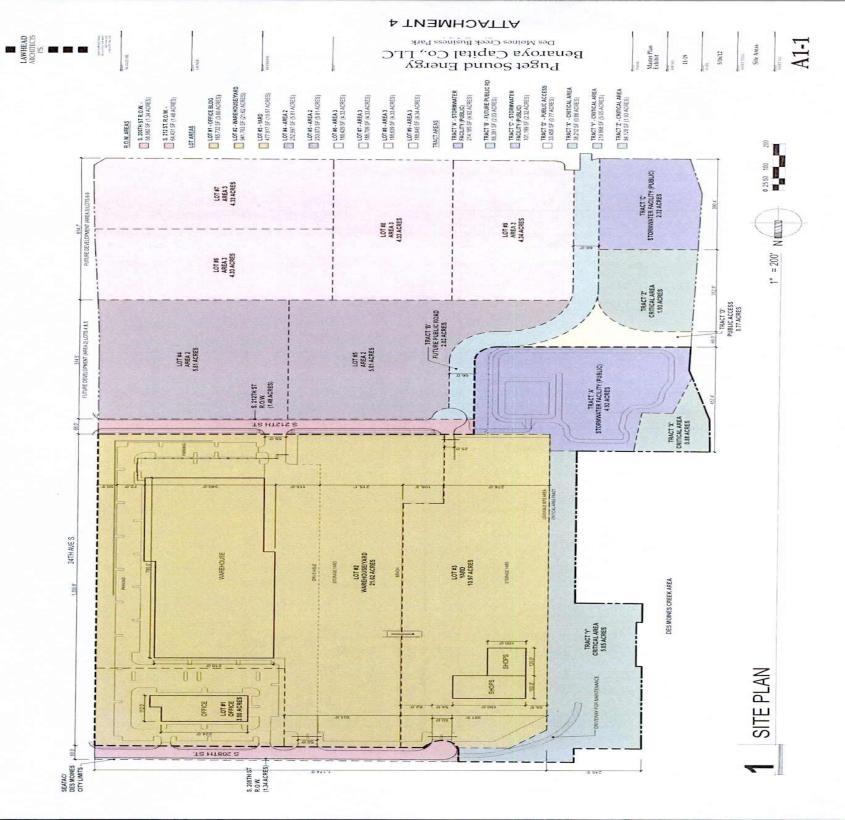
SEPA Responsible Official, Port of Seattle

Date: 2/22/07

Signature:

Grant Fredricks.

SEPA Responsible Official, City of Des Moines



PUGET SOUND ENERGY | BENAROYA CAPITAL CO. LLC Master Plan Application | Project Narrative

Des Moines, WA

May 2, 2012

ATTACHMENT 5

LAWHEAD ARCHITECTS I

12342 Northup Way Bellevue, WA 98005 p: (425) 556-1220 f: (425) 556-1228

> e: flawhead@lawhead.com w: www.lawhead.com

CONTENTS A Project Summary - (p. 2) В Proposed Site - (p. 2) C Site Characteristics (p. 3) 1. Land Use and Zoning 2. Topography 3. Soil Conditions 4. Critical Areas / Slopes 5. Streams and Wetlands D **Proposed Site Development (p. 4-5)** 1. Site Coverage 2. Parking 3. Site Paving 4. Site Drainage 5. Utilities 6. Landscape Design E **Proposed Building Development (p. 5-6)** 1. Building Area Summary 2. Building Use Summary 3. Building Height Summary F Off-Site Improvements (p. 6) 1. South 208th Street 2. South 212th Street G Exceptions From City Design Standards (p. 6-7) 1. Structured Parking 2. General Building Design Guidelines 3. Off-Street Parking - Uncovered Storage



PUGET SOUND ENERGY | BENAROYA CAPITAL CO. LLC Master Plan Application - Project Narrative

- DRAFT -

A. PROJECT SUMMARY

The proposed Puget Sound Energy/Benaroya Capital Co. LLC project is planned to relocate the PSE Material Distribution and Emergency Stores, Storm Response operations, and related office and shop facilities from Kent, Washington, the gas/electric meter services and shop facilities in Sea-Tac, Washington, and Substation/Technical Field Services and Transformer Shop in Renton, Washington to an integrated site. The Des Moines Creek Business Park was chosen, in cooperation with the Port of Seattle, as a central location in the region and PSE service area that will allow improved access to better serve PSE infrastructure and clients.

As Washington state's oldest local energy utility, Puget Sound Energy serves 1.1 million electric customers and more than 750,000 natural gas customers in 11 counties. A subsidiary of Puget Energy, PSE meets the energy needs of its customers, in part, through cost-effective energy efficiency, procurement of sustainable energy resources, and far-sighted investment in energy-delivery infrastructure.

The proposed project includes the central warehouse, office and shops building of approximately 313,290 square feet. This building will provide for receiving, storage, and distribution of materials for gas and electric operations throughout the region as well as the supporting shop functions for testing and maintenance of systems and materials, and fleet vehicle outfitting. Electric and gas operations work crews will also operate from this facility to provide for construction and maintenance of PSE utilities. This new facility will also serve as an emergency, storm, and maintenance operations base for gas and electric first response. Adjacent to the warehouse/shops building, a five-story office building of approximately 133,180 sf is planned for PSE engineering and administration serving all Washington operations.

Materials storage and management will also be provided in exterior storage yards incorporated on approximately 21 acres of the site. A substation/operations shop and waste management facility of approximately 43,000 square feet will share a building located within the storage yard. Covered materials storage is also planned. Driveways to South 208th Street will provide access to the exterior storage yards for large truck delivery and distribution of materials and equipment.

B. PROPOSED SITE

The proposed site is located within the Des Moines Creek Business Park (DMCBP), an approximately 90-acre property owned by the Port of Seattle in the City of Des Moines. Located on the northern boundary of the City of Des Moines, the proposed business park is bordered by South 208th Street, 24th Avenue South, South 216th Street, and a portion of Des Moines Creek Park.

The Puget Sound Energy/Benaroya Capital Co. LLC site includes approximately 47.24 acres of the northern portion of the DMCBP within the North Central Neighborhood North Subarea. The proposed site is bound by South 208th Street to the north, 24th Avenue South to the east, South 212th Street, and a portion of the Des Moines Creek Park to the west. Access to the site will be provided on three sides from the adjacent streets and the loop access road.



PUGET SOUND ENERGY | BENAROYA CAPITAL CO. LLC Master Plan Application - Project Narrative

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C. SITE CHARACTERISTICS

The proposed site was a former residential neighborhood. Structures and utilities have been removed, leaving some exposed foundations in some areas, and the property is vegetated with overgrown landscaping. The property has been partially grubbed to allow surveying, geotechnical, and environmental investigation. Abandoned asphalt and/or concrete residential streets remain.

1. Land Use and Zoning: Zoning of the property is Business Park (B-P) as defined in Chapter 18.25 of the City of Des Moines Municipal Code (DMMC). Permitted uses include professional office, light industrial, research and development, repair services, wholesale trade, and similar compatible business uses as defined in Chapter 18.25.

More specifically, the proposed project site is located within the North Central Neighborhood North Subarea. Requirements for business park development within the North Subarea are defined in Chapter 18.25 of the DMMC. The proposed project is consistent with the City of Des Moines Comprehensive Plan and the North Subarea policies and land uses.

- 2. Topography: Existing ground elevations vary from Elevation 350 in the southeast corner to Elevation 260 to 270 feet above the banks of Des Moines Creek, resulting in site grades of about 6 to 10 percent in the majority of the proposed development.
- 3. Soil Conditions: The subsurface conditions encountered in geotechnical exploration generally consist of a variable fill thickness overlying glacial recessional outwash and glacial till. The fill was encountered close to 24th Avenue South and generally in other areas close to existing roadways. The fill consists of loose to medium dense silty sand and variable gravel content. Recessional outwash, located in the north and west areas of the site, consists primarily of medium dense sand with silt. Beneath the fill and recessional out wash medium dense grading to very dense glacial till was encountered in all explorations at depths ranging from 1 to 18 feet. The native glacial till consists of silty sand with variable gravel and cobbles.
- **4. Critical Areas / Slopes:** The proposed site is adjacent to steep slopes and the Des Moines Creek ravine located beyond the western edge of the project property. These areas are well away from the proposed development and the stability of these slopes will not be affected.
- 5. Streams and Wetlands: Minor wetlands and storm water ditches have been identified on the proposed site. Evaluation and treatment of these features is being addressed in cooperation with the Department of Ecology, the U.S. Army Corps of Engineers, and the City of Des Moines. Wetlands located beyond the western edge of the proposed site and identified based on the Category Rating established in the Re-Delineation Report will be protected as required by the City's Environmentally Sensitive Areas regulations and other applicable codes.

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D. PROPOSED SITE DEVELOPMENT

The proposed buildings, parking areas, driveways, and storage yards will cover approximately 69% of the proposed 47.24 acre project site. The site development surrounding the buildings needs to be relatively flat and at approximately the same elevation of the buildings for efficient layout of parking and circulation and for loading and storage yard operation. The general design concept will establish the building ground floor elevation of the office building and warehouse at nearly the grade elevation of the adjacent intersection of 24th Avenue South and South 208th Street. A grading plan that approximately balances the cut and fill of the site will be developed based on the building elevation.

1. Site Coverage: The maximum allowable Site Coverage/Impervious Surface Area is 75% in accordance with Des Moines Municipal Code Chapter 18.25.040.1. The proposed site coverage is as follows:

Storage raru	000,042 SI
Storage Yard	888,642 sf
Parking and Circulation	232,111 sf
Building Area	299,775 sf

Total Proposed Site Coverage 1,420,528 sf (32.61 acres) - 69%

Overall PSE Project Site Area 2,057,697 sf (47.24 acres)

2. Parking: The proposed parking exceeds the minimum requirements of the Des Moines Municipal Code. The overall parking analysis per DMMC 18.44.060 is as follows:

WAREHOUSE & STORAGE (18.44.060.5D) · WAREHOUSE (MAIN FLOOR) -243,045 sf / 1,500: 163 STALLS · WAREHOUSE (MEZZANINE) -6,000 sF / 1,500: 4 STALLS · SMRT SHOP -31,000 sF / 1,500: 21 STALLS · WASTE MANAGEMENT -12,000 sF / 1,500: 8 STALLS SUBTOTAL REQUIRED PARKING 196 STALLS OFFICE (18.44.060.11) 81 STALLS · Office (Warehouse Mezz.) -64,245 sF / 800 sF: · OFFICE (OFFICE BLDG) -133,180 sF / 800 sF: 167 STALLS SUBTOTAL REQUIRED PARKING 248 STALLS TOTAL REQUIRED PARKING* 444 STALLS PARKING STALLS PROVIDED/PROPOSED 582 STALLS

- **3. Site Paving:** Parking, circulation, and storage yards will consist of impervious surfaces constructed of asphalt paving and concrete paving over gravel base.
- **4. Site Drainage:** Surface storm water on site will be collected in a storm drainage network of catch basins and conveyance piping that will carry water to a water quality and detention pond located at the southwest corner of the proposed site. Discharge will be controlled and directed to offsite conveyance in accordance with the City of Des Moines Surface Water Management Program, the King County Stormwater Pollution Prevention Manual, and other established practices and regulations.

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D. PROPOSED SITE DEVELOPMENT....continued

5. Utilities: The existing property currently has available water, sewer, natural gas, and power utilities that are sized for residential use formerly located there. Utilities will be abandoned and removed during construction. New infrastructure will be designed to meet the needs of the proposed project and in conjunction with the services developed and approved for the Des Moines Creek Business Park Master Plan.

Water service will be supplied by Highline Water District. Sewer services will be provided by Midway Sewer District. Natural gas and Electrical power will be provided by Puget Sound Energy.

6. Landscape Design: The proposed project site design shall conform to the landscaping and buffer requirements of chapter 18.41 of DMMC and the landscaping guidelines for business park development described in chapter 18.25.060 of DMMC. A Type I perimeter landscaping strip an average of 20 feet in depth, as required in North Subarea development, will be provided along 24th Avenue South to effectively screen the property. Parking lot landscaping will be provided in accordance with chapter 18.41.320 of DMMC. Loading areas and storage yards will be screened to limit visibility from neighboring streets and adjacent development within the business park.

E. PROPOSED BUILDING DEVELOPMENT

The proposed Puget Sound Energy/Benaroya Capital Co. LLC project includes three buildings located on the 47.24-acre site. Located near the northeast corner of the property is a 5-story Class-A office building designed for PSE offices that serve company and affiliated operations throughout Washington. Adjacent to the office building is a warehouse and shops facility of approximately 313,290 square feet. Materials receiving, storage, and distribution operations supply gas and electric utility projects, and related storage and shop facilities also support daily operations. Located in the storage yard is the third building containing the substation operations/meter relay/test shop (SMRT) and waste management facilities.

1. Building Area Summary:						
Bldg 1 - Office	133,180 sf - Note: Five (5) Stories					
Bldg 2 - Warehouse	313,290 sf - Note: Includes 70,246 sf Mezz.					
Bldg 3 - Waste Mgmt./SMRT	43,000 sf					
2. Building Use Summary:						
Use: Office						
Building 1	133,180 sf					
Building 2 (Mezzanine)	64,245 sf					
Use: Storage						
Building 2 (First Floor)	170,734 sf					
Building 2 (Mezzanine)	6,000 sf					
Building 3	31,000 sf					
Use: Shops						
Building 2 (First Floor)	72,311 sf					
Use: Waste Management						
Building 3	12,000 sf Project Narra					



PUGET SOUND ENERGY | BENAROYA CAPITAL CO. LLC Master Plan Application - Project Narrative

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E. PROPOSED BUILDING DEVELOPMENT....continued

3. Evilette Heefte Summery:

Bldg 1 - Office 75 ft. **Bldg 2 -** Warehouse 40 ft.

Bldg 3 - Waste Mgmt./SMRT 40 ft.

F. OFF-SITE IMPROVEMENTS

- 1. South 208th Street, located at the north boundary of the proposed project site, will be a private road placed in a 60-foot wide right of way. It will consist of two 12-foot wide travel lanes and one 12-foot wide turn lane with a 6-foot sidewalk, curb and gutter on the south side. The north side will have a 6-foot wide gravel shoulder. The street will provide points of ingress/egress to the office and warehouse parking, the delivery and storage yard, and to the substation operations/waste management and storage yard. The street elevation and grade will be designed to tie into the final grades at the Gateway Road Project at 24th Avenue South and will provide a turnaround at the west end.
- 2. South 212th Street will be developed as a private road adjacent to the south edge of the proposed project site to provide a connection through the Des Moines Creek Business Park from South 216th Street to 24th Avenue South. Only a portion of the roadway will be constructed to serve the Puget Sound Energy/Benaroya Capital Co. LLC project with a temporary terminus past the last point of ingress/egress to the proposed site. This street will be designed as a public road placed within a separate 66-foot wide right of way. It will consist of two 12-foot wide travel lanes and one 12-foot wide turn lane with a curb and gutter on both sides. A 12-foot wide mixed-use trail with a 6-foot wide landscaping strip on each side will also be included on the north side of the street. Roadway grades and elevations will be designed to match final grades at the Gateway Road Project at 24th Avenue South and will demonstrate that the road can connect to the terminus of future improvements on 20th Avenue South.

G. EXCEPTIONS TO CITY DESIGN STANDARDS

Due to the unique features and specific requirements of the proposed project, not all land use codes or design standards can be met in the proposed design. Early discussions with City staff have helped to identify exceptions to the City of Des Moines Municipal Code.

- **1. Structured Parking:** Chapter 18.25.060 (1) of DMMC requires structured parking for at least 50% of parking for buildings containing more than two floors of occupied area. The proposed project design provides for surface parking areas for all required parking. The waiver of the structured parking requirement is included in the Draft of the 2nd Development Agreement to be processed concurrently with the Master Plan.
- 2. General Building Design Guidelines: Chapter 18.25.070 of DMMC Due to the principle uses and operations of the proposed Puget Sound Energy/Benaroya Capital Co. LLC project and due to the size of the warehouse building, design guideline number two, relating to building modulation only, may not be achievable. We request a waiver of strict enforcement of this guideline.

LAWHEAD ARCHITECTS P.S.

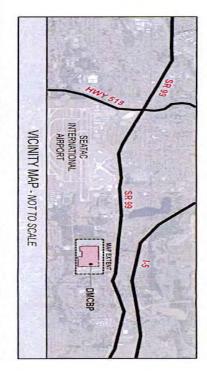
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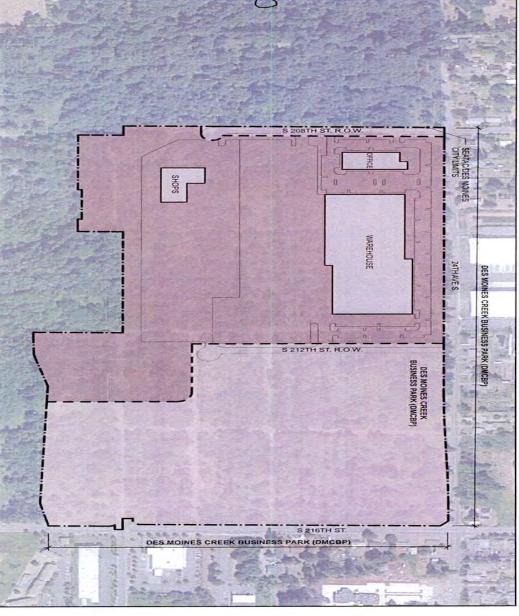
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G. EXCEPTIONS TO CITY DESIGN STANDARDS....continued

3. Off-Street Parking - Uncovered Storage Areas: Chapter 18.44.060.5c of DMMC requires one parking space for each 2,000 sf of uncovered storage area. The proposed exterior storage yards are utilized for storage of materials and equipment and do not generate a parking demand. All personnel working in the storage yards are accounted for in the warehouse parking requirement. We request a waiver of strict enforcement of the parking required for uncovered storage areas.

- END OF PROJECT NARRATIVE -





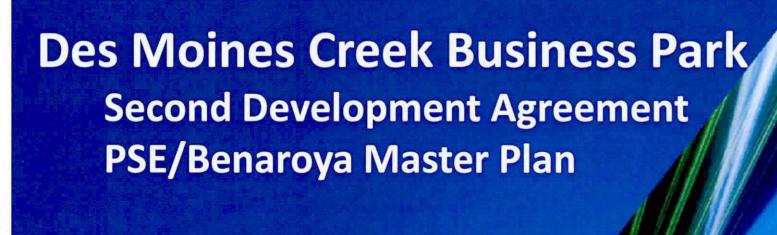
Puget Sound Energy Benaroya Capital Co., LLC Des Moines Creek Business Park

1" = 300' N

DES MOINES CREEK BUSINESS PARK

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ATTACHMENT 6

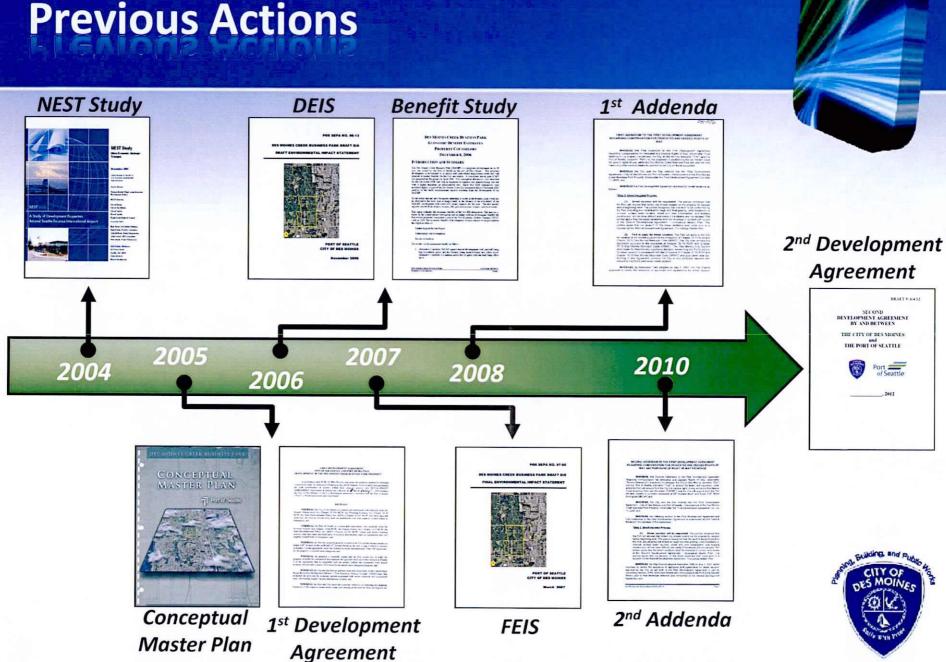




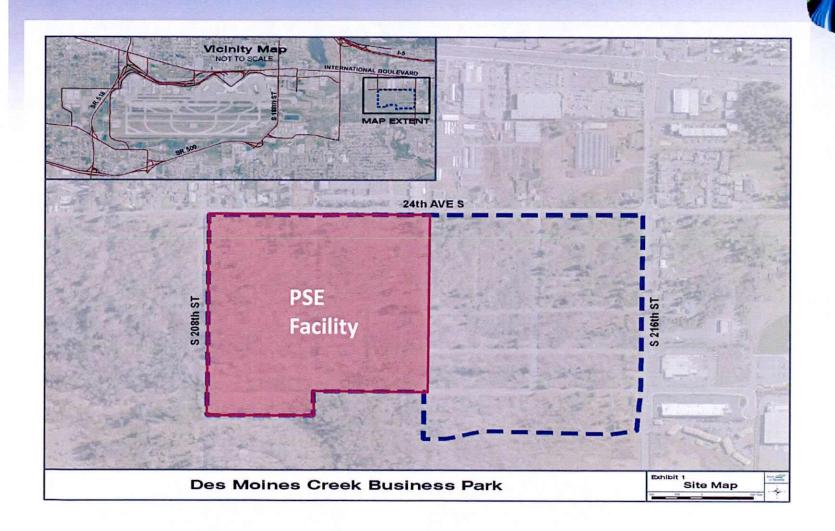
City Council Presentation
June 14, 2012

ATTACHMENT 7

Previous Actions



Vicinity Map





Frontage Improvements In-Lieu Fees:

- ✓ Port agrees to make an advance in-lieu payment
 - South 216th Street \$2.5 Million
 - 24th Avenue South \$3.5 Million
- ✓ City agrees to waive the Transportation Impact Fees and construct the roadway improvements
 - Payment equals 2,000 Peak PM Trips
 - City utilizing to secure grant funds for construction



Retail Use:

- ✓ City has until 9/28/12 to request retail option on southern
 22 acres
- √ If yes, option agreement negotiated before 12/31/12
 - 2-year maximum
 - Assignable
- ✓ If no, Port pursues other business park uses



Access and Internal Roadways:

- √ South 208th Street
 - Constructed as part of PSE/Benaroya Project
 - Dedicated to City upon completion
- ✓ Internal Loop Road (Des Moines Creek Parkway)
 - Phased construction
 - Each phase dedicated to City upon completion



Development Regulations:

- ✓ Parking
 - Removed Structured Parking Requirement
 - Removed Parking Requirement for Yard (PSE Only)
- ✓ Recreation Requirement
 - No Study Required
 - Providing Joint-Use Path and Des Moines Creek Trail
 Connection instead
- √ Landscaping
 - Reduce width and removal of earthen berm
 - Consistent with requirements for properties on south side of South 216th Street



Critical Area Easement:

- ✓ Mitigation for on-site wetlands proposed around adjacent wetlands located on City property.
- ✓ Likely not part of PSE project King County Wetland Mitigation In-Lieu Fees



Stormwater Facilities:

- ✓ Pond "A" Tract A
 - For Areas 1 and 2 Fully Constructed as part of PSE/Benaroya Project
 - Deeded to City upon completion
- ✓ Pond "B" Tract C
 - For Area 3 Future construction
 - Deeded to City upon completion

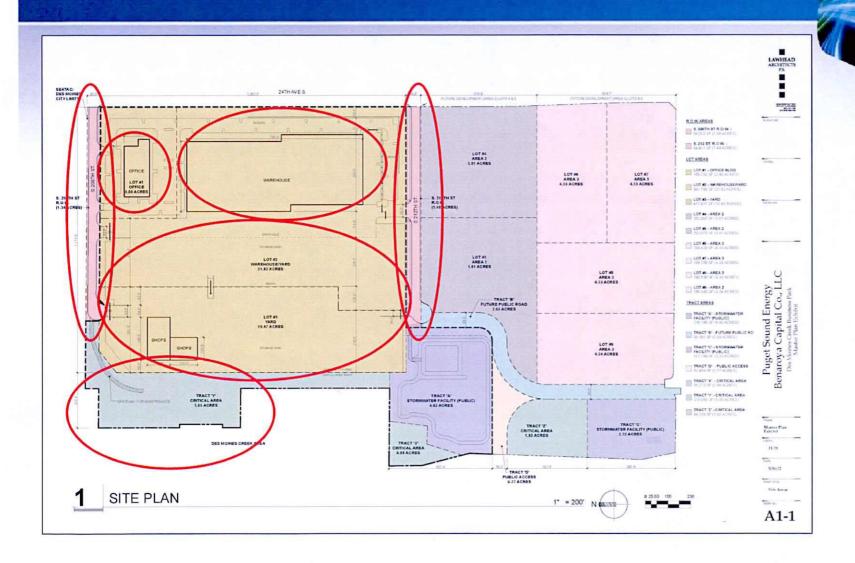


Duration and Vesting:

- ✓ Duration
 - 15 years, unless extended
 - Terminates upon full build-out
 - May be terminated sooner by agreement
- √ Vesting
 - Development regulations vest for 15 years
 - Building code changes and others regulations excepted

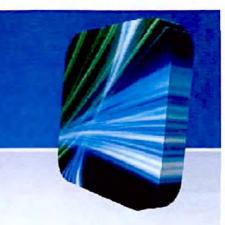


Site Plan





Economic Benefit



- √ Jobs:
 - 250 permanent jobs
 - 200 construction jobs
- ✓ On-going Revenues: On-going annual tax revenue of estimated to be \$676,000.
- ✓ Construction Sales Tax Revenues: One-time tax revenues estimated to be \$648,000.



AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Reconsideration of Ordinance 1540 – Multifamily Tax Exemption

ATTACHMENTS:

- 1. Draft Ordinance 12-106
- 2. Ordinance 1540

FOR AGENDA OF: June 14, 2012
DEPT. OF ORIGIN: Planning, Building, & Public Works
DATE SUBMITTED: June 8, 2012
CLEARANCES:
[X] Legal
[] Finance N/A
[] Marina N/A
[] Parks, Recreation & Senior Services N/A
[X] Planning, Building & Public Works
[] Police N/A
[] Courts N/A

APPROVED BY CITY MANAGER

FOR SUBMITTAL:

Purpose and Recommendation:

The purpose of this agenda item is to facilitate the City Council's reconsideration of Ordinance 1540 originally approved by the City Council on May 24, 2012. The City Council can amend Ordinance 1540 by passing the following motions:

Suggested Motion

Motion 1: "I move to suspend City Council Rule 26a in order to consider Draft Ordinance 12-106 on first reading.

Motion 2: "I move to adopt Draft Ordinance 12-106 reducing the minimum building height to qualify for the Multi-Family Tax Exemption in Residential Target Area Zone 2 from 100 feet to 40 feet."

Background:

At the June 7, 2012 City Council meeting the Council voted to reconsider Ordinance 1540 which was originally adopted by the Council on May 24, 2012 which expanded the Residential Targeted Area (RTA) for the Multifamily Tax Exemption.

Discussion:

Passage of the motion to reconsider brings Ordinance 1540 back anew at the June 14, 2012 Council meeting for any action the Council deems advisable pursuant to City Council Rule 28.

Administration has prepared Draft Ordinance 12-106 which includes the modifications to the RTA originally approved by the City Council and reduces the minimum building height needed to qualify for the tax exemption in RTA Zone 2 from 100 feet to 40 feet.

If the City Council approves the Draft Ordinance, apartments in Zone 2 of the RTA would still not qualify for the tax exemption as DMMC 3.96.040(3)(b)(iv) specifically requires that the building must be a condominium in order to qualify for the tax exemption.

Alternatives:

With respect to Draft Ordinance 12-106, the City Council has the following alternatives:

1. Alternative 1: Do Nothing

The City Council could decline to adopt the Draft Ordinance. Doing so, would leave the minimum building height to qualify for the Multi-Family Tax Exemption in RTA Zone 2 at 100 feet.

2. Alternative 2: Adopt the Draft Ordinance on First Reading

The City Council can adopt Draft Ordinance 12-106 reducing the minimum building height to qualify for the Multi-Family Tax Exemption in RTA Zone 2 from 100 feet to 40 feet.

3. Alternative 3: Adopted the Draft Ordinance with additional amendments.

The City Council can adopt Draft Ordinance 12-106 with additional amendments to the minimum qualifications for the Multi-family Tax Exemption in addition to reducing the minimum building height to qualify for the tax exemption.

Financial Impact:

Adopting the Draft Ordinance will not have any direct financial impacts, but would mean that smaller scale residential projects would not pay property taxes for a period of eight years. However, the incentive may induce residential development which would have both a short term benefit in the form of one time construction sales tax and long term tax benefits after the conclusion of the eight year exemption period.

Recommendation/Conclusion:

If the intention of reducing the minimum height is to help smaller apartment projects in the Residential Target Area Zone 2 qualify for the Multi-Family tax exemption, staff would recommend also removing the requirement that the exemption only applies to condominiums in RTA Zone 2.

Concurrence:

None

DRAFT ORDINANCE 12-106 DEVELOPMENT SERVICES 1ST DRAFT

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, lowering the minimum height in Residential Target Area Zone 2 needed to qualify for the Multi-Family Tax Exemption and amending DMMC 3.96.040.

WHEREAS, the purpose of the Multifamily Tax Exemption as established by RCW 84.14.007 is to encourage and stimulate the construction of new multifamily housing opportunities in cities that are required to plan under the Growth Management Act where the governing authority of the affected city has found that there are insufficient housing opportunities, and

WHEREAS, the City of Des Moines adopted Ordinance No. 1457 in 2009, creating a new chapter in Title 3 of the DMMC providing a tax exemption as an incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines, and

WHEREAS, the City seeks to encourage and promote new multifamily developments, and

WHEREAS, the City seeks to stimulate the construction
of new multifamily housing, and

WHEREAS, the City seeks to increase the supply of multifamily housing opportunities within the City, and

WHEREAS, The Des Moines Comprehensive Plan Strategy 2-04-08 of Land Use Element states that the City should "[E]ncourage improvement of the ... Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan", and

WHEREAS, The Des Moines Comprehensive Plan Policy 7-03-06 of the Housing Element states that the City should, "[P]romote compatible residential development that is affordable to all economic segments of the Des Moines community", and

WHEREAS, the intent of the Pacific Ridge Neighborhood as established by the *Des Moines Comprehensive Plan* Goal 11-01-01 of the Pacific Ridge Element is "...to transform Pacific Ridge into a new urban community that takes advantage of its

Draft Ordinance No. 12-106 Page 2 of 7

geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the appearance, character, economics, and safety of the area", and

WHEREAS, The Des Moines Comprehensive Plan Strategy 11-04-02 of the Pacific Ridge Element of provides that the City should "[E]ncourage land assemblage so that larger-scale development proposals can be considered…", and

WHEREAS, DMMC 18.31.010, et seq., was enacted by the City to implement the Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge, and

WHEREAS, other objectives and purposes of DMMC 18.31.010, et. seq., are to, inter alia, provide development regulations to promote redevelopment of properties within Pacific Ridge to create attractive, safe, and desirable areas to work and reside; to establish higher density development to meet or exceed the City's population and employment growth targets specified by the countywide planning policies for King County, and

WHEREAS, the SEPA Planned Action evaluated a build out scenario for Pacific Ridge which assumed the development of 5,541 residential units and was adopted by Des Moines Ordinance No. 1298 as required by WAC 197-11-168, and

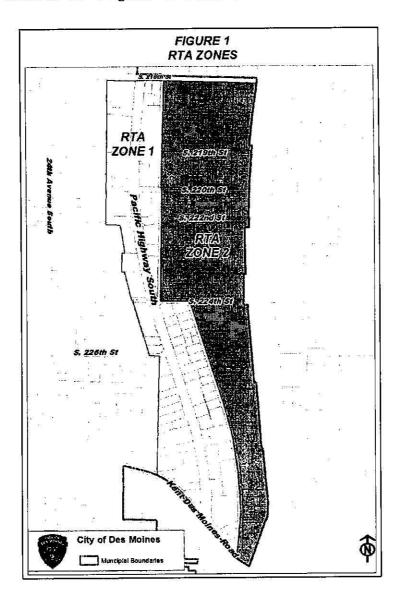
WHEREAS, the City Council finds that this Ordinance is appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 3.96.040 and section 4 of Ordinance No. 1457 as amended by section 2 of Ordinance No. 1540 are each amended to read as follows:

Project eligibility. To be eligible for the MFTE the property sought to be exempted shall satisfy all of the following requirements:

- (1) The property shall be located within the RTA area, which is that portion of the Pacific Ridge Neighborhood as established by the Des Moines Comprehensive Plan (2012), south of South 216th Street
- (a) The RTA consists of two subareas identified as Zone 1 and Zone 2 as illustrated on Figure 1 below:



- (b) The MFTE shall only be available for a maximum of 3,000 residential units or 10 years after the approval date of Ordinance No.1457, whichever occurs first.
- The property sought to be exempted shall be developed in a manner that furthers the city's goals and objectives for the Pacific Ridge neighborhood in the Des Moines comprehensive plan, the Pacific Ridge neighborhood improvement plan environmental integrated draft impact and 18.31.010 adopted or statement. and DMMC as subsequently amended.
- (3) The project sought to be exempted must be multifamily housing within a residential structure or as part of a mixed use development consistent with the following requirements:

(a) Zone 1 Standards.

- (i) Building(s) shall be a minimum of 50 feet in height as calculated by DMMC 18.31.090(7)(b).
- (ii) Building(s) shall contain a minimum of 80 residential units.
- (iii) A minimum of 50 percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.

(b) Zone 2 Standards.

(i) Building(s) shall be a minimum of $\frac{100-40}{40}$ feet in height as calculated by DMMC 18.31.090(7)(a).

- (ii) Building(s) shall contain a minimum of 160 residential units.
- (iii) A minimum of 50 percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.
- (iv) Building(s) shall be constructed as condominiums for individual ownership.
- (4) The property owner(s) shall be required to have 24-hours-a-day/seven-days-a-week on-site property management by a professional management company with a minimum of five years of experience in providing property management for large-scale residential projects. The property owner(s) shall also be required to provide 24-hours-a-day/seven-days-a-week private security on site, to include on-site security offices, office space for public safety use, and video camera monitoring.
- (5) The property sought to be exempted shall be developed in a manner that increases or preserves property valuation, and the development of the property must represent an increased investment in the property that results in an increase in the overall property values in the area.
- (6) The taxes collected during the MFTE period shall be sufficient to cover the city's costs required to provide necessary services to the residents of the property sought to be exempted. If taxes collected do not cover the City's costs required to provide necessary services to the residents of the property sought

to be exempted, the property owner(s) shall make an annual payment in lieu of taxes to cover the estimated difference.

- (7) The project shall comply with all applicable Des Moines Zoning Code, land use regulations, and other requirements, including those contained in Titles 12, 14, 16, 17, and 18 DMMC.
- (8) Construction of any project approved with an MFTE shall be completed within three years from the date of approval of the MFTE by City Council as provided in DMMC 3.96.060.

Sec. 2. Severability - Construction.

- (1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
- (2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.
- Sec. 3. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

	PASS:	ED B	? the	City	Counc	cil	of	the	City	of	Des	Moin	es	this
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this _	<u> </u>	day	of Ju	ine, 2	012.									

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Page 7 of 7
APPROVED AS TO FORM:
City Attorney
ATTEST:
City Clerk

Draft Ordinance No. 12-106

ORDINANCE NO. 1540

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON, expanding the boundaries of the current Multi-Family Tax Exemption and amending DMMC 3.96.040.

WHEREAS, the purpose of the Multifamily Tax Exemption as established by RCW 84.14.007 is to encourage and stimulate the construction of new multifamily housing opportunities in cities that are required to plan under the Growth Management Act where the governing authority of the affected city has found that there are insufficient housing opportunities, and

WHEREAS, the City of Des Moines adopted Ordinance No. 1457 in 2009, creating a new chapter in Title 3 of the DMMC providing a tax exemption as an incentive to facilitate the development of market rate multiple-unit dwellings in the City of Des Moines, and

WHEREAS, the Council Finance and Economic Development Committee recommends that the boundaries created by Ordinance No. 1457 be expanded, and

WHEREAS, the City has identified the Pacific Ridge Neighborhood as the area to provide the majority of the new housing necessary and to achieve the City's mandated 2020 growth targets, and

WHEREAS, the City seeks to encourage and promote new multifamily developments, and

WHEREAS, the City seeks to stimulate the construction of new multifamily housing, and

WHEREAS, the City seeks to increase the supply of multifamily housing opportunities within the City, and

WHEREAS, The Des Moines Comprehensive Plan Strategy 2-04-08 of Land Use Element states that the City should "[E]ncourage improvement of the ... Pacific Ridge Neighborhood by working with the business community and other representative organizations to achieve the goals of the City of Des Moines Comprehensive Plan", and

WHEREAS, The Des Moines Comprehensive Plan Policy 7-03-06 of the Housing Element states that the City should, "[P]romote compatible residential development that is affordable to all economic segments of the Des Moines community", and

WHEREAS, the intent of the Pacific Ridge Neighborhood as established by the Des Moines Comprehensive Plan Goal 11-01-01 of the Pacific Ridge Element is "...to transform Pacific Ridge into a new urban community that takes advantage of its geographic location, local and regional transportation linkages, stable soils, and view potential. The transformation of Pacific Ridge will include replacement of lower-scale, existing buildings with new structures that will dramatically enhance the appearance, character, economics, and safety of the area", and

WHEREAS, The Des Moines Comprehensive Plan Policy 11-03-07 of the Pacific Ridge Element provides that the City should "[P]romote redevelopment of Pacific Ridge properties to attract new or expanded businesses and commercial development to Pacific Ridge", and

WHEREAS, The Des Moines Comprehensive Plan Strategy 11-04-02 of the Pacific Ridge Element of provides that the City should "[E]ncourage land assemblage so that larger-scale development proposals can be considered...", and

WHEREAS, The Des Moines Comprehensive Plan Strategy 11-04-04 of the Pacific Ridge Element states that the City should "[E]ncourage new residential development to offer owner-occupied dwellings", and

WHEREAS, DMMC 18.31.010, et seq., was enacted by the City to implement the Des Moines Comprehensive Plan, Pacific Ridge Neighborhood Improvement Plan, and other adopted policies for the commercial and residential areas of Pacific Ridge, and

WHEREAS, other objectives and purposes of DMMC 18.31.010, et. seq., are to, inter alia, provide development regulations to promote redevelopment of properties within Pacific Ridge to create attractive, safe, and desirable areas to work and reside; to establish higher density development to

meet or exceed the City's population and employment growth targets specified by the countywide planning policies for King County, and

WHEREAS, the SEPA Planned Action evaluated a build out scenario for Pacific Ridge which assumed the development of 5,541 residential units and was adopted by Des Moines Ordinance No. 1298 as required by WAC 197-11-168, and

WHEREAS, the area identified as the Pacific Ridge Neighborhood meets the standard of a blighted area as defined in RCW 35.81.015, and

WHEREAS, the City Council finds that this Ordinance is appropriate and necessary; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 3.96.010 and section 1 of Ordinance No. 1457 are each amended to read as follows:

Findings of fact. This chapter shall be known as the multifamily tax exemption ordinance (hereinafter MFTE). The findings of fact set forth in Exhibit 1, attached to the ordinance codified in this chapter and incorporated by this reference, are adopted in full by the city council in support of its decision to designate areas of the Pacific Ridge neighborhood as illustrated in DMMC 3.96.040 Figure 1 as a residential target area as required by chapter 84.14 RCW.

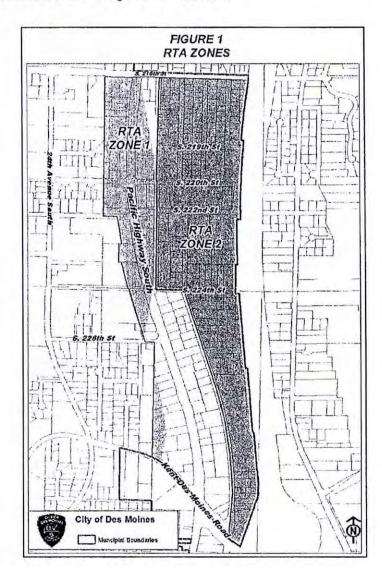
Sec. 2. DMMC 3.96.040 and section 4 of Ordinance No. 1457 are each amended to read as follows:

Project eligibility. To be eligible for the MFTE the property sought to be exempted shall satisfy all of the following requirements:

(1) The property shall be located within the RTA area, which is that portion of the Pacific Ridge Neighborhood as established by the Des

Moines Comprehensive Plan (2012), south of South 216th Street

(a) The RTA consists of two subareas identified as Zone 1 and Zone 2 as illustrated on Figure 1 below:



- (b) The MFTE shall only be available for a maximum of 3,000 residential units or 10 years after the approval date of Ordinance No.1457, whichever occurs first.
- (2)The property sought to be exempted shall be developed in a manner that furthers the city's goals and objectives for the Pacific Ridge neighborhood in the Des Moines comprehensive plan, the Pacific Ridge neighborhood improvement plan and integrated draft environmental statement, and DMMC 18.31.010 as adopted subsequently amended.
- (3) The project sought to be exempted must be multifamily housing within a residential structure or as part of a mixed use development consistent with the following requirements:

(a) Zone 1 Standards.

- (i) Building(s) shall be a minimum of 50 feet in height as calculated by DMMC 18.31.090(7)(b).
- (ii) Building(s) shall contain a minimum of 80 residential units.
- (iii) A minimum of 50 percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.

(b) Zone 2 Standards.

(i) Building(s) shall be a minimum of 100 feet in height as calculated by DMMC 18.31.090(7)(a).

- (ii) Building(s) shall contain a minimum of 160 residential units.
- (iii) A minimum of 50 percent of the space within such residential structure or mixed use building shall be for permanent residential occupancy.
- (iv) Building(s) shall be constructed as condominiums for individual ownership.
- (4) The property owner(s) shall be required to have 24-hours-a-day/seven-days-a-week on-site property management by a professional management company with a minimum of five years of experience in providing property management for large-scale residential projects. The property owner(s) shall also be required to provide 24-hours-a-day/seven-days-a-week private security on site, to include on-site security offices, office space for public safety use, and video camera monitoring.
- (5) The property sought to be exempted shall be developed in a manner that increases or preserves property valuation, and the development of the property must represent an increased investment in the property that results in an increase in the overall property values in the area.
- (6) The taxes collected during the MFTE period shall be sufficient to cover the city's costs required to provide necessary services to the residents of the property sought to be exempted. If taxes collected do not cover the City's costs required to provide necessary services to the residents of the property sought

to be exempted, the property owner(s) shall make an annual payment in lieu of taxes to cover the estimated difference.

- (7) The project shall comply with all applicable Des Moines Zoning Code, land use regulations, and other requirements, including those contained in Titles 12, 14, 16, 17, and 18 DMMC.
- (8) Construction of any project approved with an MFTE shall be completed within three years from the date of approval of the MFTE by City Council as provided in DMMC 3.96.060.

Sec. 3. Severability - Construction.

- (1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
- (2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.
- Sec. 4. Effective date. This ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

PASSED BY the City Council of the City of Des Moines this 24th day of May, 2012 and signed in authentication thereof this 24th day of May, 2012.

Dayis Golden

Ordinance No. 1540 Page 8 of 8

APPROVED AS TO FORM:

City Attorney

ATTEST:

Effective Date:

June 23, 2012

Published:

June 4, 2012

LEGAL NOTICE

SUMMARY OF ADOPTED ORDINANCE

CITY OF DES MOINES

ORDINANCE NO. 1540, Adopted May 24, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance expands the boundaries of the current Multi-Family Tax Exemption and amends DMMC 3.96.040.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC City Clerk

Published:

June 4, 2012

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Prohibition of Hitchhiking in Anti- Prostitution Emphasis Areas	FOR AGENDA OF: June 14, 2012
A THE COMMENT OF THE PARTY OF T	DEPT. OF ORIGIN: Police
ATTACHMENTS:	
1. Draft Ordinance 12-035	DATE SUBMITTED: June 5, 2012
2. RCW 46.61.255	1,
3. Map of SOAP Area (Color)	CLEARANCES:
	[X] Legal
	[] Finance
	Marina
	Parks, Recreation & Senior Services
	Planning, Building & Public Works
	[X] Police
	Courts
	APPROVED BY CITY MANAGER
	FOR SUBMITTAL:

Purpose and Recommendation

"The purpose of this report is to seek City Council approval of draft Ordinance 12-035 relating to soliciting rides on public roadways and prohibiting hitchhiking in 'Anti-Prostitution Emphasis Areas."

Suggested Motion

First Motion: I move to suspend Rule 26(a) to adopt Draft Ordinance 12-035 on first reading.

Second Motion: I move to enact Draft Ordinance 12-035 relating to soliciting rides on public roadways and prohibiting hitchhiking in "Anti-Prostitution Emphasis Areas."

Background

The City of Des Moines has historically had a significant history of prostitution activity along Pacific Highway South. In 2007, the City Council enacted Ordinance No. 1423 which authorized the designation of a defined area within the City as an anti-prostitution emphasis area based upon repeat incidents of prostitution-related activities occurring within specific areas of the City.

Despite increased enforcement and the implementation of the "Stay Out of Areas of Prostitution" (SOAP) program, prostitution activities continue to occur in that designated area.

Prostitution activity is typically initiated along the Highway by a vehicle stopping to make contact with a pedestrian walking on the sidewalk. This behavior is typically either disguised as "hitchhiking" or explained away as "hitchhiking" once the vehicle is contacted by Des Moines Police. In order to obtain a conviction for prostitution or prostitution loitering, an officer typically would either need to observe the prostitute contact a number of separate cars, which can be very time consuming and difficult, or be undercover posing as a patron of the suspected prostitute also known as a "John". These types of sting operations are expensive to conduct and cannot be quickly implemented whenever suspected prostitution activity is observed. It is also difficult for the uniform patrol officer to not be spotted trying to monitor these type of activity which often closely observed by pimps who are in constant cell phone contact with the suspected prostitute.

The regulation of "hitchhiking" in areas known for prostitution limits the degree of interaction between pedestrians and vehicles and can curb the frequency of prostitution related crimes if effectively enforced.

Discussion

Hitchhiking or soliciting rides from vehicles is prohibited by state law on public roadways where a motor vehicle cannot safely stop off the main traveled portion of the roadway except for in limited situations. (RCW 46.61.255). This statute specifically exempts circumstances where an emergency exists or when a pedestrian is hailing or requesting from a passenger carrier (cab, bus, etc.) for hire.

Although state law generally preempts the field of regulation of hitchhiking, an exception is made for areas in which it has been determined that prostitution is occurring and that regulating or prohibiting hitchhiking will help reduce prostitution in the area. As the City Council has previously noted, Pacific Highway South is a high prostitution area. In 2011, the City Attorney's Office filed 25 charges for prostitution and prostitution loitering. All 25 of those arrests occurred in the immediate vicinity of Pacific Highway South and within the anti-prostitution emphasis area. So far this year, 7 arrests have been made and all have been within the boundaries of the emphasis area.

Prostitution activity is typically initiated by a vehicle stopping along the Highway to make contact with a pedestrian walking on the sidewalk. It is common for prostitutes to act like hitchhikers in this area and for vehicles to either stop on the road or pull into a driveway to pick up a prostitute.

If passed, Draft Ordinance 12-035 would not only prohibit stopping on public roadways when it is unsafe for a vehicle to stop (which is already illegal under state law), but would prohibit all hitchhiking or soliciting of rides in posted areas designated by the Council as anti-prostitution emphasis areas. This would effectively prohibit hitchhiking or soliciting rides, except for in limited circumstances (emergency, taxi, bus, etc.) on Pacific Highway South in Des Moines.

Additionally, this would also not only penalize the pedestrian, but also the driver of the vehicle who is offering or attempting to offer a ride to a pedestrian in an area that is posted as no hitchhiking.

The effect of passing this Ordinance would be that police officers could quickly and efficiently stop a vehicle that has stopped or pulled into a driveway off of Pacific Highway South to pick up a pedestrian

and issue them a citation without having to specifically observe prostitution related activities. This would allow the officer to then check both parties to ensure that neither of them has been prohibited by the Des Moines Municipal Court through a SOAP order from being within the defined area.

The proposed penalty for violation of this ordinance is a class 3 civil infraction which carries a \$124 fine.

Alternatives

- 1. Pass the Draft Ordinance as presented.
- 2. Pass the Draft Ordinance with amendments.
- 3. Do not pass the Draft Ordinance.

Financial Impact

Minimal revenue may be raised by issuing citations but otherwise there will be limited financial impact. Additionally, there will be a small cost to create signs to mark the area as a no hitchhiking area.

Recommendation or Conclusion

This Draft Ordinance was presented to the Public Safety and Transportation Committee who approved its presentation to the entire Council. The Police Department recommends this Ordinance be enacted.

Concurrence

The Legal Department concurs.

CITY ATTORNEY'S FIRST DRAFT 5/31/2012

DRAFT ORDINANCE NO. 12-035

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to public peace and solicited rides, adopting RCW 46.61.255 by reference, and adding a new section to chapter 9.84 DMMC entitled "Giving solicited rides."

WHEREAS, state law prohibits pedestrians from soliciting rides on public roadways where a vehicle cannot safely stop off the main traveled portion of the roadway, subject to limited exceptions, and

WHEREAS, the state preempts the regulation of hitchhiking in any form except in areas that prostitution is occurring and the regulation or prohibition of hitchhiking will help to reduce prostitution in the area, and

WHEREAS, the City of Des Moines has historically had a significant history of prostitution activity along Pacific Highway South, and

WHEREAS, prostitution along Pacific Highway South continues to be a problem for the City with the vast majority of prostitution related arrests occurring on the highway, and

WHEREAS, in 2007 the City Council enacted Ordinance 1423 designating a defined area of Pacific Highway South as an antiprostitution emphasis area, and

WHEREAS, prostitution activity is typically initiated by a vehicle stopping along the Highway to make contact with a pedestrian walking on the sidewalk, and

WHEREAS, the adoption of this draft ordinance will assist the Des Moines Police Department in preventing prostitution related activities by providing an enforcement mechanism to issue violations for pedestrians and drivers on Pacific Highway South; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. Adopted by reference.

- (1) Washington state statutes and state and county regulations adopted by reference in this Ordinance are adopted pursuant to RCW 35A.12.140 as though fully set forth in this Ordinance, and as presently constituted or as may be subsequently amended.
- (2) Not less than one (1) copy of each such statute, code, or regulation as codified, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.
- Sec. 2. Pedestrians soliciting rides or business. The following state statute is adopted by reference and applicable within the City of Des Moines:

RCW 46.61.255 Pedestrians soliciting rides or business.

Sec. 3. A new section is added to chapter 9.84 DMMC to read as follows:

Soliciting rides in designated "anti prostitution emphasis areas".

- (1) No person operating any vehicle upon a roadway posted as an "anti prostitution emphasis area" and as defined in DMMC 9.76.060(2) as presently constituted or as may be subsequently amended, shall stop such vehicle to offer or give transportation to any person, subject to the exceptions listed below.
- (2) No pedestrian in an area posted as an "anti prostitution emphasis area" and as defined in DMMC 9.76.060(2) as presently constituted or as may be subsequently amended, shall solicit or attempt to solicit a ride from a vehicle, subject to the exceptions listed below.
- (3) Exceptions: The provisions above shall not be construed to prevent a person upon a roadway posted as an "anti prostitution emphasis area" from

Ordin	nar	nce	No.	
Page	3	of	4	15

soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

- (4) A violation or failure to comply with this section is a Class 3 civil infraction.
- Sec. 4. Codification. Sections 1 through 3 of this Ordinance shall be constituted as a new section in chapter 9.84 DMMC, entitled "Solicited rides."

Sec. 5. Severability - Construction.

- (1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
- (2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.
- Sec. 6. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.

day of, 2012	of the City of Des Moines this and signed in authentication 2012.
APPROVED AS TO FORM: City Attorney	MAYOR

Ordinance No. Page 4 of 4	·
ATTEST:	
City Clerk	
Published:	

RCW 46.61.255

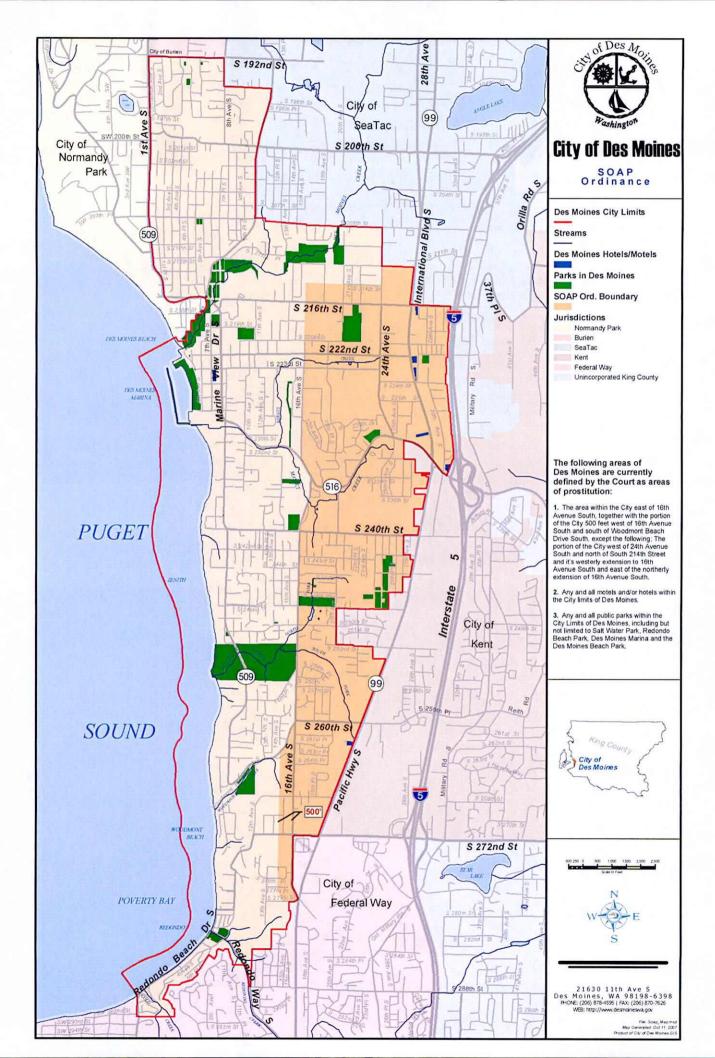
Pedestrians soliciting rides or business.

- (1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or herself or for another from the occupant of any vehicle.
- (2) It shall be unlawful for any person to solicit a ride for himself or herself or another from within the right-of-way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city, or town having jurisdiction over the highway.
- (3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.
- (4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.
- (5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.
- (6)(a) Except as provided in (b) of this subsection, the state preempts the field of the regulation of hitchhiking in any form, and no county, city, or town shall take any action in conflict with the provisions of this section.
- (b) A county, city, or town may regulate or prohibit hitchhiking in an area in which it has determined that prostitution is occurring and that regulating or prohibiting hitchhiking will help to reduce prostitution in the area.

[2010 c 8 § 9068; 1989 c 288 § 1; 1972 ex.s. c 38 § 1; 1965 ex.s. c 155 § 38.]

Notes:

Rules of court: Monetary penalty schedule -- IRLJ 6.2.



AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Solicitor License Application Process	FOR AGENDA OF: June 14, 2012
ATTACHMENTS:	DEPT. OF ORIGIN: Administration
1. Draft Ordinance 12-053	DATE SUBMITTED: June 4, 2012
	CLEARANCES: [X] Legal [] Finance N/A [] Marina N/A [] Parks, Recreation & Senior Services N/A [] Planning, Building & Public Works N/A [] Police N/A [] Courts N/A
	APPROVED BY CITY MANAGER FOR SUBMITTAL:

Purpose and Recommendation

The purpose of this agenda item is to request the City Council enact an ordinance to update the DMMC to accurately reflect the current solicitor license application process. The City does not currently have the ability to perform fingerprint background checks on those who apply for solicitors licenses; however the code was not updated to reflect the change.

Suggested Motion

First Motion: "I move to suspend City Council Rule 26 (a) in order to adopt Draft Ordinance No. 12-053 on first reading"

Second Motion: "I move to adopt Draft Ordinance No. 12-053 modifying the requirements for a solicitor's license and eliminating the requirement to submit fingerprints.

Background

When this ordinance was originally enacted, fingerprinting was done at City Hall by the administrative staff. The fingerprint card was then sent to the Police Department along with the rest of the information for the background check. Later, the fingerprinting function was moved to Police Department operations. When the operation was transferred out of administration, fingerprinting for background

checks for solicitor's licenses was discontinued. In addition, the state has tightened the regulations for use of the criminal justice system so that police departments are no longer authorized to perform background checks for non criminal justice purposes. While researching something else, it came to staff's attention that this requirement remained in the code, but was not possible in our current situation.

Discussion

The City has obtained their own account to perform administrative background checks and requires solicitors to submit to the same background check required for employees; however, we do not require fingerprints, nor do we submit prints to the State. Due to the restrictions placed on criminal justice information, it is not possible to return to performing fingerprint background checks through the police department as had been done in the past.

While the City has not submitted fingerprints for solicitors for at least the last 5 years and possibly as long as 20 years, the City could apply to the State for administrative access to the system, separate from the criminal justice function. If this access was granted, it is possible we could submit fingerprints from administration at our expense and on a longer timeline.

A check with our neighboring jurisdictions revealed that of those that require solicitors' licenses, none require fingerprinting.

Alternatives

The Council could pass Draft Ordinance No. 12-053 and modify the requirements for a solicitor's license eliminating the requirement to submit fingerprints.

The Council could pass Draft Ordinance No. 12-053 modifying the requirement to come into compliance with current limitations and direct staff to pursue the option of entering into a contract with the State for administrative fingerprinting services.

The Council could chose to take no action.

Financial Impact

There is no financial impact for passing Draft Ordinance No. 12-053

No financial analysis has been done for the cost of administrative access beyond what we currently have, or the cost of submitting fingerprints.

Recommendation or Conclusion

Staff recommends Council pass Draft Ordinance No. 12-053 and modify the requirements for a solicitor's license eliminating the requirement to submit fingerprints.

Concurrence

CITY ATTORNEY'S FIRST DRAFT 03/30/2012

DRAFT ORDINANCE NO. 12-053

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON relating to the control of soliciting and the registration of solicitors, and amending DMMC 5.08.030.

WHEREAS, the City's solicitor's code, chapter 5.08 DMMC, was enacted on August 27, 1979, and

WHEREAS, the code currently requires all applicants for solicitors licenses to be fingerprinted as part of the background check, and

WHEREAS, the State of Washington does not allow criminal justice agencies to process fingerprints for this purpose, and

whereas, the City is unable to comply with this portion
of the code; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 5.08.030 and section 3 of Ordinance No. 471 are amended to read as follows:

Certificate of registration -- Application

- (1) Application for a certificate of registration shall be made upon a form provided by the City. The applicant shall truthfully state in full the information requested on the application, as follows:
- (a) Name and address of present place of residence and length of residence at such address; also business address if other than present address;
- (b) Address of place of residence during the past three years if other than present address;

- (c) Age of applicant;
- (d) Physical description of the applicant;
- (e) Name and address of the person, firm, or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (f) Name and address of employer during the past three years if other than the present employer;
- (g) Description sufficient for identification of the subject matter of the soliciting in which the applicant will engage;
- (h) Period of time for which the certificate is applied;
- (i) The date, or approximate date, of the latest previous application for certificate under this chapter, if any;
- (j) Whether the applicant has ever been convicted of a violation of a felony under the laws of this state or any other state or federal law of the United States;
- (k) Names of magazines, journals, or books;
- (1) Names of the three most recent communities where the applicant has solicited house to house;
 - (m) Proposed method of operation;

- (n) Signature of applicant;
- (o) Social Security number of applicant.
- (2) All statements made by the applicant upon the application or in connection therewith shall be under oath.
- (3) The applicant shall submit to fingerprinting by the police department of the city in connection with the application for the certificate.
- (43) The City Clerk shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this chapter, and of the denial of applications. Applications for certificates shall be numbered in consecutive order as filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.
- (54) No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the state or any other state or federal law of the United States within five years of the date of the application, nor to any person who has been convicted of a violation of any of the provisions of this chapter, nor to any person whose certificate of registration issued under this chapter has previously been revoked as provided in this chapter.

Ordinance No Page 4 of 5
(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.
<u>NEW SECTION.</u> Sec. 3. Effective date. This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.
PASSED BY the City Council of the City of Des Moines this day of, 2012 and signed in authentication thereof this day of, 2012.
M A Y O R APPROVED AS TO FORM:
City Attorney
ATTEST:

City Clerk

Published:

AGENDA ITEM

BUSINESS OF THE CITY COUNCIL City of Des Moines, WA

SUBJECT: Council Approval of City of Des	FOR AGENDA OF: June 14, 2012
Moines Comprehensive Emergency	35.04243.52.345
Management Plan and Emergency	DEPT. OF ORIGIN: Police
Support Functions	
	DATE SUBMITTED: June 5, 2012
ATTACHMENTS:	CLEARANCES
	[] Legal (
#1 Draft City of Des Moines Comprehensive	[] Finance N/A
Emergency Management Plan and Emergency	[] Marina <u>N/A</u>
Support Functions	[] Parks, Regreation & Senior Services N/A
	[] Planning Building & Public Works N/A
# 2 State of Washington EMD Plan Approval	[X] Police
Letter	[] Courts <u>N/A</u>
	APPROVED BY CITY MANAGER
	FOR SUBMITTAL:

Purpose and Recommendation

The purpose of this report is to seek City Council approval of City of Des Moines Draft Comprehensive Emergency Management Plan and Emergency Support Functions (CEMP).

Suggested Motion

First Motion: "I move to approve and adopt the City of Des Moines Comprehensive Emergency Management Plan and Emergency Support Functions substantially in the form as attached."

Background

The City of Des Moines as an incorporated city is required by Washington Administrative Code 118-30-040 and RCW 38.52.070 to have a Comprehensive Emergency Management Plan (CEMP) submitted and approved by the Washington State Emergency Management Division. The last time a CEMP was approved for the City of Des Moines was in 1993. Due to significant changes in the field of emergency management and emergency planning the plan on file for the City of Des Moines no longer met the

format or content requirements as set by both federal and state agencies and required a complete revision.

A combined effort between South King Fire & Rescue and the Des Moines Police Department began in 2007 to completely rewrite the existing CEMP. The completed CEMP with attached Emergency Support Functions was submitted to the Washington State Emergency Management Division in April 2012. The CEMP submitted met or exceeded all key criteria and received state approval. The state approved plan now needs the approval of the City Council for full implementation.

Discussion

The events of September 11, 2001 and the devastation caused by Hurricane Katrina have shown that the planning and preparation for emergencies of all kinds is critical. As a result major changes to emergency management have occurred nation-wide. Significant national changes have included the implementation of the National Response Framework and the National Incident Management System to better coordinate preparation for, response to, and recovery from emergencies. Planning and preparation at the local level supporting these national efforts is also critical. A Comprehensive Emergency Management Plan is the first step in this process.

A Comprehensive Emergency Management Plan (CEMP) is a written plan which addresses natural and man-made emergencies and disasters to which a specific area or political subdivision may be vulnerable to. The CEMP outlines the purpose, organization, responsibilities and facilities of agencies and officials in the mitigation of, preparation for, response to, and recovery from emergencies and disasters. A well written CEMP answers the "who, what, why, when, where, and how" for first responders, neighboring jurisdictions, business owners, and private citizens. The CEMP is written broadly in order to better serve as a foundation for a strong city-wide emergency management and preparedness program. Plan approval is a major step toward a better prepared City of Des Moines for our employees, citizens, business owners, and visitors.

Alternatives

- 1. Approve the Comprehensive Emergency Management Plan as presented.
- 2. Require changes to the Comprehensive Emergency Management Plan which will require the plan to be resubmitted to the Washington State Emergency Management Division for approval again.

Financial Impact

The police department does not believe the approval of the Comprehensive Emergency Management Plan with have any significant negative financial impact. An approved and adopted Comprehensive Emergency Management Plan allows the City of Des Moines to be eligible for Emergency Management Performance Grants as well as reimbursement during certain type of disasters. Failure to approve the plan could result in the loss of state or federal emergency management grant funds or reimbursement following a disaster or emergency.

Recommendation or Conclusion

The Staff recommendation is this plan be approved and adopted as presented.

Concurrence

The Public Safety and Transportation Committee South King Fire & Rescue





STATE OF WASHINGTON

MILITARY DEPARTMENT EMERGENCY MANAGEMENT DIVISION

MS: TA-20 Building 20 Camp Murray, Washington 98430-5122 Phone: (253) 512-7000 • FAX: (253) 512-7200

April 30, 2012

Mr. Tony Piasecki, City Manager City of Des Moines 21630 11th Ave South Des Moines, WA 98198

Dear Mr. Piasecki;

Thank you for submitting the 2012 City of Des Moines Comprehensive Emergency Management Plan for our review, as required of all independent local emergency management organizations as defined by RCW 38.52.070.

Based on our review factors, your plan meets or exceeds the key planning criteria. We have included reviewer comments to assist you with the next update in order to strengthen your plan.

Our local jurisdiction plan review criteria measure a plan's consistency with: the National Response Framework (NRF); the National Incident Management System (NIMS); the Washington State Comprehensive Emergency Management Plan (WACEMP); and WAC 118-30-060 defined criteria.

To remain eligible for *Emergency Management Performance Grant* (EMPG) consideration, submit your plan maintenance schedule (in accordance with WAC 118-09-030) as part of your annual EMPG application for funding. Additionally, you should update your plan every four years and submit it to the Emergency Management Division for review.

I congratulate you on completing this significant endeavor. My point of contact for plans review or any emergency management planning assistance you need is Dave Hall, (253) 512-7057.

Sincerely,

James M. Mullen

Director

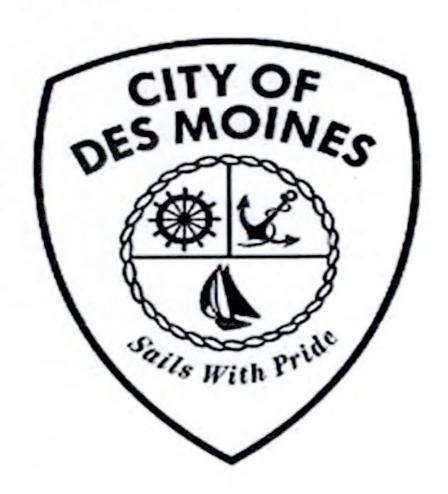
Enclosures (1)

Reviewer Comments City of Des Moines Comprehensive Emergency Management Plan

Please note comments, and where applicable address the following items in your next plan revision:

1	Basic Plan, and all ESF Annexes	Comment or Correction Required Please replace 'Washington State Military
		Department, Emergency Management Division' and
		'Washington State Emergency Management
		Division' with 'Washington State Emergency
		Operations Center', where the Plan refers to requests
	17, 503000 1100 50	for disaster coordination or assistance from the State.
2	ESF 3	This annex is very detailed and complete.
3 .	ESF 6	Noted: Access and Functional Needs/Medical Shelte
	5	considerations have been addressed in this ESF.
4	ESF 6	Section IV, Paragraph D doesn't accurately reflect
		PETS Act of 2006 requirements for local jurisdiction
		to incorporate planning for evacuation/sheltering of
		Household Pets and Service Animals. (FEMA may
		reimburse local jurisdictions for some expenses
		incurred while sheltering/evacuating companion
		animals, but will not fund such programs up front.)
5	ESF 10	Noted: The City of Des Moines falls under the King
		County LEPC Plan.
б	ESF 11 (and ESF 7)	Recommend considering organization and operation
		of Community Points-Of-Distribution (C-POD) for
		commodities. (Assistance is available through the
		State Emergency Logistics Program.)
7	ESF 13 (or ESF 1)	Recommend incorporating evacuation planning into
		your next CEMP update.
8 .	ESF 16	Recommend changing ESF number to 20, consisten
		with the State CEMP, and the title to Defense Suppo
	1	to Civil Authorities. acy Operations Planning Template (EOPT) for next

COMPREHENSIVE EMERGENCY MANAGEMENT PLAN



CITY OF DES MOINES

CITY OF DES MOINES, WASHINGTON COMPREHENSIVE EMERGENCY MANAGEMENT PLAN

RECORD OF CHANGES

Change #	Date Entered	Contents of Changes	Initials
1	11/1/08	Title Page, Record of Changes, Table of Contents, Executive Summary, & Basic Plan	
2	3/15/12	Review and update of entire plan	
2.8			····
<u> </u>	E.		
F 10 10 10 10 10 10 10 10 10 10 10 10 10			
25 37			7.272

CITY OF DES MOINES, WASHINGTON COMPRENENSIVE EMERGENCY MANAGEMENT PLAN

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	Resolutions	28
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EMERGENCY S	SUPPORT FUNCTIONS (ESF)	
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ESF 2	Communications, Information Systems, and Warning	
ESF 3	Planning, Building, and Public Works	
ESF 4	Firefighting	
ESF 5	Emergency Management	
ESF 6	Mass Care, Housing, and Human Services	
ESF 7	Resource Support	
ESF 8	Public Health and Medical Services	
ESF 9	Search and Rescue	
ESF 10	Hazardous Materials Response	
ESF 11	Agriculture and Natural Resources	
ESF 12	Energy	
ESF 13	Public Safety, Law Enforcement, and Security	
ESF 14	Long Term Community Recovery	
ESF 15	Public Affairs	
ESF 16	Defense Support to Civil Affairs	

CITY OF DES MOINES, WASHINGTON COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

EXECUTIVE SUMMARY

A "disaster" is a great misfortune, catastrophe or calamitous event, which results in deaths, injuries, and property damage and that cannot be managed through the routine procedures and resources of local government. Natural hazards are common causes of disasters, as well as, credible threats of terrorist attack. National special security events (e.g. World Series, partisan national conventions, and visit of foreign leaders) can also overwhelm local resources even though they are not defined as "disasters".

The City of Des Moines is vulnerable to natural, technological and related emergencies; and disasters. When an emergency or disaster threatens or strikes, local governing agencies will take the lead in managing emergency public health, safety and welfare services. The response may be widespread, extending beyond the usual boundaries of departments providing emergency services and requiring the cooperation of governmental and private sector units which do not normally respond to emergency situations.

The Des Moines City Council approved City Municipal Code Chapter 2.36 Emergency Management, establishing the City's emergency management program. The program is established in compliance with Chapter 38.52 Emergency Management, Washington Administrative Code. Developing a jurisdictional comprehensive emergency management plan is one component of compliance.

The City of Des Moines Comprehensive Emergency Management Plan (CEMP) is for use by City and public safety officials in providing emergency management before, during and after an incident. It provides the policies, information, recommendations and guidance necessary for the officials making operational decisions. On February 10, 2011 the Des Moines City Council adopted their Vision, Mission Statement, Goals, and Strategic Objectives which include the requirement to "Develop and implement a Comprehensive Emergency Management Program."

The CEMP is formatted to be consistent with the King County and Washington State Comprehensive Emergency Management Plans as well as the National Response Framework, complete with Emergency Support Functions (ESFs) as single function activities. Standardizing plans throughout the state helps improve interoperability between local, state, and federal levels of government. The CEMP improves our ability to minimize the impacts of emergencies and disasters on people, property, economy, infrastructure and the environment of the City of Des Moines.

Future changes in policies contained in this CEMP are subject to City Manager adoption. Changes in the emergency support functions (ESF) appendices may occur as city management determines appropriate and practical.

CITY OF DES MOINES, WASHINGTON COMPREHENSIVE EMERGENCY MANAGEMENT PLAN (CEMP)

BASIC PLAN

I. INTRODUCTION

A. MISSION

The City of Des Moines, in order to protect lives, property, and the economic base of the community and in cooperation with other public and private organizations, will endeavor to mitigate, prepare for, respond to, and recover from all natural and human-caused emergencies and disasters. The City will prioritize and coordinate the emergency operations and resources to maximize population survival and preservation of property in the City following a natural or technological disaster, or a national security threat to the United States.

The day-to-day functions of the City and many local agencies will be interrupted by disaster conditions. Therefore, the employees and resources of those agencies can readily be committed to support the disaster response and recovery efforts. The mission of this City of Des Moines Comprehensive Emergency Management Plan (CEMP) is to provide operational guidelines and procedures to insure an effective, organized response to, recovery from, mitigation against, and preparation for emergencies and disasters in order to save lives, assist disaster victims, minimize damage, and protect property.

B. PURPOSE

In order to plan for and effectively perform this mission, emergency management goals are as follows:

- 1. Provide a community education and preparedness program to develop citizen awareness and self-sufficiency for a minimum of seven (7) days.
- 2. Ensure that the City of Des Moines employees are prepared and self-sufficient for a minimum of seven (7) days at their workplace.
- 3. Build a disaster resilient community through an integrated emergency management program.
- Develop and maintain the City of Des Moines Comprehensive Emergency
 Management Plan which will provide the framework for organizational activities
 during disaster operations.
- 5. Foster interagency cooperation as well as coordinated response with local, county, state and federal response efforts.
- 6. Provide timely and accurate information to the citizens of the City of Des Moines before, during, and after an emergency or disaster.

Des Moines CEMP Page 1 of 37

The CEMP establishes a mutual understanding of authority, responsibilities and functions of local government, and provides a basis for incorporating essential non-governmental agencies and organizations into the emergency management program.

C. SCOPE

This CEMP is a local level emergency management plan designed to describe the emergency / disaster response of the City of Des Moines, Washington. This plan is consistent with the King County Comprehensive Emergency Management Plan, as amended.

This CEMP is intended to be "all hazards", covering the entire range of emergency / disaster situations from natural disasters to technological created as a byproduct of our modern society. Additionally, it will provide guidance in the management of large community events such as festivals and parades.

This CEMP considers that emergencies / disasters are likely to occur as described in the King County Hazard Identification and Vulnerability Assessment, and describes:

- 1. Functions and activities necessary to implement the four phases of emergency management: preparedness, response, mitigation, and recovery; and
- 2. Responsibilities identified in City ordinances and other applicable laws, as deemed appropriate.

D. AUTHORITY

This plan is developed under the following local, state and federal statutes and regulations:

Local

- Des Moines Municipal Code Chapter 2.36 Emergency Management
- Resolution No. 1034 NIMS Adoption

State

- Revised Code of Washington 35.33.081 Emergency Expenditures Nondebatable Emergencies
- Revised Code of Washington 35.33.101 Emergency Warrants
- Revised Code of Washington 38.52 Emergency Management
- Revised Code of Washington 39.34 -Interlocal Cooperation Act
- Revised Code of Washington 42.14 Continuity of Government Act
- Revised Code of Washington 43.43 Washington State Patrol State Fire Services Mobilization Plan
- Revised Code of Washington 49 Laws Against Discrimination
- Washington Administrative Code 118-04 Emergency Worker Program
- Washington Administrative Code 118-30 Local Emergency Management/Services Organizations, Plans and Programs
- Washington Administrative Code 296-843 Hazardous Waste Operations

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Washington Administrative Code 296-62 - General Occupational Health Standards

Federal

- Public Law 93-288, The Disaster Relief Act of 1974, as amended by Public Law 100-707, the Robert T. Stafford Disaster Relief and Emergency Assistance Act
- Public Law 81-920, Federal Civil Defense Act of 1950, as amended
- Public Law 96-342, Improved Civil Defense Act of 1980
- Public Law 99-499, Title III Superfund Amendment and Re-authorization Act of 1986
- Homeland Security Presidential Directive (HSPD) 5 Management of Domestic Incidents
- Homeland Security Presidential Directive (HSPD) 8 National Preparedness Goal
- Public Law 107-296, Homeland Security Act of 2002
- 44 CFR Section 205.16, Nondiscrimination

E. POLICIES

Disasters by their very nature may disrupt existing systems and infrastructure and the capability of the City of Des Moines to respond to meet the basic needs of its citizenry. Therefore, citizens are encouraged to be self-sufficient for at least seven (7) days, should an emergency or disaster occur.

City staff and their families should be self-sufficient for at least seven (7) days in anticipation of an emergency or disaster.

Emergency operations conducted within and by the City of Des Moines will be National Incident Management System (NIMS) (City of Des Moines Ordinance No. 1034, NIMS Adoption) compliant in both organization and function (Homeland Security Presidential Directive 5).

The City Manager is responsible for the direction and control of the organization, administration, and operations of the City's emergency management program and the emergency operations center (EOC) for the City. The City Manager delegates these responsibilities to the Police Chief who serves as the City's Emergency Management Director.

The City Manager or designee may request county, state and federal resources when local resources have been exhausted or overwhelmed.

The City Manager or designee may proclaim a disaster for the City of Des Moines and request the Governor to also proclaim a disaster when conditions warrant.

City department directors and personnel are expected to carry out their responsibilities outlined in this plan, utilizing their best judgment and in a coordinated manner. The Emergency Operations Committee, through the Director of Emergency Management, will act as advisors to the Mayor and the City Manager in dealing with problems caused by the disaster and in coordination of the situation.

F. SITUATION

Disasters and emergencies have occurred and will occur in the City of Des Moines. Through a process of a hazard identification and vulnerability analysis it is determined that the City is vulnerable to numerous technological and natural hazards. These hazards include but are not limited to: wind, rain and snow storms; earthquake; flood; landslide; tsunamis; airplane crashes; search and rescue emergencies; civil disturbance; explosion; structural collapse; hazardous material incident; major fire; and infrastructure failure.

Des Moines is a mostly residential community situated on Puget Sound between Seattle and Tacoma with a population of 29.673. The City hosts relatively little commercial activity (services, retail sales, and light industrial) and presents a mix of high-end waterfront /view homes and working class neighborhoods made up of single and multi-family housing.

The Highline School District, Highline Community College (including the Marine Science and Technology Center), the City of Des Moines, and three retirement centers constitute the major employers. 14.8% of the population is over age 65, and 2 % (596 people) live in group facilities, including nursing homes, or living quarters for the disabled. These special needs populations require special emergency planning.

Des Moines is long and narrow (6.3 miles x 2.1 miles wide) and is the 12th largest city in King County. The cities of Normandy Park, Burien and Sea-Tac form Des Moines' northwest and northeast borders respectively, while the cities of Kent and Federal Way form the east and south borders. Very few major thoroughfares / arterials dissect the City, and the topography includes bluffs, steep slopes, several creeks, and beaches. The extensive Puget Sound waterfront may afford access and egress points, if necessary.

Key facilities include the City Hall complex, the Police Department, Fieldhouse, Marina / Harbormaster office, and Public Works maintenance facility. The Police Department, constructed in 1997, houses the City's Emergency Operations Center (EOC) and the City's computer center. The City Hall complex is older and includes the courthouse, permitting office, public works offices, and city finance and administration. Neither structure has undergone seismic upgrades.

The City has a 45-member, professional police force, and is annexed into South King Fire & Rescue's jurisdiction for fire and life safety protection. King County Medic One provides advanced life support. City departments maintain small staffs, and while the City's parks, street and traffic divisions, utilities, etc. are self-sufficient in normal operations, in an incident, they will require substantial mutual aid / outside support. Des Moines maintains mutual aid agreements with nearby jurisdictions' police / fire / emergency management, all of whom expect that, in an incident, Des Moines may be more a requester of assistance than a provider.

G. ASSUMPTIONS

Des Moines CEMP

The role of the individual citizens and businesses is of great importance in the response and recovery from disasters. The immediate availability of resources to respond to the emergencies will be limited and allocation will be prioritized. It is assumed that there will not be enough resources to respond to every emergency need. Assistance from nearby communities, county, state or federal agencies may take 72 hours or longer. Therefore, citizens and businesses must be personally responsible for preparing to meet their own emergency needs for at least seven (7) days. These preparedness items include having a plan, stocking supplies, learning emergency skills like first aid and CPR, and reducing hazards in the home and workplace.

It is assumed that any of the noted hazards can create significant property damage, injury, loss of life, chaos, and disruption of essential services in Des Moines. These situations may also create significant financial, psychological and sociological impact on citizens of the community and the City governmental organization itself.

It is reasonable to assume that with impending incidents such as storms, floods, and acts of war; warnings will be issued to enable some preparation prior to the event. Other disasters will come with no advance warning.

The City of Des Moines may be requested to provide support to other jurisdictions with both resources and sheltering during emergencies and disaster not affecting the City.

H. LIMITATIONS

The information and procedures included in this plan have been prepared utilizing the best information and planning assumptions available at the time of preparation. There is no guarantee implied by this plan that in major emergencies and disaster situations that a perfect response to all incidents will be practical or possible. As the City of Des Moines' resources may be overwhelmed and essential systems may be dysfunctional, the City can only endeavor to make every reasonable effort to respond based on the situation, information and resources available at the time the request occurs.

II. ORGANIZATION AND RESPONSIBILITIES

A. ORGANIZATION

The City of Des Moines operates under a Council / City Manager form of government with the City Manager serving as the chief executive. The city departments are the Administration / City Manager; City Attorney; Finance; Parks and Recreation; Harbormaster; Court Administrator; Police; and Planning, Building and Public Works. The City has been annexed into South King Fire & Rescue's jurisdiction for the provision of fire suppression and medical aid.

As provided by state law and Des Moines City Municipal Code 2.36 Emergency Management, the City Manager or his/her designee shall serve as the City's Emergency Management Coordinator. In the absence of the City Manager, the Assistant City Manager shall serve in this capacity having the same responsibilities and authorities of the City Manager.

Des Moines CEMP Page 5 of 37

As appointed by the City Manager, the Police Chief shall serve as the City's Emergency Management Director.

The City of Des Moines has adopted the National Incident Management System (NIMS). All City elected and appointed officials, employees and volunteers shall complete NIMS training commensurate to their duties as assigned. All emergency and related operations will be in compliance with those of NIMS. (Ordinance No. 1034 NIMS Adoption).

EMERGENCY MANAGEMENT PROGRAM

The City of Des Moines Emergency Management Program is established to provide channels of communication for efficient coordination, communication and prioritization, and liaison of emergency life saving operations between local, county, state, and federal government, and the public sector. This organization may be partially or fully activated depending on the severity of the pending or actual incident. The Director of Emergency Management is directed to adopt administrative rules and regulations to carry out the designated emergency management functions set forth.

EMERGENCY OPERATIONS COMMITTEE

The Des Moines Emergency Operations Committee provides overall command and control of the City's emergency management program. The Committee provides staff support, direction and expertise in the development of this CEMP, the Emergency Operations Center (EOC) Plan, the Continuity of Government and Operations Plan, and all supporting documents. The Committee will also review and approve all plans and procedures as identified herein. The Committee recommends to the Director of Emergency Management policy, performance standards, and emergency operational expectations of City staff during actual EOC operations.

The Director of Emergency Management serves as the committee chairperson. The committee is comprised of key personnel from City departments, members of outside professional and volunteer organizations having key roles in emergency preparedness, planning and response activities. The Committee will meet twice a year at a minimum. Special meetings can be called by the Director of Emergency Management as needed. Members of the Emergency Operations Committee will staff the Des Moines EOC during activation and coordinate the activities in their respective divisions or area of responsibility during emergencies and disasters.

The Emergency Operations Committee shall consist of the following members:
Assistant City Manager
City Attorney
City Manager
Finance Director
Harbormaster
Court Administrator
Parks and Recreation Director

Des Moines CEMP

Planning, Building, and Public Works Director Police Chief – Chair Police Emergency Operations Coordinator South King Fire & Rescue Fire Chief or designee Volunteer Coordinator / Representative

Specific contact information for each of these members can be found in the EOC plan.

Each committee member is required to be compliant with current NIMS training standards.

Sub-committees will be organized as deemed necessary by the Emergency Operations Committee. Committee membership may include individuals from outside organizations and will be chaired by a member of the Emergency Operations Committee. Oversight of sub-committee work will be the responsibility of the Director of Emergency Management or designee.

EMERGENCY OPERATIONS CENTER

Emergencies, such as response to fires, violations of the law, emergency medical calls, etc., occur daily and do not normally require the direct involvement of the City.

On a less frequent basis, the City of Des Moines is confronted with large scale events that go beyond the organizational capabilities or that of mutual aid. Whenever department capabilities are strained to this extent, it triggers the need for a multi-agency response, which can be supplied from inside and outside the City government. Non-City resources could include non-routine mutual aid with neighboring jurisdictions, and other assistance available through inter-local agreements or through pre-existing contractual arrangements with private sources of specialized services.

The City Manager identifies 1) Prioritization; 2) Coordination; and 3) Communication as the top three priorities for the Des Moines Emergency Operations Committee when conducting emergency operations.

The City of Des Moines primary Emergency Operations Center (EOC) is located at the City of Des Moines Police Department; 21900 11th Avenue South Des Moines, WA 98198. The alternate EOC is locations are at South King Fire & Rescue Station 26; 2238 South 223rd Street Des Moines, WA 98198 and South King Fire & Rescue Station 62; 31617 1st Avenue South Federal Way, WA 98023.

The City of Des Moines has adopted the National Incident Management System (NIMS). All persons working in the EOC shall complete NIMS training commensurate to their duties as assigned.

The EOC may be activated by the City Manager, Assistant City Manager, Police Chief or designee, Director of Planning/Building/Public Works, or South King Fire & Rescue Chief or

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designee. Once the decision is made to activate the City EOC, the Director of Emergency Management will fill the role of EOC Manager or delegate it to an appropriate individual.

Designated staff shall report to the EOC to coordinate response efforts and field operations. The required number of staff will be determined by the nature and extent of the disaster. Activation procedures are outlined in the City of Des Moines Emergency Operations Center (EOC) Plan (published separately). Designated EOC positions shall have a redundancy of three (3) trained staff to serve in the EOC. Designated personnel unable to fill their position shall contact the EOC as soon as possible.

When a major emergency or disaster occurs, City departments and other responding organizations will organize their areas of responsibilities into manageable units (NIMS compliant), assess damages, and determine needs. If agency resources cannot meet the needs created by the disaster, additional assistance may be requested through existing mutual aid or through the King County Regional Emergency Coordination Center. In the event of a Proclamation of Emergency the deployment of resources will be coordinated through the Des Moines EOC. The Emergency Operations Committee, in coordination with the City Manager, Director of Emergency Management and City Attorney shall be responsible for evaluating emergency conditions and operational capacity to determine if processing a Proclamation of Emergency is indicated. (Additional information on proclaiming emergencies is located in Attachment B of this document.)

City personnel are expected to carry out their responsibilities outlined in this plan, using their best judgment and in a coordinated manner. The Emergency Operations Committee, through the Director of Emergency Management, will act as advisors to the City Manager in assessing the impacts, identifying priorities and assigning resources.

In the event of communications failure in a disaster, any City facility or temporarily established site may act as a remote EOC for local area until coordination can be established from the Des Moines EOC. Each may serve as a command post, staging area, triage station, communications center or in any other functional capacity appropriate for the situation.

DEMOBILIZATION OF THE EMERGENCY OPERATIONS CENTER

The decision to demobilize the EOC is made by the City Manager, Assistant City Manager, Police Chief or designee, Director of Planning/Building/Public Works, or South King Fire & Rescue Chief or designee. Factors included in the decision process are, but not limited to: scale and scope of the incident; ability of the City and special purpose districts to provide adequate levels of services; capabilities of field operations; short-term needs of the victims; and staffing redundancies. Prior to demobilization, EOC activities may transition from response operations to recovery operations.

The demobilization process includes bringing the EOC back to its pre-incident level of readiness, after action briefings/reports, and incorporating lessons learned into future operations and plan revisions.

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B. RESPONSIBILITIES

MAYOR

- 1. Provide visible leadership to the community;
- 2. Provide policy direction through the City Manager and the Director of Emergency Management;
- 3. Act as a spokesperson for City Council on official Council actions during the emergency; and
- Advocate individual and family emergency preparedness for city employees, support agencies, contractors and residents.

CITY COUNCIL

- 1. Maintain continuity of government;
- 2. Provide visible leadership to the community;
- 3. Provide for the coordination of visiting officials from other jurisdictions and levels of government;
- 4. Appropriate funds through all phases of emergency management;
- 5. Assist full-time regular City employees in their recovery efforts as requested; and
- 6. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

CITY DEPARTMENTS AND DIVISIONS

- 1. Develop Standard Operating Procedures as outlined in Section III Concept of Operations;
- 2. Develop emergency and evacuation plans for facilities used by the department;
- 3. Provide clerical staff to support emergency administrative activities;
- 4. Provide for the identification and preservation of essential department records;
- 5. Document emergency-related costs and activities;
- 6. Allow for emergency management and operations training of departmental personnel as recommended by the Director of Emergency Management; and

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7. Advocate individual and family emergency preparedness for city employees, support agencies, contractors and residents.

CITY MANAGER

- 1. Issue executive orders, as indicated, proclaiming an emergency which shall be in effect until such time that it is determined that the extraordinary measures detailed therein are no longer required for the protection of the public safety, property, peace, and welfare;
- 2. Request, through established channels, the King County Executive to proclaim a local emergency when, in the opinion of the Director of Emergency Management, the resources of the area or region are inadequate to cope with the disaster;
- 3. Make and issue notifications, rules, and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council;
- 4. Require emergency services of any City employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which the City is located, to command the service and equipment of as many citizens of the City as may be deemed necessary in the execution of the City Manager's duties; and such persons to be entitled to all privileges, benefits and immunities as are provided by state law for registered emergency workers (Chapter 118-04 WAC);
- 5. Provide routine reports and updates to the Mayor and City Council;
- 6. Authorize emergency management and operations training of City personnel assigned to EOC staffing;
- 7. Support the Director of Emergency Management in maintaining a level of readiness of the City's EOC;
- 8. Serve as the City's Applicant Agent;
- 9. Other as deemed appropriate by the City Council; and
- 10. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

ASSISTANT CITY MANAGER

- 1. Perform the same functions as the City Manager in the absence of the City Manager.
- 2. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster.

3. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

DIRECTOR OF EMERGENCY MANAGEMENT - CHIEF OF POLICE

Emergency Management

- 1. Function as, or delegate, the City's EOC Manager, performing the duties outlined in the City's EOC Plan;
- 2. Maintain an operational level of readiness for the City's EOC at all times;
- 3. Identify City personnel for emergency operations planning, training and EOC staffing;
- 4. Encourage all department heads to develop continuity of operations plans (COOP);
- 5. Obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people and to bind the City for the fair value thereof, and, if required immediately, to commandeer the same for public use;
- 6. Appoint a public information officer (PIO) to coordinate preparation and dissemination of emergency information to the public and the media;
- 7. Coordinate the dissemination of emergency warning information through available City resources;
- 8. Control and direct the efforts of the Emergency Management Program of the City for the accomplishment of the purposes of this CEMP and associated documents;
- Coordinate the establishment of Disaster Recovery Centers (DRCs) to support community recovery efforts;
- 10. Approve and coordinate the dissemination of emergency warning information through available City resources. Request the use of the Emergency Alert System (EAS) to King County Communications when indicated.
- 11. When conditions indicate, recommend to the City Manager issuance of a proclamation of emergency.
- 12. In support of the City's Applicant Agent, monitor the preparation, processing and distribution of disaster assistance paperwork as identified in FEMA Public Assistance program;
- 13. Appoint a vice chair of the Emergency Operations Committee;
- 14. In cooperation with the Emergency Operations Committee, coordinate the development and maintenance of the city's CEMP, Continuity of Government and Operations Plan, and EOC Plan;

- 15. Provide for public information and education on emergency preparedness;
- 16. Coordinate mitigation and preparedness activities as federal, state, and local mandates require;
- 17. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and
- 18. Advocate individual and family emergency preparedness for City employees, support agencies, contractors, and residents.

POLICE CHIEF

- 1. Function as the Police Chief and the Director of Emergency Management for the City of Des Moines;
- 2. Function as, or appoint, the Operations Section Chief when the emergency or disaster is a law enforcement incident. Identify a redundancy of three (3) to fill the role in the absence of the Police Chief;
- 3. Function as, or appoint, the law enforcement branch director when the emergency or disaster is not a law enforcement incident;
- 4. Assign senior officer(s) to participate in unified command;
- 5. Coordinate security for the City's EOC;
- 6. Provide law enforcement services within the City;
- 7. Coordinate "windshield surveys" with fire department, public works, and parks and recreations ensuring the canvas of the entire City. Work with planning section chief for compilation of data;
- 8. Support the City's public information officer in the dissemination of emergency warning information to the public (See ESF 15 for additional guidance);
- 9. Coordinate for explosive device identification, handling and disposal;
- Act as liaison between City personnel and military officials responding to emergencies and disasters;
- 11. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and

12. Advocate individual and family emergency preparedness for law enforcement personnel.

POLICE EMERGENCY OPERATIONS COORDINATOR

- 1. Provide administrative support as directed by the Director of Emergency Management;
- 2. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents;
- 4. Other duties as assigned by the Director of Emergency Management; and
- 5. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster.

EMERGENCY MANAGEMENT COMMUNITY SERVICE OFFICER

- 1. Conduct and / or coordinate outreach to volunteer organizations for the purpose of enhancing volunteer services within the City;
- 2. Conduct and / or coordinate emergency preparedness training;
- 3. Provide administrative support for the City's citizen preparedness programs;
- 4. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and
- 5. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

SOUTH KING FIRE & RESCUE

- 1. Function as, or appoint, a fire service branch director for the purpose of directing, prioritizing and coordinating fire service operations in the EOC when indicated;
- 2. Coordinate "windshield surveys" with public works and law enforcement branches, ensuring the canvas of the entire City. Work with planning section chief for compilation of data;
- 3. Develop emergency and evacuation plans for facilities under department management;
- 4. Support field incident command as requested;
- 5. Assign senior officer(s) to participate in unified command;
- 6. Ensure the provision of fire suppression services;

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- 7. Support hazardous materials incident command and radiological monitoring. Coordinate with outside agencies as appropriate;
- 8. Coordinate urban and heavy rescue activities;
- 9. Support light and limited heavy rescue;
- 10. Prioritize emergency medical services with coordinated transportation to hospitals;
- 11. Coordinate evacuation efforts as appropriate;
- 12. Support the City's public information officer in the dissemination of emergency warning information to the public (See ESF 15 for additional guidance);
- 13. Support other departments in City-wide structural damage assessment, traffic control, emergency warnings, road closure and protection of property; and
- 14. Advocate individual and family emergency preparedness for fire service personnel.

DIRECTOR OF PLANNING, BUILDING AND PUBLIC WORKS

- 1. Function as Planning Section Chief during activation of the Des Moines EOC, when the incident is not a public works incident. Identify a redundancy of three (3) to fill the role in the absence of the Director of Planning, Building and Public Works;
- 2. Appoint a public works branch director for the purpose of directing, prioritizing and coordinating public works operations in the EOC when indicated;
- Coordinate "windshield surveys" with fire department, police department, and parks and recreations ensuring the canvas of the entire City. Work with finance section chief for compilation of data;
- 4. As the planning section chief, oversee the development of the Incident Action Plan (IAP);
- 5. Coordinate and compile initial damage assessment information and reports;
- 6. Provide emergency lighting, as required;
- 7. Coordinate with area utility providers for restoration of services;
- 8. Provide support to the fire department;
- 9. Coordinate debris removal, traffic control, road closures and protection of public property;

- Coordinate the assessment of transportation routes, identification of alternate routes; and location of temporary traffic control measures/devices and operational control of traffic signals;
- 11. Prioritize and coordinate damage assessment, debris removal, emergency protective measures, emergency and temporary repairs and/or construction for City owned public works infrastructure;
- 12. Provide a streamlined permit process for incident recovery efforts;
- 13. Provide for the development of plans to deal with public works related mitigation issues following disasters with other special districts;
- 14. Provide for damage assessment, emergency repairs for City owned vehicles, field communications equipment, department-managed facilities, and coordination of transportation facilities restoration, (signals and street lights);
- 15. Coordinate or contract for major recovery work as appropriate;
- 16. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and
- 17. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

BUILDING OFFICIAL

- 1. Provide for initial damage assessment and safety evaluation of essential public and private buildings;
- 2. Provide support to the fire department in the safety evaluation of structures during rescue operations;
- 3. Determine building safety of City facilities;
- 4. Recommend evacuation to the EOC manager when conditions necessitate;
- 5. Document losses of City and other public structures;
- 6. Provide expertise and recommendations for reconstruction, demolition and structural mitigation during the recovery period;
- 7. Provide streamlined permit process for community disaster recovery efforts;

- 8. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and
- 9. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

DIRECTOR OF PARKS AND RECREATION

- 1. Function as Logistics Section Chief during activation of the Des Moines EOC;
- 2. Provide support to public works in debris removal, traffic control, road closures and protection of public property;
- 3. Coordinate the registration of temporary emergency workers and volunteers;
- 4. Develop plans for temporary emergency shelters using City facilities;
- 5. Develop plans for emergency feeding and shelter of City staff during disaster operations. Implement plans when indicated;
- 6. Develop plans to provide limited temporary assistance to "special needs" individuals in their homes and / or in special shelters;
- 7. Provide light and heavy equipment, supplies; and trained operators;
- 8. Provide support to City departments in field activities as appropriate;
- 9. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and
- 10. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

DIRECTOR OF FINANCE

- 1. Function as Finance Section Chief during activation of the Des Moines EOC;
- 2. Develop plans for and coordinate the recovery operations of the City's telephone and computer systems following disaster situations;
- 3. Provide liaison for coordination with telephone service providers for the re-establishment of telephone services to the City government and guidance to City departments for the protection of telephone systems;
- 4. Provide computer and telecommunications support to the EOC;

- 5. Review contracts for emergency work and procurement;
- 6. Provide guidance and direction for the protection of computer hardware, software and data;
- 7. Assist in identifying sources of disaster funds if departmental budgets are exceeded;
- 8. Develop a system to track all costs related to an activation of the EOC;
- 9. Perform other duties as assigned; and
- 10. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

CITY ATTORNEY

- 1. Assist the City Manager and the Director of Emergency Management in preparing and processing Proclamations of Emergency;
- 2. Review and comment on new and renewed mutual aid and interlocal agreements; and
- 3. Review pertinent emergency management plans for legal relevance and compliance.

HARBORMASTER

- 1. Develop a plan to assess and minimize potential impacts to Marina during emergencies and disasters;
- 2. Assist in providing preliminary damage assessment of the Marina to the EOC;
- 3. During EOC activations, support the EOC as indicated;
- 4. Perform other duties as assigned; and
- 5. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

COURT ADMINISTRATOR

- 1. Develop plans and implementation procedures to ensure essential court functions are maintained during emergency and disaster conditions;
- 2. Perform other duties as assigned or implied by the conditions or evolution of the emergency or disaster; and

3. Advocate individual and family emergency preparedness for City employees, support agencies, contractors and residents.

III. CONCEPT OF OPERATIONS

General

The day-to-day organizational structure of the City of Des Moines will be maintained as much as practical for major emergency and disaster situations. Other public and private organizations, school districts, and volunteer organizations may, under mutual agreement, operate in coordination with this CEMP.

Management of each City department and office is responsible for establishing and maintaining policies and procedures, in support of this CEMP, to ensure their department's operational readiness in time of emergency or disaster. The director of each City department is to:

- 1. Serve as members of and designate alternates to the Emergency Operations Committee to actively participate in the preparation and maintenance of the City's CEMP, Continuity of Government and Operations Plan, and EOC Plan.
- 2. Establish and publish a departmental line of succession.
- 3. Develop the capability to continue operations during an emergency or disaster and to carry out the responsibilities outlined in this plan.
- 4. Develop departmental standard operating guidelines (SOG) which include the following:
 - a) Department chain of command;
 - b) Guidelines for maintaining daily departmental functions during an emergency;
 - c) Departmental responsibilities, capabilities and resources to include: personnel, facilities and equipment;
 - d) Information needed to manage the department during emergency operations and means of communication for obtaining that information;
 - e) Information on how the department will coordinate with the EOC;
 - f) Methods to ensure that department staff are aware of SOGs and of the concepts of the emergency operations plan; and
 - g) Procedures for making staff and resources available in the event of an emergency.

When a major emergency or disaster occurs, City department directors shall use the following general checklist as a basis for managing disaster operations:

- 1. Report to the pre-determined site to manage department operations;
- 2. Account for personnel;
- 3. Assess personnel and resources available;
- 4. Assess damages to facilities and resources;
- 5. Assess problems and needs;
- 6. Report situation, damages and capabilities to the EOC;
- 7. Send designated representatives to the EOC;
- 8. Carry out departmental responsibilities and assigned tasks;
- 9. Continue assessment of department resources, needs and actions;
- 10. Provide required reports to the EOC regarding actions, problems, needs, damages, etc; and
- 11. Keep detailed and accurate records, document actions, costs, situations, etc.

OPERATIONS UNDER HOMELAND SECURITY ADVISORY SYSTEM THREAT CONDITIONS

The City of Des Moines' public and elected officials do not consider the City to be a primary terrorist target. There is a far greater likelihood that any number of natural and man-made disasters will impact the City. If ever indicated, the City will activate the EOC in support of larger, regional operations.

B. TIME PHASES OF EMERGENCY MANAGEMENT

In order to minimize the effects of a disaster, provide emergency response capabilities and to facilitate recovery efforts, the various elements of the City of Des Moines Emergency Management Program and city departments shall endeavor to provide services in the areas of mitigation, preparedness, response and recovery from disasters to the best of their ability during all operational time phases.

MITIGATION AND PREPAREDNESS PHASE

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- 1. Review hazard and risk analysis and develop capabilities and resources to enhance ability to respond to disaster situations;
- 2. Develop and maintain the City of Des Moines CEMP, Continuity of Government, Continuity of Operations Plans, and EOC Plan (to include a staffing matrix);
- 3. Develop appropriate contingency plans and standard operating guidelines in support of the CEMP, Continuity of Government, Continuity of Operations Plan, and EOC Plan;
- 4. Coordinate with other local, county, state and federal agencies to assure cohesive working relationships and compatible emergency plans;
- Coordinate with volunteer organizations to assure cohesive working relationships and coordinated response;
- 6. Conduct mitigation activities to protect City personnel, equipment, supplies, services and properties as appropriate;
- 7. Conduct training activities to enhance response capabilities;
- 8. Conduct public education to enhance citizen self-sufficiency;
- 9. Incorporate mitigation (non-structural and structural practices) into the City's ongoing emergency preparedness program; and
- 10. Encourage residents, businesses and property owners to incorporate mitigation upgrades into existing residences and businesses.

RESPONSE PHASE

- 1. Increase readiness/warning
 - A. Make appropriate notifications (WEMD, King County, neighboring cities, public safety answering points [PSAPs], etc.) and initiate actions to place emergency plans into effect;
 - B. Monitor media and other advisory systems on the specifics of the hazard;
 - C. Make arrangements for needed emergency supplies and equipment;
 - D. Activate and staff the EOC as required for the situation; and
 - E. Disseminate emergency warning as appropriate.

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- 2. Initiate actions necessary to preserve life and property utilizing available resources;
- 3. Conduct initial "windshield surveys" and evaluate overall situation;
- Coordinate response and support functions with outside agencies and volunteer organizations;
- 5. Coordinate and prioritize operations, logistics and planning functions;
- 6. Compile event status information and report to appropriate agencies (neighboring EOCs, King County ECC, and WEMD EOC);
- 7. Assess the need to Proclaim an Emergency;
- 8. Prepare and maintain detailed documentation of events and activities; and
- 9. Provide public information and emergency action steps as appropriate.

RECOVERY PHASE

- 1. Conduct preliminary damage assessments and assess community needs;
- 2. Prioritize recovery projects and assign functions accordingly;
- 3. Support FEMA (Federal Emergency Management Agency) damage assessments teams;
- 4. Coordinate recovery efforts and logistical needs with supporting agencies and organizations;
- 5. Prepare documentation of event, including event log, cost analysis and estimated recovery costs;
- 6. Compile event status information and report to appropriate agencies (neighboring EOCs, King County ECC, and WEMD EOC);
- 7. Facilitate the establishment of disaster recovery centers to assist private business and citizens with individual recovery;
- 8. Assess special community needs and provide information and assistance where appropriate; and
- 9. Incorporate long range plans into recovery and restoration activities.

C. ADMINISTRATIVE AND FISCAL PROCEDURES

- Assign personnel to be responsible for documentation of disaster activities and costs and to utilize effective administrative methods to keep accurate detailed records distinguishing disaster operational activities and expenditures from day to day activities and expenditures.
- 2. Financial documentation and associated reports shall be the responsibility of the Finance Director or designee.
- The Finance Director or designee shall develop effective methods and procedures for documenting disaster expenditures and shall provide each City department with documentation forms and completion instructions.
- During emergency operations, non-essential administrative activities may be suspended.
 Personnel not assigned to duties may be assigned to other departments in order to provide support services.
- 5. The City of Des Moines will incur disaster expenses from currently appropriated local funds in accordance with Chapter 38.52.070 RCW and 35A.33.080-100. The Mayor and City Council in coordination with the Finance Director will be responsible for identifying other sources of funds to meet disaster related expenses if departmental budgets are exceeded.
- 6. Normal procedures for expenditures and payment processing may be modified to accommodate the circumstance associated with the disaster.
- 7. The City of Des Moines will submit reports required by county, state and federal agencies in a disaster situation with information concerning nature, magnitude and impact for use in evaluating and providing appropriate response resources and services. The reports should also be provided to neighboring cities. These reports include but are not limited to:
 - EOC Staffing Reports
 - Situation Reports
 - Incident Action Plans
 - Proclamation of Emergency
 - Requests for Assistance
 - Damage Assessment Reports
- 8. It will be the responsibility of the Director of Emergency Management or designee to coordinate the preparation of all required reports and ensure that they are delivered to the appropriate agencies.
- 9. A streamlined plan review and permit process may be instituted within the City, in order to facilitate recovery and repair activities.
- 10. In instances where emergency work is performed to protect life and property, requirements for environmental review and permits may be waived or orally approved as provided in the State Environmental Policy Act, Hydraulics Act, Forest Practices Act, Shoreline Management Act, and Flood Control Act.

- 11. Repair and restoration of damaged facilities may require environmental assessments and appropriate permits prior to final project approval, requiring compliance with the State Environmental Policy Act, Forest Practices Act, Shoreline Management Act, and Flood Control Act.
- 12. Properties of historic significance and archeological sites are protected by law. Non-time critical missions and recovery actions affecting these sites will be coordinated with the state Office of Archeology and Historic Preservation.
- 13. Local activities pursuant to the federal/state agreement for major disaster recovery will be carried out in accordance with RCW 49.60 Laws Against Discrimination and 44 CFR Section 205.16 Nondiscrimination. Federal disaster assistance is conditional upon compliance with this code.
- 14. Volunteer emergency workers used during emergencies and disaster operations shall be registered using procedures established by Chapter 118.04 WAC Emergency Worker Standards.

IV. Ongoing Plan Management and Maintenance

The Director of Emergency Management will appoint a primary City point of contact for CEMP management and maintenance. That point of contact will coordinate a team of subject matter experts, including the Regional Emergency Preparedness Coordinator, for formal biannual review and updates. The City considers the CEMP to be in a constant state of revision. Whenever an event or incident has a scope and scale that requires the EOC to activate or requires complex support operations, the specific portions of the plan that was implemented will be reviewed and appropriately revised to reflect lessons learned and best practices resulting from the EOC operations.

V. REFERENCES

Legal Mandates

City of Des Moines Continuity of Government Plan (to be developed)

City of Des Moines Continuity of Operations Plan (to be developed)

VI. TERMS AND DEFINITIONS

- Applicant Agent An appointed jurisdictional representation who acts on behalf of the jurisdiction in qualifying for and meeting the requirements of the federal Public Assistance Program implemented in response to a Presidential Declaration of Emergency. In the City of Burien, the Applicant Agent is the City Manager.
- <u>CEMP Comprehensive Emergency Management Plan</u>: The plan developed by the jurisdictional emergency management program and participating entities, which addresses the mitigation, preparation, response, and recovery associated with emergency or disaster incidents, or large community events.
- <u>COG Continuity of Government</u>: Measures taken by a government to continue to perform required functions during and after a disaster. COG is a coordinated effort within each branch of the government to continue its minimum essential responsibilities in a catastrophic emergency.
- <u>COOP Continuity of Operations Plan</u>: An internal effort within individual components of a government to ensure the capability exists to continue essential component functions across a wide range of potential emergencies, including localized acts of nature, accidents, and technological or attack-related incidents.
- <u>Disaster</u> An incident, expected or unexpected, in which a community's available, pertinent resources are exhausted, or the need for resources exceeds availability, and in which a community undergoes severe damage, incurring losses so that the social or economic structure of the community is disrupted and the fulfillment of some or all of the community's essential functions are prevented.
- <u>Disaster Coordinator</u>: A title, specific to the City of Burien, that refers to the individual who has overall responsibility for the functions, activities, and decisions made in the EOC in support of on-scene emergency operations. This same function is frequently titled the EOC manager.
- <u>DRC Disaster Recovery Center</u>: A temporary facility where, under one roof, representatives of federal agencies, local and state governments, mental health and ministerial services, and volunteer relief organizations can provide information and guidance to individuals, families, and business owners applying for federal assistance as a result of damages to respective private property whose resident community suffered such severe disaster damages that a Presidential Disaster Declaration was granted to the impacted jurisdiction.
- <u>ECC Emergency Coordination Center</u>: A central location staffed by multiple jurisdictions and / or agencies involved in response to a single large or several smaller incidents occurring at the same time.
- <u>EMS Emergency Medical Services</u>: A system that provides care to the sick and injured at the scene of any medial emergency or while transporting any patient in an ambulance to an appropriate medical control. In King County, the care will be BLS (basic life support) provided by an EMT (emergency medical technician) or ALS (advanced life support) provided by a paramedic.
- Emergency A sudden, usually unexpected event that does or could do harm to people, resources, property, or the environment. Emergencies can range from single to localized incidents, natural or technological, that damage, or threaten to damage, local operations. An emergency is an incident "which requires emergency assistance to save lives and protect

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- public health and safety or to avert or lessen the threat of a major disaster." (Public Law 92-288)
- EOC Emergency Operations Center: A central location from which overall direction, control, and coordination of a jurisdictional response to a disaster will be established. The EOC is generally equipped and staffed to perform the following functions: Collect, record, analyze, display, and distribute information; coordinate public information and warning; coordinate government agency activities; support first responders by coordinating the management and distribution of information and resources and the restoration of services; conduct appropriate liaison and coordination activities with all levels of government, public utilities, volunteer and civic organizations and the public.
- <u>EOP Emergency Operations Plan</u>: The NIMS compliant plan developed by the jurisdictional emergency management program and participating entities, outlining the roles and responsibilities of the ECC/EOC staff supporting on-scene emergency operations and coordinating resources.
- <u>FEMA Federal Emergency Management Agency</u>: An agency created in 1979 to provide a single point of accountability for all federal activities related to disaster mitigation and emergency preparedness, response, and recovery. FEMA manages the President's Disaster Relief Fund and coordinates the disaster assistance activities of all federal agencies in the event of a Presidential Disaster Declaration.
- <u>HIVA Hazard Identification and Vulnerability Analysis</u>: The HIVA is a comprehensive plan that is the result of a systematic evaluation of a jurisdiction's existing natural and technological hazards. It includes a vulnerability assessment to such hazards and provides guidance for mitigation efforts.
- HSPD 5 Homeland Security Presidential Directive 5: Management of Domestic Incidents: Federal document requiring the formal nation-wide institutionalized use of NIMS to manage all incidents of national significance.
- HSPD 8 Homeland Security Presidential Directive 8: National Preparedness Goal
- <u>IAP Incident Action Plan</u>: The strategic goals, tactical objectives, and support requirements for the incident. All incidents require an action plan. On small, single emergencies the action plan may be verbal.
- ICS Incident Command System: The combination of facilities, equipment, personnel, procedures, and communications operating within a common organizational structure for the purpose of responding to a hazardous incident. An all-hazard, on-scene functional management system that establishes common standards in organization, terminology, and procedures, [provides a means (unified command) for the establishment of a common set of incident objectives and strategies during multi-agency / multi-jurisdictional operations while maintaining individual agency / jurisdiction authority, responsibility, and accountability, and which is a component of NIMS.
- NRF National Response Framework: The plan that established the basis for the provision of federal assistance to a state and local jurisdiction impacted by a catastrophic or significant disaster or emergency that result in a requirement for federal response assistance.
- NIMS National Incident Management System: The concept that provides for a total approach to all risk incident management. NIMS address the ICS, training, qualifications and certification, publications management, and supporting technology. NIMS outlines a standard incident management organization called incident command system (ICS) that

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- establishes five functional areas command, operations, planning, logistics, and finance / administration for management of all major incidents. Within NIMS is the principle of unified command. Unified command performs the same functions as incident command, and provided for and assures joint decisions on objectives, strategies, plans, priorities, and public communications.
- <u>PDA Preliminary Damage Assessment</u>: The joint local, state, and federal analysis of damage that has occurred during a disaster and which may result in a Presidential Declaration of Disaster. The PDA is documented through surveys, photographs, and other written information.
- <u>Proclamation of Emergency</u>: The legal action formalizing the ability of the jurisdictional authority (as determined by ordinance) to take extraordinary measures beyond normal capabilities to cope with the consequences of a natural or technological disaster in order to protect lives, property, economy, and environment. The local proclamation is a prerequisite for county, state or federal assistance. A local proclamation of emergency authorizes the emergency use of local resources and allows emergency expenditures, as well as allowing for waiver of normal bid procedures, if necessary. See Attachment B for detailed information.
- <u>WEMD Washington Emergency Management Division</u>: The division of the Washington Military Department to the state emergency management program. WEMD is located at Camp Murray, Washington.
- <u>Windshield Surveys</u> Rapid visual assessments made by public safe personnel, as they navigate through areas damaged as a result of a disaster or catastrophe. These assessments are made within the first hours after the disaster and when the activity is considered safe. These assessments are the first steps in determining the need for a local proclamation of emergency.

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VI. ATTACHMENTS

Attachment A - City of Des Moines Ordinances and Resolutions

Attachment B - Proclamation and Termination of an Emergency

Attachment C - Washington State Request for Resources or Assistance

ATTACHMENT A

CITY OF DES MOINES EMERGENCY MANAGEMENT AND RELATED ORDINANCES AND RESOLUTIONS

Des Moines CEMP Page 28 of 37

RESOLUTION NO. 1034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DES MOINES, WASHINGTON, adopting the Federal National Incident Management System ("NIMS") for the City of Des Moines.

WHEREAS, the President of the United States, in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity, and

WHEREAS, NIMS incorporates best practices currently in use by incident managers at all levels and was developed through extensive outreach to State, local and tribal officials, the emergency response community and the private sector, and

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS, and

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management, and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters, and

WHEREAS, NIMS establishes federally recognized standard incident management processes, protocols, and procedures that all responders - Federal, State, tribal and local - will use to coordinate and conduct response actions, and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City's and the State's ability to utilize federal funding to enhance local and State agency readiness, maintain first responder safety, and streamline incident management processes, and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs, and

WHEREAS, responders using the same standardized procedures will all share a common focus and will be able to place full emphasis on incident management when an incident occurs, whether it is terrorism or a natural disaster. In addition, national preparedness and readiness in responding to and recovering from an incident is enhanced since all of the nation's

emergency teams and authorities are using a common language and set of procedures, and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System, and

WHEREAS, Homeland Security Presidential Directive-5 states that NIMS must be adopted by state and local organizations as a condition for federal preparedness assistance after October 1, 2005; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES RESOLVES AS FOLLOWS:

- Sec. 1. The City Council hereby adopts the National Incident Management System ("NIMS"), which shall be utilized for all incident management in the City.
- Sec. 2. The City of Des Moines shall incorporate NIMS into the City of Des Moines Emergency Management Plan.

ADOPTED BY the City Council of the City of Des Moines, Washington this 22nd day of March, 2007 and signed in authentication thereof this 22nd day of March, 2007.

	MAYOR
APPROVED AS TO FORM:	
Acting City Attorney	
ATTEST:	
City Clerk	•

Chapter 2.36 EMERGENCY MANAGEMENT¹

Sections

2.36.010	Findings – Purpose.
2.36.020	Basic emergency management plan adopted.
2.36.030	Obstructing emergency management personnel or functions - Penalties.

2.36.010 Findings - Purpose.

The city council finds that the present statutory provisions for civil defense in the city, being established in 1961, are inadequate to effectively deal with the range of emergency management contingencies which exist within the city. The purpose of this chapter is to put in place a basic plan of emergency management under the direction of the city manager who shall be responsible for the drafting, implementation, and administration of such plan for emergency-specific action. [Ord. 1135 § 2(9)(part), 1995; Ord. 955 § 1, 1992. Formerly 2.28.010.]

2.36.020 Basic emergency management plan adopted.

- (1) In accordance with chapter 38.52 RCW as presently constituted or as may be subsequently amended the city council shall adopt by motion a basic emergency medical plan (EMP) for the city, which shall be submitted to the state Director of Community Development for certification.
- (2) In accordance with the basic EMP, the city manager shall serve as the emergency management coordinator (EMC) for the city. Implementation of the basic EMP under the direction of the city manager shall include the administrative promulgation of rules and procedures necessary to effectuate the functions described in the basic EMP.
- (3) Upon certification of the basic EMP as consistent with the state Comprehensive Emergency Management Plan, the city manager is directed to begin implementing such policies and procedures as to effectuate the intent of this chapter.
- (4) In any response effectuated under this chapter the city manager shall have the power to command the service and equipment of as many citizens as considered necessary in light of the disaster proclaimed. [Ord. 1135 § 2(9)(part), 1995; Ord. 955 § 2, 1992. Formerly 2.28.020.]

2.36.030 Obstructing emergency management personnel or functions - Penalties.

- (1) All city officials, employees, agents, and volunteers who discharge duties under the basic emergency management plan shall be deemed public servants in the discharge of official powers or duties.
- (2) Any person who knowingly hinders, delays, or obstructs any public servant in the discharge of official powers or duties under the provisions of this chapter shall be guilty of a gross misdemeanor. [Ord. 1135 § 2(9)(part), 1995; Ord. 955 § 3, 1992. Formerly 2.28.030.]

1

For statutory provisions regarding the authority for the establishment of local organization for emergency management, see RCW 38.52.070; and for provisions regarding the municipality's limitations of liability with respect to emergency management, see RCW 38.52.180. Prior legislation: Ord. 111 (civil defense council), repealed by Ord. 955.

ATTACHMENT B

PROCLAMATION AND TERMINATION OF EMERGENCY REQUEST FOR RESOURCES

LOCAL PROCLAMATION - TERMINATION OF EMERGENCY AND REQUEST FOR RESOURCES / ASSISTANCE

When a disaster occurs requiring local action beyond normal capabilities to protect lives and property, a local proclamation of emergency can be made to use or obtain additional local resources. The local proclamation is also a prerequisite for some county, state or federal assistance. A local proclamation of emergency authorizes the emergency use of local resources and allows emergency expenditures, as well as allowing for waiver of normal bid procedures, if necessary.

The Director of Emergency Management and the City Attorney prepare the proclamation of emergency. The proclamation is an ordinance or resolution as prescribed by local and state law and executed by City of Des Moines. The local proclamation of emergency describes the following:

- The event (what has happened)
- When the incident happened
- Expected impacts without obtaining other resources
- Authorization of the use of local resources to combat disaster effects
- · Allows waiving normal bid procedures if needed

When the decision to proclaim an emergency is made, the City Manager will advise the King County Office of Emergency Management and the Washington Emergency Management Division that City of Des Moines is about to or has executed a proclamation of emergency. Supply all details. This is to occur as soon as possible by the fastest means possible.

The proclamation of emergency is signed by the City Manager or other designated city official. A news release will be made as soon as possible after the proclamation is signed. The City Manager will forward a written copy of the proclamation of emergency to King County Office of Emergency Management and the Washington Emergency Management Division as soon as possible by the fastest means possible.

If the emergency or disaster is of a scale and scope that outside assistance is needed, prepare and submit a request for resources and / or assistance and other supporting material, as necessary. The request for assistance can be included in the proclamation of emergency.

When the situation requiring the proclamation is over, the City Manager or other designated city official is empowered to make a proclamation terminating the emergency.

Des Moines CEMP Page 33 of 37

SAMPLE PROCLAMATION OF EMERGENCY

Whereas, the City of Des Moines Department of Emergency Management has reported to the Des Moines City Manager, beginning <u><DATE></u>, <u><DESCRIPTION OF SITUATION></u> in City of Des Moines, and

Whereas, these problems may last for a significant period of time and cause a threat to life and property, and,

Whereas, this constitutes an emergency as defined by the City of Des Moines Comprehensive Emergency Management Plan and necessitates the utilization of emergency powers granted pursuant to Des Moines Municipal Code 2.36, RCW 36.40.180 and RCW 35.33.081 therefore,

Be it proclaimed by the Des Moines City Manager that an emergency exists in City of Des Moines; therefore, the Des Moines Director of Emergency Management and City of Des Moines Departments are authorized to take emergency actions and to provide emergency services to protect the health and safety of persons and property pursuant to the City of Des Moines Comprehensive Emergency Management Plan ("Plan"), Chapter 38.52 RCW, Chapter 35.33.081, and City of Des Moines 2.36. As directed pursuant to the Plan, each City of Des Moines Department Head is authorized to exercise the powers vested under this proclamation to enter into contracts and to incur obligations necessary to combat such victims of such disaster in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements.

City of Des Moines City Manager (signature) Dated this _____ day of <MONTH>, <YEAR>. Recommended by: Approved as to form: JOHN O'LEARY, DIRECTOR OF EMERGENCY MANAGEMENT PATRICIA BOSMANS Des Moines Director of Emergency Management (signature)

TONY PIASECKI

SAMPLE PROCLAMATION TERMINATION

Whereas, the conditions which required the Proclar MONTH , YEAR , are over.	mation of Emergency on the day of
Be it proclaimed by the City of Des Moines City M this date is terminated effective <date></date>	Ianager that the Proclamation of emergency on
TONY PIASECKI	
City of Des Moines City Manager Dated this day of < <u>MONTH></u> , < <u>YEAR></u> .	
Recommended by:	Approved as to form:
JOHN O'LEARY, DIRECTOR OF EMERGENCY MANAGEMENT	PATRICIA BOSMANS
Des Moines Director of Emergency Management	(title of jurisdictional legal authority)

ATTACHMENT C

WASHINGTON STATE REQUEST FOR RESOURCES OR ASSISTANCE FORM

Des Moines CEMP

WASHINGTON STATE REQUEST FOR RESOURCES OR ASSISTANCE

Incident#		Incident			Request #			
	-	Name		192				
	1000	60						
Jurisdiction	1		2000	Date / Time				
Requestor's	Name			Requestor's Title				
Phone #				Call Taken By				
HAVE YOU REQUESTED THIS FRESOURCE FROM ANY OTHER SOURCE [NO] [YES] If "YES" describe below. BRIEF DESCRIPTION OF THE PROBLEM OR TASK TO BE ACCOMPLISHED								

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Have all local municipal or county government resources been exhausted or otherwise committed? [NO] [YES] If "NO", local government sources must be utilized.								
Have all re	asonably availat	ole local area	commer	cial resources been e	xhausted of otherwise			
committed:	[NO] [YES]	If "NO", lo	ocal com	mercial sources must	be utilized.			
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RESOURCE REQUESTED / SUGGESTED BY CALLER TO SOLVE PROBLEM OR ACCOMPLISH TASK:								
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Des Moines CEMP

Comprehensive Emergency Management Plan

EMERGENCY SUPPORT FUNCTION (ESF) 1:

Transportation

Primary Agency: City of Des Moines

Support Agencies: South King Fire & Rescue (SKF&R)

King County Department of Transportation

King County Metro Sound Transit

Commercial Transportation Companies SeaTac International Airport (STIA)

Local Utilities

Washington State Department of Transportation (WSDOT)

I. INTRODUCTION

A. Purpose

Provide guidance and direction to ensure effective coordination and use of the transportation system and infrastructure during emergency situations.

Facilitate the identification of emergency transportation routes for the movement of people and goods.

B. Scope

This ESF addresses emergency transportation issues including capabilities, routes and resources needed to move people and materials.

This ESF focuses on operations within the City. City procedures align with adjacent communities.

II. POLICIES

A. Primary and Support Agency Responsibilities

- 1. Inspection, repair and operation of owned infrastructure or agencies with contractual agreements to provide and maintain infrastructure.
- 2. Ensure provisions are made to maintain essential City services.

Comprehensive Emergency Management Plan

- Support the coordination and information collection of transportation related damage assessments and provide such assessments to the jurisdictional EOC.
- 4. Use day-to-day policies and procedures to the extent possible. Identify "triggers" that indicate the need to employ emergency procedures, such as requesting a proclamation of emergency.
- 5. Primary and support agencies will follow strict safety practices while performing duties.

III. SITUATION

A. Emergency / Disaster Conditions and Hazards

- A large magnitude earthquake poses the greatest threat to the transportation network within the City of Des Moines and the surrounding area. Considering the low probability, high risk of such an earthquake, the City's close proximity to the Seattle fault along with pockets of alluvial soils and potential for liquefaction contribute to the potential for severe damages.
- A 16-inch natural gas pipeline owned by Puget Sound Energy is buried within the City. It runs along 16th Ave to 240th St and then west under Puget Sound supplying Vashon Island.
- 3. The Sea-Tac International Airport poses a risk unique to the area. Des Moines is in the direct flight path for aircraft departures and approaches; the potential for an aircraft related incident within the City limits is high. An incident involving an aircraft into a populated area could cause significant disruption of services, damages, loss of life and long-term recovery concerns.
- 4. Refer to the King County Hazard Identification and Vulnerability Analysis for additional information on the hazards that pose risk to the City.

Comprehensive Emergency Management Plan

B. Planning Assumptions

- Natural and man-made emergencies and disasters may cause damage to the transportation infrastructure. The type and degree of damage will determine the effectiveness and efficiency of the response and recovery efforts.
- 2. Initial response may be difficult but will improve with the gradual clearing of access routes.
- Windshield surveys and rapid damage assessments of the impacted areas will be done, as soon as conditions allow, to determine transportation infrastructure integrity and recovery priorities. Repairs may be difficult due to insufficient resources.
- Regular delivery systems will be hindered by damaged transportation infrastructure which may result in shortages of food, gasoline, medicines, etc.
- The requirement for transportation capacity during the immediate lifesaving response phase may exceed the availability of the City or readily available assets.
- 6. Primary and support agencies will perform tasks under their own authorities as applicable and additional tasks may be assigned under the authority of this Comprehensive Emergency Management Plan (CEMP).

IV. CONCEPT OF OPERATIONS

A. Transportation

The City of Des Moines will:

- 1. Develop debris, snow and ice removal plans and make it available to stakeholders;
- 2. Use all available resources to conduct windshield surveys and rapid damage assessments of the primary roadways located within the City. This may include streets that are not directly the responsibility of the City but it would be to the City's benefit do visual surveys and assessments of all roadways. More thorough assessments will be conducted later by the responsible parties;

Comprehensive Emergency Management Plan

- 3. Close unsafe streets with barricades and other safety devices as soon practical;
- 4. Disseminate road closures and other pertinent information via the City's website, Regional Public Information Network (RPIN), CodeRED and other available means;
- 5. Compile and analyze data collected from windshield and rapid damage assessment to prioritize street clearing operations and temporary repairs;
- 6. Share damage assessment information with King County RCECC and neighboring EOCs / ECCs; and
- 7. Contact local utilities for information on damages impacting transportation infrastructure.

B. Ground Travel

Certain consequences, other than damage to the transportation infrastructure,
of an emergency or disaster may prevent the operations of private and
commercial vehicles. When transportation is needed for life safety, the City
will identify contingency routes and methods for transportation for the
delivery of people and/or materials to desired locations. The City may need to
coordinate transportation, which may include busses, shuttles or other
appropriate vehicles.

C. Non-traditional Travel

 The Des Moines Marina and Sea-Tac International Airport (STIA) allows for non-traditional transportation of people and materials. As a last resort and as resources allow the South King Fire & Rescue fire / rescue boat, moored at the Des Moines Marina, and aircraft located at STIA may be used for extreme circumstances as long as the appropriate authorizations are processed.

V. RESPONSIBILITIES

A. City of Des Moines

Comprehensive Emergency Management Plan

- Coordinate windshield survey and rapid damage assessment operations for the City;
- 2. Compile and analyze collected data and determine priorities for closures and temporary repairs;
- 3. Make road closure and other related information available on the City website, RPIN, CodeRED and other available methods;
- 4. Identify contingency routes for evacuation if indicated;
- 5. Employ the use of the Redondo boat launch as appropriate to support emergency operations;
- 6. Maintain marina operations in support of the water transportation of resources; and
- 7. Identify any areas of people needing evacuation if conditions warrant.

B. Support Agencies

- 1. South King Fire & Rescue (SKF&R)
 - a) Maintain operations of the SKF&R fire & rescue boat moored at the Des Moines Marina;
 - b) Assist in windshield surveys and rapid damage assessments as requested by the City EOC; and
 - c) Provide medical transport when appropriate.
- 2. King County Department of Transportation
 - a) Provide operations as specified in the City of Des Moines Interlocal Agreement, such as road maintenance and bridge inspections.
- 3. King County Metro and Sound Transit
 - a) Assist in the transportation of people and goods as requested and coordinated by King County RCECC.
- 4. Commercial Transportation Companies

Comprehensive Emergency Management Plan

- a) Arrange for contracted services as coordinated by the City of Des Moines.
- 5. Sea-Tac International Airport (STIA)
 - a) Maintain operations for the flow of people and materials.
- 6. Local Utilities
 - a) Maintain the integrity and preserve the safety of services within the City.
- 7. Washington State Department of Transportation
 - a) Maintain the functionality of the traffic signal network within the City.

VI. REFERENCES

King County Department of Transportation Roads Maintenance Section Emergency Response Guide

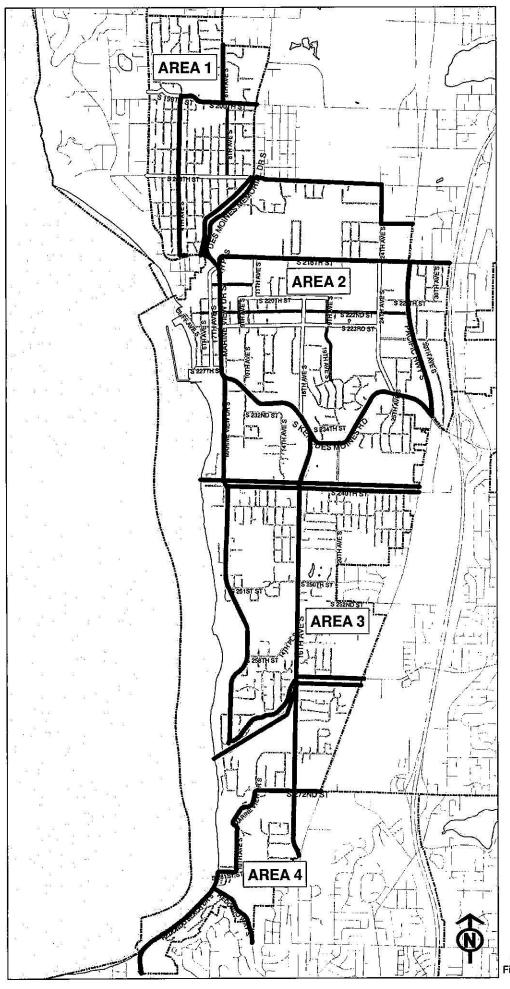
State of Washington Utility Road Clearing Task Force Plan, Procedure and Process for All Parties

VII. TERMS AND DEFINITIONS

See Appendices 1 and 2

VIII. ATTACHMENTS

City of Des Moines Debris, Snow and Ice Removal Map



City of Des Moines

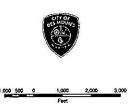
Street Network

Snow Plowing Routes

Priority A

Priority 8

Priority C



Map Generated: Feb. 22, 2011 Filename: Snow_Routes_11.mxd

Comprehensive Emergency Management Plan

EMERGENCY SUPPORT FUNCTION (ESF) 2:

Telecommunications and Warning

Primary Agency: City of Des Moines

Support Agencies: EAS (Emergency Alert System) Primary Networks

Valley Communications Center

King County Office of Emergency Management (KCOEM) / Regional Communication and Emergency Coordination Center

(RCECC)

NW National Weather Service (NWS)

NW Warn

Telecommunications Service Companies

I. INTRODUCTION

A. Purpose

This ESF will provide guidance for prioritizing and coordinating the re-establishment, restoration and sustainment of voice and data communications infrastructure and capabilities throughout the City.

B. Scope

This ESF addresses the role of the City for the coordination with special purpose districts and private sector telecommunications and warning companies.

This ESF should be used as a guideline for those in supporting and coordinating telecommunications and warning operations, and should not be considered a prescribed action plan. It will outline broad objectives that will provide for the greatest protection of life and property that can be achieved with information and resources available.

II. POLICIES

The City will implement emergency operational policies and procedures appropriate to manage the emergency or disaster.

The City will perform emergency management functions as mandated by Chapter 38.52.070 Revised Code of Washington (RCW).

Comprehensive Emergency Management Plan

The City will align with the Homeland Security National Preparedness Guidelines.

III. SITUATION

A. Emergency Conditions

The King County Hazard Identification and Vulnerability Analysis (published separately) is the basis for this ESF.

B. Planning Assumptions

- 1. Natural and technological emergencies and disasters may significantly impact telecommunications infrastructure and capabilities. Communications of all types may be limited or interrupted due to structural and / or equipment failures, or excessive demands.
- Loss of standard communications systems may necessitate the need to reprioritize existing systems to support the most critical operational needs of the region including emergency services.
- 3. Due to disrupted transportation routes, weather conditions, a lack of resources or the level of damage, repairs to communication equipment and infrastructure could take days, weeks or months.
- 4. No single warning system exists in the region that will alert all citizens of every threatening or actual emergency or disaster situation. There may be occasions when there is no time or mechanism to provide any warning.
- Public safety entities should monitor hazardous conditions that may impact the City facilities or critical services, and maintain equipment in support of its communications systems.
- Amateur radio resources may be used to augment primary communications systems such as hard line telephones, 800 MHz, and VHF / UHF radios in the EOC and other critical facilities.
- 7. Local media will work with the City and King County Office of Emergency Management (KCOEM).

IV. CONCEPT OF OPERATIONS

Comprehensive Emergency Management Plan

A. General

- 1. The City will collaborate with appropriate agencies and organizations to ensure the most effective response to incidents impacting or requiring telecommunications and warning systems / services.
- 2. The City expects that critical telecommunications entities will have functional redundant systems to ensure the systems are operational during and after any potential or actual emergency or disaster.
- 3. The telecommunications industry will relay accurate and timely information to the King County RCECC. The King County RCECC and the City will collaborate to ensure critical information is exchanged.

B. Organization

- 1. For day-to-day operations, the City will maintain its internal voice and data telecommunications systems. The systems include telephone services (landline and cellular), radio systems, and fiber optic networks.
- 2. In addition to internal voice and data telecommunications systems is a variety of hardware and networks specific for emergency-related communications that are available to the City. These include:
 - a) The Valley Communications Center is one link in a dedicated data network. It is the E-9-1-1 call receiving and dispatch center for the City.
 - b) The Des Moines Police Department has A Central Computerized Enforcement Service System (ACCESS) capability. ACCESS is a Washington State Patrol (WSP) owned and operated internet based system that supports most law enforcement agencies in Washington. For emergency management purposes, WSP has authorized and supports the use of ACCESS for dissemination of warning and notification information to local jurisdictions. ACCESS is a secondary data notification system for law enforcement agencies and PSAPs. ACCESS terminals are located in every regional PSAP, law enforcement agency and jail.
 - c) National Warning System (NAWAS) is a dedicated "open circuit", voice only landline system used to pass warning and notification information among federal agencies, and state and local governments. Through a network of primary and secondary warning points emergency information is disseminated. The King County region has five (5) warning points:

Comprehensive Emergency Management Plan

King County Sheriff's Office Communications Center, King County RCECC, City of Seattle EOC, Boeing Fire Department and NAWAS – Seattle office. The City does not house NAWAS but transmitted information is relayed over ACCESS. For more information, visit: http://emd.wa.gov/telcom/telcom/national/warning/systems.shtml

d) Radio Communications Systems

- i. Comprehensive Emergency Management Network (CEMNET) is a VHF low-band radio system operated by Washington State Emergency Management Division (WEMD). Valley Communications Center and KC RCECC are two locations within King County that house CEMNET. CEMNET is a secondary communications link among the WEMD EOC and local EOCs / ECCs. CEMNET frequencies can be programmed into mobile radios to enhance emergency information dissemination.
- ii. 800 MHz Trunked Radio system is an voice communications system used by the City as a primary communications for both routine and emergency communications by police and fire. A series of talk groups are preprogrammed into the system. Those talk groups are:

<u>ALL GOV</u> – used as an alternate talk group for coordinating life and safety issues such as evacuation.

<u>LOC GOV N</u> – may be used for coordinating operational issues among jurisdictions in EM ZONE 1 as well as Seattle.

<u>LOC GOV S</u> – may be used for coordinating operational issues among jurisdictions in EM ZONE 3 as well as Seattle.

- iii. <u>VHF</u> a police and fire secondary communications system and the primary communications system for other City departments including Planning, Building and Public Works Department and the Marina.
- iv. <u>Mutual Aid Radio System (MARS)</u> used by all law enforcement agencies licensed by the King County Sheriff's Office and patched with 800 MHz, VHF and UHF frequencies.
- Amateur Radio The City is in the process of coordinating a volunteer team of licensed radio operators to support emergency communications.

Comprehensive Emergency Management Plan

e) Emergency Alert System (EAS) is the primary means of disseminating critical life-saving information and action steps.

Hardware with the capability to originate voice and test warming messages is strategically located throughout the region. These messages are broadcast throughout the impact area via local media. The King County RCECC houses the EAS hardware for use by the City.

- f) National Weather Service (NWS) All Hazards Radio Network is used to broadcast weather-related information, statements, watches, warnings and advisories through the region and state. This network feeds information directly to the NWS All Hazards Radios as a primary means to reach both isolated and large populations. The City advocates all residents and business owners purchase and listen to this type of radio for information on impending and actual emergencies and disaster.
- g) Northwest Warn provides real-time sharing of situational information and provides immediate distribution of intelligence to authorized organizations.
- h) Regional Public Information Network (RPIN) is a web-based application serving a membership with general and emergency information provided by registered PIOs. RPIN is administered through the King County Office of Emergency Management.
- Social media is newly recognized by emergency management organizations as a means to get "real-time" information provided by a network of source agencies.

C. Procedures

The City will maintain and train on emergency operational plans, policies and guidelines with a focus on telecommunications and warning. The City will conduct internal emergency operations consistent with the implemented plans, policies and guidelines.

At the onset of the emergency or disaster, or as soon as practical, the City will conduct internal damage assessments, employee accountability procedures, needs assessments and relay that information through established chains of command.

V. RESPONSIBILITIES

Comprehensive Emergency Management Plan

A. City of Des Moines

- 1. Maintain current emergency operations and continuity of operations plans that address the respective service areas;
- 2. Maintain a level of functional operations to restore services as soon as reasonably possible;
- Assess restoration priority to agencies providing public health, medical and other life safety services. Communicate information to the King County RCECC and;
- 4. Maintain adequate fuel supply for back-up power.

B. Support Agencies

- 1. EAS (Emergency Alert System) Primary Networks
 - a) Conduct operations as identified in Title 47 U.S.C. 151, 154 (i) & (o); and 47 F.C.F.R. Part 11, FCC Rules and Regulations Emergency Alert System.
- 2. Valley Communications and King County Communication Centers
 - a) Answer 9-1-1 calls related to police, firefighting, and ambulance services and dispatch emergency services appropriate to the call received.
- 3. King County Office of Emergency Management
 - a) Actively participate in information sharing and promptly communicate appropriate information to the City and;
 - b) Edit and transmit EAS messages at the request of the City when the parameters of EAS transmission are met. (Refer to the Central Puget Sound EAS Plan.)
- 4. National Weather Service
 - a) Provide weather, hydrological and climate forecasts and warnings;
 - b) Maintain two-way communications in support of local governments in support of the 4 phases of emergency management; and
 - c) Script and transmit EAS messages as appropriate to weather conditions.

Comprehensive Emergency Management Plan

5. NW Warn

A collaborative effort between government and critical infrastructure partners with a goal of near real-time information sharing to help protect our infrastructure, communities and the public.

- 6. Telecommunications Service Companies
 - a) Provide timely and accurate information to those impacted via established procedures; and
 - b) Coordinate with the City for the prioritization of restored service

VI. ATTACHMENTS

None

VII. TERMS AND DEFINITIONS

Social Media - forms of electronic communication (such as Web sites for social networking and microblogging) through which users create online communities to share information, ideas, personal messages, and other content (such as videos).

VIII. REFERENCES

King County Hazard Identification and Vulnerability Analysis (HIVA)
(http://www.kingcounty.gov/safety/prepare/EmergencyManagementProfessionals/Plans/HazardIdentificationVulnerabilityAnalysis.aspx)

National Warning System (NAWAS) Plan (http://emd.wa.gov/telcom/telcom national warning systems.shtml)

Comprehensive Emergency Management Plan

EMERGENCY SUPPORT FUNCTION (ESF) 3:

Planning, Building, and Public Works

Primary Agency:

Des Moines Planning, Building, and Public Works

Support Agencies:

Des Moines Police Department
Des Moines Parks Department

South King Fire & Rescue (SKF&R)

King County Department of Transportation

Seattle Department of Transportation

I. INTRODUCTION

A. Purpose

To coordinate and organize the planning, building, and public works activities and resources of the City of Des Moines for the delivery of services, technical assistance and expertise, construction management, and other support in response to an emergency or disaster.

B. Scope

Within the Planning, Building, and Public Works Department are several Divisions: Planning, Long-range Planning, Code Enforcement, Building, Transportation and Engineering, Surface Water Management, and Maintenance.

This emergency support function (ESF) describes operations conducted within the City of Des Moines.

Planning for every contingency needing these services is beyond the scope of this ESF. This ESF does not imply that the City of Des Moines will remedy all needs in the event of an emergency or disaster.

II. POLICIES

Routine operations may be suspended in support of an emergency event.

The Planning, Building, and Public Works Department will provide services to City assets and critical facilities (police department, fire station, and city hall). Response to private property problems will be done only when a City facility or

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structure (such as a culvert) is causing the problem or when life or public health is threatened, or as requested by the EOC.

Procedures identified in the ICBO (International Conference of Building Officials) Disaster Mitigation Handbook and the ATC-20-1 Field Manual: Post Earthquake Safety Evaluation of Buildings will be standard for the inspection of all buildings for damage.

III. SITUATION

A. Emergency / Disaster Hazards and Conditions

1. Refer to the King County Hazard Identification and Vulnerability Analysis (published separately). The City has shown to be susceptible to landslides and localized flooding in the past. Saltwater State Park Bridge on Marine View Drive and the Twin Bridges on 16th Avenue S may suffer severe damage in the event of an earthquake. Should any of these structures be damaged, two major north-south arterials will be compromised, effecting emergency access. The City is also a prime area for an aircraft related incident due to its location.

B. Planning Assumptions

- An emergency or disaster may cause extensive damage to property and infrastructure. Structures may be destroyed or severely weakened. Homes, public buildings, roads, bridges, and other facilities may need to be closed, reinforced, or demolished to ensure safety.
- 2. Debris or snow accumulation and subsequent damage may make City roads impassable. Immediate lifesaving activities will determine priorities.
- Damage assessments will be required to determine impact and potential workload associated with the emergency or disaster. In the event of an earthquake, aftershocks may require re-evaluation of previously assessed structures and damages.
- Emergency environmental permits and legal clearances may be needed for disposal of materials and demolition activities for the protection of threatened public and private improvements.

IV. CONCEPT OF OPERATIONS

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- A. The Planning, Building, and Public Works Department will lead coordination of emergency operations for the City identified in this ESF. The following is a brief outline of those responsibilities:
 - 1. Pre- and post-inspection of transportation infrastructure, City facilities and other appropriate buildings for structural integrity and safety;
 - 2. Issuance of emergency permits;
 - 3. Temporary repair of essential facilities;
 - 4. Conduct snow, and debris clearance;
 - 5. Coordination of the closure and demolition of unsafe buildings;
 - 6. Assessment, repair, and/or coordination of repair of traffic control devices and the traffic management systems;
 - 7. Assist in traffic control and safety by providing barricades, signs and emergency flaggers as necessary; and
 - 8. Lead the City's flood response.
- B. The Department will provide representative(s) to the Des Moines EOC. When the City EOC is not operational, the Department will assign staff to manage and direct emergency operations, and coordinate with other agencies.
- C. The Department identifies clearing and maintaining of its primary roads a priority.
- D. Supplemental assistance to the Planning, Building, and Public Works Department may be requested through normal mutual aid channels. The City maintains an Interlocal Agreement (ILA) with the Seattle and King County Departments of Transportation in support of road maintenance activities and emergency operations.
- E. Requests for state resources are made by the City EOC through the King County RCECC.
- F. The Planning, Building, and Public Works Department will coordinate the repair or relocation of City facilities.
- G. The Department will make sandbags and loose sand available at the Public Works Service Center (2255 South 223rd Street) for private resident / business owners' emergency use.

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V. RESPONSIBILITIES

A. Des Moines Building, and Public Works Department

- 1. Function as lead Department for the implementation of this ESF;
- 2. Provide a representative to the City EOC; and
- 3. Provide the City EOC with windshield and preliminary damage assessments, and priority repair and recovery information.
 - a) Building Division
 - i. Inspect public facilities for safety and structural integrity;
 - ii. Placard unsafe buildings. Take additional action when indicated;
 - iii. Coordinate demolition and disposal of unsafe facilities; and
 - iv. Expedite the issuance of building permits necessary for the recovery process.
 - b) Development Services and Long-Range Planning Divisions
 - i. Process necessary permits / clearances as appropriate to this ESF;
 - ii. Perform and / or contract for major recovery work to restore City facilities and infrastructure;
 - iii. Incorporate lessons learned into long-term mitigation planning;
 - iv. Collect and compile windshield damage assessment information and other related paperwork in compliance with WEMD / FEMA requirements for potential proclamation / declaration of emergency;
 - v. Generate City website updates related to emergency operations such as maps, graphs and recommended actions for the public; and

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vi. Write statements on behalf of the Mayor for public broadcast or announcement.

c) Public Works

- i. Provide construction and emergency equipment, supplies and personnel for response and recovery activities;
- ii. Conduct inspections of bridges, traffic signals and other traffic control devices, culverts and detention facilities;
- iii. Provide traffic control devices for road closures, detours and potential safety concerns safety concerns;
- iv. Coordinate the repair of traffic control devices and traffic management systems;
- v. Coordinate supplies of sandbags and sand, and make deliveries as requested by City EOC;
- vi. Provide debris / snow removal; and
- vii. Coordinate signage and reader-board needs with WSDOT.

B. Support Agencies

1. Des Moines Police Department

- a) Assist conduct windshield surveys and provide the information to the City EOC or the designated department when the EOC is not operational;
- b) Assist in road clearance operations and traffic control; and
- c) Arrange for transportation of key personnel when other transportation options are not safe or available.

2. Des Moines Parks Department

- d) Assist with snow and debris removal, and other activities as needed; and
- e) Support emergency operations as directed by the City EOC.

4. Des Moines Marina

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- a) Clear snow and debris from marina property and roof tops as needed; and
- b) Support emergency operations as directed by the City EOC.
- 5. South King Fire and Rescue
 - a) Conduct windshield surveys when requested by the City EOC;
 - b) Coordinate amateur radio support for City operations; and
 - c) Open the department operations center as needed.
- 6. Seattle and King County Public Works Departments
 - a) Provide operations as specified in the City of Des Moines Interlocal Agreement, such as road maintenance and bridge inspections.

VI. REFERENCES

ATC (Applied Technology Council) 20-1 Field Manual: Post Earthquake Safety Evaluation of Buildings

ICBO (International Conference of Building Officials) Disaster Mitigation Handbook

www.desmoineswa.gov website for City road clearance priorities

State of Washington Utility Road Clearing Task Force Plan, Procedure and Process for All Parties

VII. TERMS AND DEFINITIONS

None

VIII. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 4:

Firefighting

Primary Agency: South King Fire & Rescue (SKF&R)

Support Agencies: American Red Cross Serving King & Kitsap Counties

Des Moines Planning, Building, and Public Works Department

Des Moines Police Department Zone 3 Mutual Aid Fire Agencies

Northwest Coordinating Group (NWCG)
Public Safety Answering Points (PSAPs)

Washington State Department of Transportation (WSDOT)

Washington State Patrol (WSP)

I. INTRODUCTION

A. Purpose

To provide for city-wide coordination of fire prevention, suppression, control and investigations within the City of Des Moines.

To support detection and suppression of rural, and urban fires resulting from, or occurring coincidentally with an emergency or disaster.

B. Scope

- 1. The heading of this ESF is Firefighting but it addresses the roles and responsibilities of the broader heading of "fire service". For the purpose of this ESF, fire service is considered fire suppression and control, basic emergency medical services, and immediate life safety services as delivered by SKF&R in the City of Des Moines.
- This ESF does not address the mobilization of fire resources at regional or state levels. The South Puget Sound Fire Defense Board Plan and the Washington State Chiefs Fire Services Resource Mobilization Plan (both published separately) provide detailed information on mobilization procedures.
- 3. Planning for every firefighting contingency is far beyond the scope of this ESF. This plan will outline broad objectives that will provide for the greatest protection of life and property that can be achieved with resources available. It should be used as a guideline for those in command of fire service operations and should not be viewed as a prescribed action plan.

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II. POLICIES

- A. Priority is given to firefighter and public safety.
- B. NIMS (National Incident Management System)/ ICS(Incident Command System) are used to manage emergency and disaster operations.
- C. The <u>King County Emergency Medical Services and the Emergency Medical Program Director Patient Care Protocols</u> is the emergency medical services (EMS) standard of care in the City of Des Moines.
- D. The Northwest Critical Incident Management (NWCISM) Team will provide defusings and debriefings, and personal or interpersonal support for fire personnel and their families when requested by their respective agency.
- E. Fire service mutual aid will be exhausted or nearly exhausted prior to requesting local, regional or state fire mobilization resources. Resources may be requested from one or more of three established fire resource plans. These plans consist of the King County Fire Resource Plan, the South Puget Sound Regional Fire Defense Plan and the Washington State Chiefs Fire Services Resource Mobilization Plan (RCW 38.54.030).
- F. Valley Communications is the designated public safety answering point (E 9-1-1 dispatch center) for the dispatch of fire mobilization resources. Other PSAPs will support Valley Communications upon request.
- G. Each local, state or federal agency will assume the full cost of protection of the lands within its respective boundaries unless other arrangements are made. Fire protection agencies should not incur costs in jurisdictions outside their area without reimbursement unless there is a local mutual aid agreement between those jurisdictions. It is essential that the issue of financial limitation be clarified through proper official channels for efficient delivery of fire services.
- H. National support for local and state firefighting operations is coordinated through the National Interagency Coordinating Center (NICC) located at the National Interagency Fire Center (NIFC) in Boise, ID. This is coordinated among the State Fire Marshal or WEMD and the Joint Field Office (JFO).

III. SITUATION

A. Emergency / Disaster Conditions and Hazards

A wide range of fire situations exists in City of Des Moines. There is a potential for structure, high-rise, hazardous materials, and shipboard fires as referenced in the King County Hazard Identification and Vulnerability Analysis (published separately). A conflagration could develop from natural or human caused

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situation(s) that will impact the response of fire resources in the county. Large scale or multiple simultaneous events could also impact the availability of fire resources.

B. Planning Assumptions

- 1. Fires can be the primary incident or a consequence of an emergency or disaster such as an earthquake or a civil disturbance.
- 2. SKF&R personnel are trained as EMTs, and are primary first response for medical emergencies as well as fires. (See ESF 8.)
- 3. Larger scale or multiple simultaneous incidents will impact the availability of SKF&R resources.
- 4. Some fires resulting from civil disturbances will be of such a magnitude that all threatened structures cannot be saved. After evaluating the situation, incident command may decide to cease firefighting efforts on one building in order to save another when the benefit of saving one building is greater than that of another, when continued efforts would likely not affect the outcome, or firefighter safety concerns.
- 5. Damage to transportation and telecommunications infrastructure and to fire facilities may impact the ability of fire services to respond to the emergency or disaster.
- 6. Availability of fire service personnel may be limited due to injury, personal concerns / needs or limited access to work locations and assigned to initial first response for all emergencies.

IV. CONCEPT OF OPERATIONS

A. General

- During emergencies or disasters, SKF&R will mobilize available apparatus and personnel to manage the incident. Existing Mutual aid agreements are activated when initial resources are inadequate. When mutual aid and local resources are exhausted or nearly exhausted, the provisions for local, regional and state fire mobilization apply.
- 2. SKF&R will send a representative to the City EOC.
- 3. SKF&R Station 26 is maintained at a level of readiness to operate as the City's alternate EOC.
- 4. The King County Fire Chiefs Association (KCFCA) Emergency Management Committee is responsible for emergency resource and response planning within fire services and maintaining the King County Fire Resource Plan (KCFRP). The KCFRP will be utilized for assessing, requesting and directing fire resources.

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- 5. When implemented, the KCFRP will designate a fire coordinator for overall coordination of fire service resources. The fire coordinator may operate from a field
 - command post, Zone 3 Coordination Center or the KC RCECC, as necessary. Fire departments will report available resources and request resources through the King County fire coordinator as directed.
- 6. SKF&R is signatory to the countywide mutual aid agreements.
- 7. Upon occurrence of a disaster, such as an earthquake, SKF&R will make initial assessments of their personnel, apparatus, equipment and facilities and report the information to the fire representative in the City EOC.
- 8. Fire service personnel unable to reach normal work assignment will report to the nearest fire station for duty.
- 9. Fire service personnel may assist in "windshield surveys" when possible and report the information to the City EOC.
- 10. Fire services may participate in flood control operations to include but not be limited to human and animal rescue, sand and sandbag distribution, and water removal as resources and staffing allow.
- 11. State agencies such as Washington State Patrol and Department of Transportation support fire operations when the fire impacts state highways.
- 12. The emergency medical capabilities and responsibilities of fire services are further covered in ESF 8. The hazardous materials capabilities and responsibilities of fire services are covered in ESF 10.

V. RESPONSIBILITIES

A. South King Fire & Rescue

- 1. Provide fire suppression and immediate life safety services.
- 2. Conduct Technical rescue operations as appropriate to level of training and available equipment.
- 3. Maintain readiness of firefighting personnel and equipment resources.
- 4. Maintain an operational Fire Prevention Division.
- 5. Conduct fire code enforcement on existing and new construction;
- 6. Conduct fire investigation activities within respective jurisdiction or in conjunction with the King County Fire Marshal;

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- 7. Mitigate fire hazards through fire prevention programs; and
- 8. Perform fire prevention planning.
- 9. Assist in windshield surveys when possible, and provide information to appropriate PSAP or EOC.
- 10. Staff the City EOC, KC RCECC or Zone 3 Coordination Center when indicated or requested.

B. Support Agencies

- 1. American Red Cross Serving King and Kitsap Counties
 - a) Coordinate the provision of basic human needs and shelter for persons who are displaced due to residences being uninhabitable due to fire damage.
- 2. Des Moines Planning, Building, and Public Works Department
 - a) Facilitate the repair and maintenance of water mains and systems.
- 3. Des Moines Police Department
 - a) Maintain 24-hour duty officer coverage in support of fire operations;
 - b) Assist with crowd control and criminal investigations when indicated;
 - c) Provide representation to the fire coordinator, emergency management committee and other fire service related activities as appropriate; and
 - d) Open EOC in support of fire operations as requested.
- 4. Northwest Coordinating Group (NWCG)
 - a) Provide guidance in the implementation of the National Fire Plan; and
 - b) Promote wildfire risk reduction and ecosystem health.
- 5. Northwest Critical Incident Stress Management (NWCISM) Team
 - a) Respond to defusings and debriefings for firefighters and their families as resources allow and as requested by their agencies; and
 - b) Provide stress management and spiritual-support to emergency responders when requested and as resources allows.

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- 6. Public Safety Answering Points (PSAPs)
 - a) Maintain adequate staffing and operational status in support of fire resource dispatch responsibilities.
- 7. Washington State Department of Transportation (WSDOT)
 - a) Support fire command and operations when a fire impacts state highways.
- 8. Washington State Patrol (WSP)
 - a) Participate in fire command and operations when a fire impacts state highways.

VI. REFERENCES (published separately)

King County Fire Emergency Resource Plan South Puget Sound Regional Fire Defense Plan Washington State Chief's Fire Services Resource Mobilization Plan King County Emergency Medical Services and the Emergency Medical Program Director Patient Care Protocols

VII. TERMS AND DEFINITIONS

None

VIII. ATTACHMENT

None

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EMERGENCY SUPPORT FUNCTION (ESF) 5:

Emergency Management

Primary Agency:

City of Des Moines

Support Agencies:

South King Fire and Rescue (SKF&R)

City Departments Mutual Aid Agencies King County Zone 3

King County Office of Emergency Management (KCOEM)
Washington Emergency Management Division (WEMD)

I. INTRODUCTION

City of Des Moines Ordinance 2.36 identifies the City Manager as the Emergency Management Coordinator for the City. The Police Chief is appointed by the City Manager to operate as the Director of Emergency Management for the City. The Director of Emergency Management (Police Chief) has delegated to day to day operations of the emergency management program to the Police Department Emergency Operations Coordinator.

A. Purpose

- 1. To collect, process, analyze, disseminate, and use information about a potential or actual emergency or disaster situation.
- 2. To provide guidance in reporting response and recovery information to local and state emergency management agencies.
- 3. To outline the organizational structure of the City of Des Moines Emergency Management Program.

B. Scope

- 1. This Emergency Support Function (ESF) addresses the informational needs of the City's Emergency Operations Center (EOC) for assessing a disastrous situation and supporting related response and planning efforts.
- This ESF does not imply that all planning and analysis contingencies are addressed but does outline basic principles consistent to most emergencies and disasters.

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3. This ESF does not address day to day operations. Its context is emergency operations in support of a complex and/or prolonged emergency or disaster.

II. POLICIES

- A. The City of Des Moines will endeavor to disseminate current and accurate information and request the same from outside agencies and volunteer organizations during times of EOC activations. The analysis of this information and planning for anticipated resources will occur in support of emergency or disaster-response and recovery activities.
- B. Emergency operations conducted within the City will be NIMS (National Incident Management System) compliant.

III. PLANNING ASSUMPTIONS

- A. To identify urgent response requirements during a disaster, or the threat of one, and to plan for continuing response, recovery and mitigation activities, there will be an immediate and continuing need to collect, process, and disseminate situational information.
- B. Information will be provided by field personnel, responders, volunteers, the public, the media, and others.
- C. Information collection may be hampered due to many factors including: damage to the communication infrastructure, communications system overload, damage to the transportation infrastructure, effects of weather, smoke, and other environmental factors.
- D. Urgent response requirements during an emergency or disaster, or the threat of one, and the plan for continued response and recovery activities, necessitates the immediate and continuing collection, processing, and dissemination of situational information.
- E. Information, particularly initial information, may be ambiguous, conflict with information from other sources or with previous information from the same source, or be limited in detail.

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IV. CONCEPT OF OPERATIONS

Emergencies occur regularly within the City and are adequately managed by law enforcement, fire services and public works departments. This section will address City operations that go beyond the capabilities of these first responders.

A. Emergency Operations

- 1. The City maintains a primary EOC at the Police Department. The Des Moines Police Department is located at 21900 11th Avenue S; Des Moines, WA 98198. The secondary EOC is located at the South King Fire & Rescue Station 26; 2238 South 223rd Street; Des Moines 98198. A third alternate location is at the South King Fire & Rescue headquarters station located at 31617 1st Avenue South Federal Way, WA 98003.
- 2. The EOC may be activated by the City Manager, Assistant City Manager, Police Chief or designee, Director of Planning/Building/Public Works, or South King Fire & Rescue or designee. Once the decision is made to activate the City EOC, the Director of Emergency Management will fill the role of EOC Manager or delegate it to an appropriate individual.

B. Command

- 1. The EOC Manager will ensure adequate numbers of trained staff report immediately. Staffing configuration will align with ICS/NIMS. Initial action steps will be to obtain situational and operational awareness from the field incident commander (IC) and quickly develop an incident action plan (IAP) for the first operational period. EOC operational objectives will be to protect life and health, protect public and private property, restore essential services and facilities and develop and disseminate public emergency information.
- 2. The City leaders realize that available first responder resources may not be adequate to command the incident and accomplish the necessary tasks associated with incident command. The field IC may request the assistance of the EOC planning section chief in developing the comprehensive IAP. Additional assistance may include logistics and finance section chiefs. For this to effectively occur, it is imperative that there be an exchange of liaisons (EOC to field; field to EOC) to maintain an active flow of information. The will allow the field IC to focus on the operations aspect of the incident. Never is the EOC support of field command and control to be misunderstood as directing the operation.

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C. Operations

- 1. The Operations Section Chief is predetermined by the EOC organizational chart or appointed by the EOC IC based upon the type of emergency incident or event occurring and is responsible for the tactical component of the overall ICS response. The Operations Section Chief reports to the IC and is considered a member of the command staff. The EOC Manager may support the field operations by establishing functional branches in the EOC which will allow for discipline-specific communications and coordination. The functional branches will be determined by the characteristics of the incident which may include fire, law enforcement, public works, public health, ecology, etc. The field IC will establish a command post for the incident and report the location of the command post to the EOC. Field incident situational reports will be communicated to the EOC on a regular basis, or as necessary to inform the EOC of any unexpected change in the incident.
- 2. If the incident is beyond the capacity of City EOC, the EOC manager may request a Type 3 Incident Management Team through King County KCRCECC. Requesting this team will require the City government to relinquish any or all responsibility for the emergency management incident. The specifics will be outlined in delegation of authority which will be determined prior to the exchange of hands.

D. Planning and Information Analysis Section.

- Collect, record, and disseminate all information to the appropriate staff and facilitate the dissemination of information to appropriate field personnel and responders;
- 2. Display and analyze information for future response and recovery needs; and
- 3. Coordinate the development of the IAP and tasks associated with its development.

E. Information Analysis will:

- 1. Assess and display of the hazard's impact, including the boundaries of the affected area and the distribution, type, and magnitude of damage;
- 2. Maintain a current status of emergency response activities, resource needs, and requests, and the status of critical facilities;

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- 3. Establish priorities in the event of a scarcity of resources; and
- 4. Consolidating information into logs and reports to keep others informed and to document relevant activities.

F. Planning will include, as appropriate:

- Using the analyzed information to identify trends and determine courses of action for responding to a hazard or its effects. Planning will focus on response strategies and resource requirements beyond those needed for immediate response, attempting to anticipate future actions and needs. The planning horizon may be the next hour, 24 hours, or weeks, depending on the scope and scale of the incident and situation.
- 2. Planning information will be shared with neighboring EOCs/ECCs, Zone 3 Coordination Center, King County RCECC, WEMD EOC, and other EOC functional positions and incorporated in appropriate displays.
- 3. The planning staff, in coordination with the operations staff, will recommend courses of action for immediate and future activity, including the need for specific resources identified as part of the planning process.
- 4. Before a planning cycle has ended, the planning staff will commence planning for the next operational period.
- 5. Whenever information is lacking, contains insufficient detail, is ambiguous, or is conflicting, recommendations or decisions will be made on the best analysis possible under the circumstances using the combined talents of the staff then assembled.
- 6. Analysis and planning will continue until the EOC is demobilized. The analysis and planning functions may be transferred to individual City departments following demobilization.

G. Logistics

- 1. The Logistics Section Chief is responsible to coordinate resource requested by the IC that is not provided by local agencies and mutual aid. Associated tasks include:
 - a) Control and accountability of supplies and equipment;
 - b) Resource ordering;
 - c) Delivery of equipment, supplies and services;

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- d) Resource tracking;
- e) Facility, such as shelters or base of operations, location and operations;
- f) Transportation coordination;
- g) Information technology and other systems; and
- h) Finance / Administration
- 2. The Finance/Administration Section Chief monitors funding requirements and incident costs; and performs the financial management of incident command. The section is responsible for employee services such as security for personnel, facilities and assets.

V. RESPONSIBILITIES

A. City of Des Moines

- 1. City Manager Emergency Management Coordinator
 - a) Serve as the Emergency Management Coordinator;
 - b) Serve as the City's Applicant Agent;
 - c) Serve as liaison between the Emergency Operations Center and the City Council during emergency operations;
 - d) Provide funding for the success of the City's Emergency Management Program and the operational readiness of the City's Emergency Operations Center; and
 - e) Identify City staff to function as emergency first responders.
- 2. Police Chief Emergency Management Director
 - a) Ensure City personnel are trained to fill ICS positions necessary for Des Moines EOC staffing. Maintain a 3-deep staffing for each position identified in the Des Moines EOC Plan:
 - b) Manage the City's Emergency Management Program;

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- c) Ensure development of EOC procedures for coordinating information management, including flow, recording, dissemination, display, analysis, use, and reporting;
- d) Ensure development of EOC procedures for information analysis and planning;
- e) Maintain the EOC in a configuration to support the analysis and planning function;
- f) Include analysis and planning as part of the citywide emergency managementtraining program;
- g) Ensure development of policies and procedures to assist the EOC with obtaining appropriately trained personnel to support EOC functions; and
- h) Maintain a level of readiness of the City's EOC.

3. City Departments - General

- a) Require staff to obtain training in order to meet NIMS compliance;
- b) Develop policies and procedures to assist the EOC with obtaining appropriately trained personnel to support EOC functions;
- c) Ensure adequate numbers of personnel are adequately trained in NIMS / ICS to staff the City EOC with a redundancy of three in key ICS position;
- d) Assign personnel to staff EOC as requested by the Emergency Management Director;
- e) Maintain delivery of the City's essential services as resources allow; and
- f) Report observed damage information to the EOC in accordance with ESF Damage Assessment and continue to provide disaster-related information to the EOC as it becomes known.

4. Police Department

a) Assign personnel to EOC operations when requested by the Emergency Management Director or Coordinator, or the EOC Manager;

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- b) Dedicate resources for the development and implementation of the City's Emergency Management Program and EOC;
- c) Assign a public information officer (PIO) to serve as PIO for the entire City;
- d) Document all expenses associated with emergency operations and provide to the Finance Section Chief; and
- e) See ESF 13 for emergency operations specific to the Des Moines Police Department.

5. City Administration / Human Resources

- a) Assistant City Manager Perform City Manager emergency management responsibilities in the absence of the City Manager;
- b) Assign personnel to EOC operations when requested by the Emergency Management Director or Coordinator, or the EOC Manager;
- c) Coordinate the use of affiliated and non-affiliated volunteers when needed; and
- d) Document all expenses associated with emergency operations and provide to Finance Section Chief.

6. Finance

- a) Perform the functions of the ICS Finance Section during EOC activations;
- b) Assign personnel to EOC operations when requested by the Emergency Management Director or Coordinator, or the EOC Manager;
- c) Develop procedures for the documentation of disaster response and recovery expenses in anticipation of a Presidential Declaration of Emergency;
- d) Compile disaster response and recovery, and City dollar loss estimates caused by emergency; and
- e) Document all expenses associated with emergency operations and provide to Finance Section Chief.

7. Attorney and Prosecutor's Office

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- a) Provide legal counsel to the City Manager (Emergency Management Coordinator), the Police Chief (Emergency Management Director), and EOC Manager as needed; and
- b) Document all expenses associated with emergency operations and provide to Finance Section Chief.

8. Parks and Recreation

- a) Coordinate damage assessment operations with Public Works;
- b) Open and coordinate logistical support the Senior Center when needed for warming shelter, incident command post, public safety rehabilitation, etc.;
- c) Make Senior Shuttle vehicle available when requested;
- d) Coordinate shelter operations with the Red Cross Kitsap-King Chapter as necessary;
- e) Assign personnel to EOC operations when requested by the Emergency Management Director or Coordinator, or the EOC Manager; and
- f) Document all expenses associated with emergency operations and provide to Finance Section Chief.

9. Planning, Building and Public Works

- a) Perform the functions of the ICS Planning Section during EOC activations;
- b) Lead damage assessment operations in coordination with Parks and Recreation, and the Marina;
- c) Lead the City's flood fighting operations as directed by the EOC when indicated;
- d) Conduct debris removal operations when indicated;
- e) Assign personnel to EOC operations when requested by the Emergency Management Director or Coordinator, or the EOC Manager; and
- f) Document all expenses associated with emergency operations and provide to Finance Section Chief.

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10. Marina

- a) Maintain docking and refueling capabilities for the South King Fire & Rescue Fire Boat;
- b) Support the regional use of the marina as an alternate resource lifeline when roads are impassible;
- c) Assign personnel to EOC operations when requested by the Emergency Management Director or Coordinator, or the EOC Manager; and
- d) Document all expenses associated with emergency operations.

11. Municipal Court

a) Continue to provide court operations as an essential function of the City.

12. City Council

- a) Open funding sources when needed to support the City's emergency operations;
- b) Maintain continuity of government; and
- c) Provide for the coordination of visiting officials from other jurisdictions and levels of government.

B. Support Agencies

1. Mutual Aid Agencies

- a) Maintain an operational level of readiness appropriate for a mutual aid agency; and
- b) Respond to requests for mutual aid as resources allow.

2. South King Fire & Rescue

- a) Provide fire suppression and rescue services to the City of Des Moines;
- b) Partner with the City Police Department implementation of a City emergency public education program;

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- c) Support the City's emergency preparedness program; and
- d) Maintain a level of readiness of the alternate EOC for the City.

3. King County Zone 3

- a) Provide a forum for emergency management / preparedness programs for the public safety organizations within south King County; and
- b) Serve as conduit for information flow between King County OEM and the jurisdictional emergency management / preparedness programs.

4. King County Office of Emergency Management

- a) Provide leadership for the development and enhancement of a Region 6 Emergency Management Program and operational readiness;
- b) Activate the King County Regional Communications and Emergency Coordination Center in support of jurisdictional EOC/ECC activations and issue a mission number;
- c) Provide information on available grants and guidance in the grant application when requested; and
- d) Facilitate the collection of data required of a Presidential Declaration of Emergency.

5. WEMD

- a) Support regional emergency operations as requested;
- b) Activate the EOC in support of City EOC activation; and
- c) Facilitate and coordinate activities associated with Presidential Declarations of Emergency.

VI. REFERENCES

City of Des Moines Operations Center Manual King County Comprehensive Emergency Management Plan King County Emergency Operations Center Manual Washington State Comprehensive Emergency Management Plan National Response Framework

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VII. TERMS AND DEFINITIONS

None

VIII. ATTACHMENTS

Essential Elements of Information

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ATTACHMENT A: ESSENTIAL ELEMENTS OF INFORMATION

The essential elements of information, which may or may not be immediately or readily available to City staff but are of common need to one or more response activities, may include the following.

OVE	1. Boundaries of the disaster area
	2. Social/economic/political impacts
	3. Jurisdictional boundaries
	4. Status of transportation systems
-	5. Status of communications systems
	6. Access points to the disaster area
TO	7. Status of utilities
<u> </u>	8. Hazard specific information
ti:	9. Weather data affecting operations
	10. Seismic or other geophysical information
	11. Status of critical facilities
	12. Status of key personnel
	13. Status of disaster or emergency declaration
	14. Major issues/activities
	15. Overall priorities for response
-	16. Status of upcoming activities
	17. Status of community housing and shelter
	18. Status of critical public health issues (Water supply, food, sanitation, waste,
	infection, or hazardous waste)
	19. Extent of damage to private property

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EMERGENCY SUPPORT FUNCTION (ESF) 6:

Mass Care, Housing and Human Services

Primary Agencies: City of Des Moines

King County Department of Natural Resources Parks & Recreation

Division

Support Agency: American Red Cross Serving Kitsap and King Counties

King County Office of Emergency Management Seattle-King County Public Health Department

South King Fire & Rescue (SKF&R)

King County Metro

Washington State Animal Response Team (WASART)

I. INTRODUCTION

A. Purpose

To provide guidance for the coordination of mass care, housing and human services for the Des Moines residents and business owners and to support mass care, housing and human services operations for displaced residents from other jurisdictions impacted by an emergency or disaster.

B. Scope

Executive and elected officials of Des Moines acknowledge the limited City resources which support this ESF. This ESF applies to emergency operations within the City limits. The City will support other jurisdictional mass care, housing and human services operations as resources allow.

II. POLICIES

The City of Des Moines will focus on the coordination and delivery of mass care, sheltering and human services for City employees for the purpose of continuing essential City services throughout an emergency or disaster.

"All shelters opened and managed by cities in King County will be in accordance with American Red Cross Standards" as stated in the King County Regional Disaster Plan.

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III. SITUATION

- A. Refer to the King County Hazard Identification and Vulnerability Analysis (published separately).
- B. High magnitude earthquakes and extended power outages are the hazards most likely to create the need of the services addressed in this ESF.

IV. CONCEPT OF OPERATIONS

A. City Sheltering Operations for Incidents Impacting Des Moines

- Open the City EOC and provide staffing as necessary based on the demands of the emergency or disaster.
- 2. Assess the City's operational capacity as soon as conditions are safe.
- 3. Conduct windshield surveys, when conditions are safe, and collect the information to determine the situational awareness of the City and residents.
- 4. Prioritize emergency operations based on the specifics of the situational awareness and available resources.
- 5. Request needed resources through the King County RCECC.
- 6. Conduct welfare checks on families of City employees. If family members are not located within City limits, the City will make reasonable effort to coordinate welfare checks with other jurisdictions.
- 7. Based on the information gained from welfare checks, determine when and if to open and staff the employee and family shelter(s).
- 8. Open and staff warming/cooling shelter(s) when indicated.
- Coordinate large-scale and/or long-term shelter operations with the Red Cross, King County Housing, and other appropriate organizations.
- Coordinate with King County Metro for temporary shelters and/or transportation of displaced persons to regional shelters as indicated.
- 11. Identify facilities to adequately house companion animals.

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12. At the time of ESF development, King County Zone 3 is completing a zone-wide survey to determine the zone's ability to conduct and support shelter operations. Results of the survey will be included in the ESF if available at time of printing.

B. Shelter Operations for Incidents Not Impacting Des Moines

1. There will be emergencies and disasters that will cause severe damages throughout the region and not impact the City. In such instances, the City anticipates that it will be requested to provide shelter, temporary housing and human services to displaced persons. The City will meet such requests at a level commiserate to its available resources.

C. Medical Needs Sheltering

 Red Cross shelter operations and managers are not equipped to temporarily house individuals who need skilled medical care. The Seattle-King County Public Health Department will establish a medical needs shelter when conditions indicate.

D. Animal Rescue and Shelter

1. On October 6, 2006, the PETS (Pets Evacuation and Transportation Standards) Act was signed into law. It authorizes FEMA to provide rescue, care, shelter, and essential needs for individuals with household pets and service animals, and to the household pets and animals themselves following a major disaster or emergency. Red Cross has not adjusted policy to accommodate this law. There is no state law equivalent although there is an expectation that these services be provided at a local level.

V. RESPONSIBILITIES

A. Primary Agencies

- 1. City of Des Moines
 - Assist in providing temporary emergency shelter for employees and families in order to maintain continuity of operations and City government.
 - b) Assist in the identification of local facilities suitable for warming and cooling shelter.

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- Advocate City staff and volunteers attend Red Cross Shelter Operations training.
- d) Provide staff for warming and cooling shelter operations as resources allow.
- e) Identify open areas appropriate for the parking of RVs, campers, etc.
- f) Open EOC in support of shelter operations.

2. King County

- a) Parks and Recreation
 - i. The King County Department of Natural Resources Parks & Recreation Division is the primary county agency for mass care activities.
- b) Office of Emergency Management
 - The King County RCECC will make decisions regarding the activation of shelters that will be managed by the Parks and Recreation Division, Red Cross, and selected cities and non-profits.
- 3. Seattle-King County Public Health Department
 - a) Establish and operate medical needs shelters as indicated

B. Support Agencies

- 1. American Red Cross Serving King and Kitsap Counties
 - a) The Chapter is the lead organization for shelter operations. It provides the standards of which all shelter operations will meet. The Chapter separates its mass care operations into the following:
 - i. Disaster Action Team (DAT) Response
 - ii. Immediate Emergency Needs
 - iii. Food, Clothing, Shelter, Replacement of Lost Prescription Medicine
 - iv. Follow-up Client Assistance
 - v. Long Term Recovery Planning

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- vi. Rent/Deposit, Basic Household Items, Other Long Term Needs, Referrals
- 2. South King Fire & Rescue (SKF&R)
 - a) Support shelter operations by providing medical aid as indicated.
- 3. King County Metro
 - a) Provide buses for temporary shelters and transportation of displaced persons to shelter locations.
- 4. Washington State Animal Response Team (WASART)
 - a) Assist with the transportation and housing of abandon and/or loose animals.

VI. ATTACHMENTS

King County Shelter Matrix

VII. TERMS AND DEFINITION

None

VIII. REFERENCES

King County Comprehensive Emergency Management Plan

American Red Cross Serving King and Kitsap Counties Disaster Plan

Seattle-King County Public Health Medical Needs Shelter Plan

Stafford Act Section 403, as amended by the PETS Act

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EMERGENCY SUPPORT FUNCTION (ESF) 7:

Resource Management

Primary Agency:

City of Des Moines

Support Agencies:

South King Fire & Rescue

Des Moines Police Department

Zone 3 Cities

Zone 3 Fire Mutual Aid Agencies

King County Medic One

King County Regional Emergency Coordinating Center (RCECC)

King County Zone 3 Emergency Managers

Washington Emergency Management Division (WEMD)

I. INTRODUCTION

A. Purpose

To provide guidance for resource management and first responder logistical support following an emergency or disaster.

B. Scope

- 1. The City has few emergency or disaster resources in both quantity and type. Outside assistance will be required to manage the response to and recovery from destructive emergencies or disasters.
- 2. This ESF is a guideline for those involved in identifying resource needs and prioritization during an emergency or disaster. It is not a prescribed action plan. It will outline broad objectives that will provide for the greatest protection of life and property that can be achieved with information and resources available.
- This ESF does not attempt to detail or explain the resource management required to maintain the integrity of the critical infrastructure and services outside of the City's authority.

II. POLICIES

- A. The City will follow strict safety practices while performing duties.
- B. The City will exhaust, or nearly exhaust, its own resources and those provided through mutual aid prior to requesting support from King County ECC.
- C. Emergency purchases will follow the City's purchasing policy and procedures, except as necessary for maximum expediency and except the normal bidding requirement will be waived if the City Manager signs a proclamation of emergency.

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D. If needed resources exceed those provided through mutual aid, the City is responsible for the expenditures associated with the deployment and use of those resources.

III. SITUATION

A. Emergency / Disaster Conditions and Hazards

- 1. Any destructive emergency or disaster impacting the City will demand resources for the protection of life, property, the environment and the economy.
- 2. The City of Des Moines is served by South King Fire & Rescue for fire prevention and suppression and emergency medical services.
- 3. The King County Hazard Identification and Vulnerability Analysis (published separately) has additional information on local hazards and is a basis for this ESF.

B. Assumptions

- 1. The City does not have the quantity or type of resources to manage a large emergency or disaster.
- The resources available to the City at the time of the emergency or disaster will lessen due to damage to resource, facilities, infrastructure, and / or lack of personnel.
- 3. Much of the City's grocers, restaurants, pharmacies, hardware and lumber stores, etc. rely on "just in time" deliveries, which will result in rapid depletion of stocked goods and commodities.
- 4. The City has no capacity to manage donated goods.
- 5. The City realizes that there will be competing and conflicting priorities associated with resource management among responding agencies and jurisdictions.
- 6. The responsibility of resource inventories and services needed to maintain operational critical infrastructures lies with the respective owner or authority.

IV. CONCEPT OF OPERATIONS

A. City of Des Moines

- 1. The City may activate the EOC to assist first responders in managing an emergency or disaster or as deemed necessary.
- 2. The City will prioritize resource requests based on the best information available. The priorities may change as more information is obtained.
- 3. The City may implement the Regional Disaster Plan Omnibus Legal and Financial Agreement for procurement of resources (see IV.C.).

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- 4. The City will request resources from / through the King County RCECC before requesting resources from the state EOC. If requests are made directly to the state EOC, the City will be directed to contact the King County RCECC.
- 5. The Zone 3 (see Terms and Definitions) coordinator or designee will staff the King County RCECC to advocate for the Zone 3 cities and coordinate resource requests on behalf of Des Moines and other Zone 3 cities.
- 6. Resource requests need to be accompanied by as much type-specific nomenclature as possible. An example would be a request for a pickup truck. Type-specific nomenclature would be load capacity, 4-wheel drive capabilities, dual rear wheels, type of hitch, extended cab, and hauling capability.
- 7. Historically, fuel resources are rapidly depleted during long-term power outages. Fuel reserves may be obtained from the City of Des Moines Marina.

B. Fire and Law Enforcement Resource Mobilization

Fire services and law enforcement throughout the state have established a process for requesting out of area fire and law resources, when local resources are exhausted or nearing exhaustion. The request of these resources on behalf of City operations will be mutually agreed upon and requested through established fire response and law enforcement channels.

C. King County Regional Disaster Plan (RDP)

The Regional Disaster Plan (published separately) is a unique "mutual aid agreement" that establishes the framework to allow public, private and nonprofit organizations an avenue to efficiently assist one another during a disaster through:

- a plan that addresses organizational responsibilities;
- an agreement that addresses legal and financial concerns; and
- support documents that address specific operational elements of any disaster (transportation, health and medical services, public information, communications, etc.)

To date, there are over 140 signatories to the Regional Disaster Plan, with the commitment to help one another when disaster hits our region. Des Moines is one of those signatories.

Article VIII. Requests for Emergency Assistance of the Omnibus Legal and Financial Agreement section of the RDP states that "Requests for Emergency Assistance shall be directed to the designated Emergency Contact Point(s) on the contact list provided by the Subscribing Organizations and/or directed to and managed by the Zone Coordination function. The extent to which the Lender provides any Emergency Assistance shall be at the Lender's sole discretion. In the event the emergency impacts a large geographical

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area that activates either Federal or State emergency laws, this Agreement shall remain in effect until or unless this Agreement conflicts with such Federal and State laws."

V. RESPONSIBILITIES

A. City of Des Moines

- 1. Maintain documentation of all resource requests and status of resource.
- Maintain an inventory of its supplies, equipment, vehicles, and facilities needed to conduct day-to-day operations. The inventory will be available to conduct emergency operations.
- 3. Conduct citywide damage assessments to determine response and resource priorities.
- 4. Prioritize resource requests.
- 5. Proclaim an emergency to facilitate the procurement process.
- 6. Purchase resources using the emergency purchase procedures developed by the City's finance department.
- 7. Call upon neighboring cities for assistance when necessary.
- 8. Implement the RDP Omnibus Legal and Financial Agreement for procuring resources when indicated.
- 9. Provide assistance to neighboring cities if resources allow.
- 10. Establish relationships with services and goods providers, such as power companies, grocers, gasoline filling stations, garbage haulers, sand and cement suppliers, and others located in or servicing the City.

B. Support Agencies

- South King Fire & Rescue / Zone 3 Fire Mutual Aid Agencies / King County Medic One / Des Moines Police Department / Zone 3 Cities
 - a) Request mutual aid resources as indicated.
 - b) Coordinate resources through established procedures.
 - c) Provide representative to City EOC when requested.
 - d) Establish and maintain frequent communications with City EOC.
- 2. Zone 3 Emergency Management / King County RCECC
 - a) Coordinate resources as requested by the City.

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- b) Serve as liaison on behalf of the City with the Washington Emergency Management Division (WEMD) and FEMA.
- 3. Washington Emergency Management Division (WEMD)
 - a) Coordinate resources as requested by the City and King County.

VI. REFERENCES

King County Regional Disaster Plan http://www.kingcounty.gov/safety/prepare/EmergencyManagementProfessionals/Plans/RegionalDisasterPlan.aspx

VII. TERMS AND DEFINITIONS

King County Zones – To facilitate the coordination of fire, emergency management, public works, and similar resources within King County, the county is divided into 3 separate zones. The zones are Zone 1, the portion of the county North of I-90; Zone 3, the portion of the county South of I-90, and Zone 5 which is the City of Seattle.

VIII. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 8:

Public Health and Medical Services

Primary Agencies: City of Des Moines

South King Fire & Rescue

Public Health Seattle - King County

Support Agencies: American Red Cross Serving King and Kitsap Counties

Highline Medical Center

King County Emergency Medical Services

King County Medical Examiner Des Moines Police Department Private Ambulance Companies

Valley Communications

I. INTRODUCTION

A. Purpose

To coordinate public health and medical care needs resulting from an emergency or disaster.

B. Scope

To identify and meet the health and medical needs of individuals and communities impacted by an emergency or disaster through coordination with Public Health Seattle – King County and other health care providers.

II. POLICIES

- A. The City of Des Moines will use mutual aid agreements when the City's resources are depleted or committed.
- B. The City will operate in compliance with the King County Comprehensive Emergency Plan (CEMP) ESF 8 for disaster related health and medical services.
- C. The <u>King County Emergency Medical Services and the Emergency Medical Program Director Patient Care Guidelines</u> is the emergency medical services (EMS) standard of care in the City of Des Moines.
- D. The <u>Seattle King County Mass Casualty Incident (MCI) Plan</u> is the standard of care for MCI operations in the City of Des Moines.

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E. The <u>King County Comprehensive Emergency Management Plan ESF 8</u>; <u>Health and Medical Services is the standard of care for Public Health – Seattle and King County.</u>

III. SITUATION

A. Emergency / Disaster Hazards and Conditions

- 1. A significant natural disaster or technological incident that overwhelms the City of Des Moines would demand county, state and federal public medical assistance.
- 2. Hospitals, nursing homes, pharmacies and other medical / healthcare facilities may be structurally damaged or destroyed. Those facilities that survive with little or no structural damage may be rendered unusable or only partially usable because of damage to utilities (power, water and sewer) or the inability of staff to report for duty.
- 3. Medical and healthcare facilities which remain in operation and have the necessary utilities and staff, may be overwhelmed by the "worried well", "walking wounded" and seriously injured or ill patients who are transported there in the immediate aftermath of an emergency or disaster.
- 4. Medical supplies and equipment will likely be in short supply. Most healthcare facilities maintain only inventory stock to meet their short-term (24 36 hours) normal patient load needs. Disruptions in local communications and transportation systems may prevent timely resupply.
- 5. Otherwise healthy persons on daily prescribed medication such as insulin, antihypertensive drugs and digitalis may have difficulty in obtaining these medications because of damage or destruction of normal supply locations and general shortages within the disaster area.
- 6. Damage to transportation infrastructure may delay medical transports and outside assistance.
- 7. Damages to drinking and wastewater systems may complicate healthcare and possibly add to the victim or patient totals.
- 8. Hazardous materials (HazMat) incidents may present unique problems to patient care as the patients themselves may become contaminated and will require decontamination prior to transport and treatment.
- 9. In the case of an infectious disease outbreak, healthcare services may be negatively impacted due to ill healthcare providers.

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B. Planning Assumptions

- 1. Resources within the affected area will be inadequate to clear casualties from the scene or treat them in local hospitals. Additional medical capabilities will urgently be needed to supplement and assist in triage and treat casualties in the affected area and to transport to the closest appropriate hospital or other healthcare facility. Medical resupply will be needed throughout the impacted area.
- Damage to waste water treatment facilities, sewer and gas lines, and water distribution systems, along with secondary hazards such as fires, will result in toxic environmental and public health hazards to the surviving population and response personnel. The public swimming pool may create a health hazard in the event of damage to the chlorine storage tanks.
- The damage and destruction caused by a natural or technological (human caused)
 incident will produce urgent needs for mental health crisis counseling for victims
 and emergency responders.
- 4. Disruption to sanitation services and facilities, loss of power and massing of people to shelters may increase the potential for disease and injury.
- Public health emergencies may require implementation of public health measures to contain and control communicable diseases or spread of environmental hazards.
- 6. It is likely that public demand for health information, and health and medical services will increase during disasters.
- 7. The use of gymnasiums and community centers as temporary medical shelters, alternate care facilities and family assistance centers may be necessary. Additional locations may be used as temporary morgues as needed by the King County Medical Examiner (ME).
- 8. Members of our community who are seniors, children, disabled, homeless, non-English speakers, low-income or otherwise in need of ongoing support, will be more vulnerable during and after an emergency or disaster. A partnership approach will be needed among government, private industry, volunteer agencies and the media to ensure essential health related information and services reach vulnerable residents during an emergency or disaster.
- 9. Health and medical services will be restored during the recovery period as soon as practical and within the limitations and capabilities allowed of impacted agencies.

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IV. CONCEPT OF OPERATIONS

A. General

- 1. King County ESF 8 Area Command Center, led by Public Health Seattle and King County coordinates the following:
 - a) Establish health and medical response and recovery objectives;
 - b) Coordinate incident information with ESF 8 agencies;
 - c) Identify and coordinate medical resources;
 - d) Manage acquisition and use of medical resources;
 - e) Activate the health and medical joint information system (JIS) as needed to coordinate the content and timing for release of accurate and consistent health and medical information to the public, media and community response partners;
 - f) Coordinate and analyze health and medical information;
 - g) Investigate cause and manner of death resulting from an emergency or disaster;
 - h) Oversee regional health and medical surge capacity measures associated with added capacity or mobilization of volunteer personnel;
 - i) Collaborate with local EOCs / ECCS to provide logistical support for medical needs shelters, alternate care facilities, medical centers, mortuary operations, family assistance centers and other field response locations;
 - j) Implement local medication distribution strategies as directed by the local health officer;
 - k) Coordinate with the Puget Sound Blood Center to support the blood distribution system;
 - Identify potential sites and support staff for temporary emergency health clinics;
 - m) Manage emergency care at shelters and congregate care facilities;
 - n) Coordinate medical transportation resources; and
 - Support recovery activities aimed at restoring health and medical services to pre-incident status.

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- Basic and advanced life support services will be provided as per existing standard operatingguidelines, patient care guidelines and treatment / transfer protocols as promulgated or coordinated by the Emergency Medical Services Division of Public Health – Seattle and King County.
- 3. The American Red Cross Serving King and Kitsap Counties may support the EMS response with additional resources.

B. Organization

Health and medical emergency operations will be in compliance with NIMS / ICS principles.

V. RESPONSIBILITIES

A. Primary Agencies

- 1. City of Des Moines
 - a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
 - b) Support City staff efforts to assemble emergency kits as individuals;
 - c) Plan for continuity of operations / continuity of government;
 - d) Participate in regional health and medical planning activities;
 - e) Activate the City EOC in support of field operations as appropriate;
 - f) Coordinate critical incident stress debriefings / defusing and crisis counseling as requested for response personnel;
 - g) Secure medical and other operational sites as appropriate (Police Department);
 - h) Assist the Medical Examiner in establishing a temporary morgue and in identification of the dead;
 - i) Coordinate after action meetings as appropriate to the incident;

2. South King Fire & Rescue

- a) Provide first aid and CPR training to the public;
- Maintain adequate supplies of PPE (personal protection equipment) to protect fire personnel;
- Establish and serve as the initial incident command for any health and medical response;

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- d) Conduct field triage and provide basic life support (BLS) to ill or injured as appropriate;
- e) Funnel resource requests through the City EOC;
- 3. Public Health Seattle and King County
 - a) Provide first aid and CPR training to the public;
 - b) Conduct communicable disease surveillance, investigation and community containment;
 - c) Perform environmental health protective actions such as vector control, environmental samples and food product embargoes;
 - d) Build medical stockpiles;
 - e) Serve as point of contact to receive and disseminate SNS (Strategic National Stockpile) stockpile;
 - f) Develop operational and practical pans for health and medical response;
 - g) Coordinate and manage health and medical training and exercise opportunities for healthcare providers;
 - h) Assess the region's vulnerability to the health impacts of emergencies and disasters;
 - i) Provide ongoing health protection activities such as vaccinations, provider education, and food and water safety assurance;
 - j) Provide leadership and direction in responding to health and medical emergencies across King County consistent with the authority of the local health officer;
 - k) Activate the ESF 8 Area Command Center, JIS (joint information system) and the MAC (multi-agency coordinating) group as appropriate;
 - Provide medical advice and treatment protocols regarding communicable diseases and other biological hazards to EMS, hospitals and healthcare providers;
 - m) Maintain 24 / 7 duty officer program and serve as the primary POC (point of contact) for health and medical emergencies in the region;
 - n) Coordinate assessment and response to disaster consequences affecting food safety, water quality and sanitation;

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- o) Coordinate and collaborate with community response agencies in identifying environmental impact, remediation and recovery activities;
- p) Coordinate the response of regional veterinarian services and animal care groups;
- q) Direct response activities to vector-borne public health emergencies;
- r) Support mass care sheltering plans throughout the region in coordination with the American Red Cross Serving King and Kitsap Counties and ESF 6 agencies. Public health's role in mass care will focus on assisting health assessments at shelters;
- s) Provide epidemiological surveillance, case investigation, and follow-up to control infectious disease, including acts of bioterrorism and outbreaks of food borne illness;
- t) Assess the health and medical impacts and potential consequences posed by an emergency or disaster, and determine appropriate courses of action;
- u) Direct and manage medical surge capabilities including medical needs shelters, alternate care facilities, medication centers and temporary morgues;
- v) Coordinate and manage incident information and medical resources for healthcare agencies in the region;
- w) Direct and manage regional isolation, quarantine and other control measures necessary in response to disease outbreaks;
- x) Direct and manage mass vaccination and antibiotic dispensing operations;
- y) Coordinate requests for medical resources with private vendors, the King County ECC and the WEMD (Washington Emergency Management Division) EOC, as needed;
- z) Support the King County Department of Community and Human Services and the American Red Cross Serving King and Kitsap Counties in meeting demands for regional mental health services;
- aa) Direct the development and dissemination of health messages to the public, media, response partners and CBOs (Community Based Organizations);
- bb) Activate the public health information call center when indicated;
- cc) Activate the community communications Network during emergencies to provide public health and related information to CBOs and healthcare

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providers serving vulnerable populations and to receive incident information from CBOs; and

dd) Participate in after action meetings and provided input for final report;

B. Support Agencies

- 1. American Red Cross Serving King and Kitsap Counties
 - a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
 - b) Establish a method whereby names of victims will be obtained for health and welfare communications by appropriate agencies and immediate family;
 - c) Conduct first aid training for the public;
 - d) Provide available personnel to assist in temporary infirmaries, immunization clinics, morgues, hospitals and nursing homes;
 - e) Support the EMS response by providing additional resources as requested.

2. Highline Medical Center

- a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
- b) Operate as a Level 3 Trauma Center for the region.

King County Emergency Medical Services

- Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
- Ensure quality of care is maintained as appropriate to BLS and ALS levels of care;
- c) Provide emergency medical transportation resources as available;
- d) Provide a medical services officer (MSO), if requested
- e) Coordinate critical incident stress management for first responders, and facilitate the coordination of psycho-social support.

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- 4. King County Medical Examiner
 - a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
 - b) Provide notification of emergency morgue locations;
 - c) Authorize the release of the dead;
 - d) Coordinate transportation of the dead;
 - e) Track incident related deaths resulting from emergencies and disasters;
 - f) Identify and manage related human remains;
 - g) Oversee family assistance center(s) to provide a private, safe and secure place for survivors of disaster victims to gather, and to facilitate necessary communications with the King County Medical Examiner:
- 5. Des Moines Police Department
 - a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
 - b) Assist the medical examiner in the identification of the dead;
 - c) Provide security of the medical scene;
- 6. Private Ambulance Companies;
 - a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;
 - b) Provide treatment and transport of patients as determined incident command;
- 7. Valley Communications PSAP (Public Safety Answering Point)
 - a) Advocate for City staff to obtain emergency first aid, CPR, and emergency preparedness training;

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- b) Serve as dispatch center for out-of-hospital care providers;
- c) Request the dispatch of private EMS providers through their respective dispatch centers;

VI. REFERENCES

None

VII. TERMS AN DEFINITIONS

Strategic National Stockpile (SNS)

Housed at the CDC (Center for Disease Control) the SNS (Strategic National Stockpile) has large quantities of medicine and medical supplies to protect the American public if there is a public health emergency (terrorist attack, flu outbreak, earthquake) severe enough to cause local supplies to run out. Once Federal and local authorities agree that the SNS is needed, medicines will be delivered to any state in the U.S. within 12 hours. Each state has plans to receive and distribute SNS medicine and medical supplies to local communities as quickly as possible.

Public Safety Answering Point (PSAP)

A call center responsible for answering calls to an emergency telephone number for police, firefighting, and ambulance services. Trained telephone operators are also usually responsible for dispatching these emergency services.

VIII. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 9:

Search and Rescue

Primary Agencies: Des Moines Police Department

South King Fire & Rescue (SKF&R)

King County Sheriff's Office

Support Agencies: Des Moines Planning, Building and Public Works

Mutual Aid Law Enforcement Agencies

Mutual Aid Fire Agencies Volunteer Organizations

Valley Communications Center

Washington State Urban Search and Rescue Task Force (WATF1)

US Coast Guard

I. INTRODUCTION

A. Purpose

To provide guidance for search and rescue (SAR) operations.

B. Scope

- This ESF addresses wilderness and special operations (hazardous materials, confined space, trench, high angle, low angle, marine and swift water) urban search and rescue operations within the City of Des Moines.
- 2. Planning for every SAR contingency is far beyond the scope of this ESF. This plan will outline broad objectives for use as guidelines for those in command of SAR operations and should not be viewed as a prescribed action plan.
- 3. For the purposes of this plan, SAR will be categorized as <u>wilderness</u> search and rescue (SAR), and <u>urban search</u> and rescue (US&R).
 - a) Wilderness SAR is the act of conducting an organized search for a lost person(s) who failed to return from an outing of some kind such as a day hike, or a person(s) who wandered away from home or institution, such as a toddler, runaway teen or dementia patient.

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b) US&R requires a level of technical rescue skills to conduct an organized search and rescue operation. Those skills include confined space, trench, high angle, and swift and surface water rescues.

II. POLICIES

- A. Safety of emergency first responders will be the utmost priority throughout the search and rescue operation.
- B. The Des Moines Police Department is the lead agency in conducting wilderness SAR. South King Fire & Rescue (SKF&R) is the lead agency in conducting US&R. Marine rescue operations are the primary responsibility of the US Coast Guard (USCG), with the assistance of SKF&R marine operations.
- C. Pierce County Department of Emergency Management sponsors the Washington State Task Force 1 (WA-TF1) FEMA Urban Search and Rescue Team. It may be requested, through King County OEM to Washington Emergency Management Division (WEMD) to manage large, local incidents with the approval of the task force chief (director of Pierce County Department of Emergency Management) and task force leader of the WA-TF1.

III. SITUATION

A. Emergency / Disaster Conditions and Hazards

- 1. The potential for a missing person is a daily occurrence. The scenario may be a child who left home through an unlocked door in the middle of the night, an older child who became separated from a group during a camping trip, a senior citizen who walked away from the primary place of residence, or the hiker who became injured during a day hike.
- Other scenarios include a powerful windstorm, trapping several people in a damaged building or the bombing of a large school trapping several hundred students in the rubble.
- 3. Refer to the King County Hazard Identification and Vulnerability Analysis (published separately) for additional information.

B. Planning Assumptions

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- 1. People will be lost, injured or killed while outdoors, requiring SAR assistance.
- 2. Natural and technological disasters and / or acts of terrorism may create the need for a US&R team.
- An emergency or disaster may overwhelm local SAR agencies and may require the technical skills of a confined space rescue team or an USAR (urban search and rescue) task force.
- 4. Large numbers of local residents and volunteers will initiate activities to assist SAR operations and will require coordination. Convergent (spontaneous) volunteers will require coordination and direction within the local incident command structure.
- 5. Access to damaged sites and / or wilderness locations may be limited. Some sites may be initially accessible by only air or water.

IV. CONCEPT OF OPERATIONS

A. Wilderness SAR

- 1. The Des Moines Police Department is informed of lost people, intentional or accidental, through E 9-1-1. Family member or associates report the person(s) missing. Valley Communications takes appropriate information and dispatches the Des Moines Police Department.
- 2. The Des Moines Police Department is incident command for such incidents unless authority is delegated to another appropriate law enforcement agency or establishes a Unified Command.
- 3. Incident command determines the level of operations and works with appropriate agencies to organize trained search and rescue personnel. Mutual aid from other law enforcement agencies is requested when needed.
 - The Des Moines Police Department maintains a cadre of volunteers in support of police and preparedness operations. The City provides liability protection, training and other services to ensure a viable program. These volunteers are not registered as Emergency Workers.
- 4. Wilderness SAR operations may become so large as to overwhelm the Des Moines Police Department resources. In such circumstances, the Des Moines Police Department incident commander may request assistance from the King County

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Sheriff's Office (KCSO). In these instances, KCSO assumes SAR operations incident command. KCSO will likely deploy WEMD Emergency Worker volunteers trained is SAR operations to conduct a ground search.

A mission number issued by WEMD duty officer (1-800-258-5990) will be obtained by incident command whenever Emergency Workers are part of the SAR operation.

- WEMD administers the state Emergency Worker Program (WAC 118-04) which
 provides basic liability protection and reimbursements for volunteers active in SAR
 operations.
 - a) Spontaneous or convergent volunteers must register on site for the same protection as pre-registered Emergency Workers.
 - b) All Emergency Workers, pre-registered or convergent, must work at the direction of incident command. Search and rescue incidents must have a WEMD assigned mission number for State mission number to qualify for the protections offered by the WEMD Emergency Worker Program.
- The City's public works department may provide heavy equipment to support SAR operations.

B. Urban Search and Rescue (US&R)

- SKF&R provides fire and emergency medical services to the City. In addition to fire suppression and prevention, and emergency medical services, it has heavy rescue capability along with special operations teams. The teams include Hazardous Materials, Technical Rescue and Marine Rescue.
- 2. When the US&R operation is of a large scope and scale, that overwhelm SKF&R resources, SKF&R may request resources through mutual aid.
- 3. When the emergency or disaster is beyond the local, regional and state, a Presidential Declaration of Emergency may be requested by the governor. If the Declaration is authorized, the state may ask for federal assets. One asset are the FEMA US&R Teams.
 - a) The teams are equipped to conduct round-the-clock search and rescue operation following an earthquake, flood, aircraft accident, hazardous materials spills and catastrophic structure collapses. The task forces are complete with necessary tools and equipment, and required skills and technique.

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- b) The Puget Sound area is home to the Washington State Urban Search and Rescue Task Force (WATF1), one of the 28 federal US&R teams. WATF1 is comprised of 210 local firefighters, paramedics, law enforcement officers, engineers, veterinarians, physicians and communication specialists. It is sponsored by Pierce County Department of Emergency Management with membership representing primarily King and Pierce Counties, and Seattle.
- c) While WATF1 is a federal asset, it may not be available for incidents affecting the Puget Sound region. Team members will be conducting emergency operations within their respective jurisdictions or deployed as a local resource. The need for an outside US&R task force will be determined by unified command and coordinated through Pierce County and WEMD.
- d) When requested, WATF1 will assume command and control of the search and rescue operation delegation of authority procedures.

V. RESPONSIBILITIES

A. Primary Agencies

- 1. Des Moines Police Department
 - a) Lead agency for command and control of search and rescue operation of a missing person(s).
 - b) Assess the need for, and coordinate with search teams.
 - c) Register and assign Emergency Workers as listed in WAC 118-04.
 - d) Assess the need and implement unified command of SAR operations.
 - e) Support SKF&R operations when requested that occur within the City.
- 2. South King Fire & Rescue (SKF&R)
 - a) Lead agency for incident requiring special operations.
 - b) Support Des Moines Police Department operations when requested.
 - c) Request mutual aid resources, when indicated.
 - d) Maintain Marine 26 (fire / rescue boat) in a state of readiness. Deploy when appropriate to the incident.

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- e) Advise City of Des Moines Director of Emergency Management or designee of situation and resources and indication for request of FEMA US&R.
- 3. King County Sheriff's Office
 - a) Assume SAR incident command once it is delegated by the Des Moines Police Department.
 - b) Maintain an Emergency Worker program
- 4. Washington State Urban Search and Rescue Task Force (WATF1)
 - a) Maintain a state of readiness for rapid deployment and initiation of US&R operations.
 - b) Ensure appropriate disciplines are represented on the task force.

B. Support Agencies

- 1. Des Moines Planning, Building and Public Works Department
 - a) Support field operations with heavy equipment and services when requested by incident command.
 - b) Provide technical structural advice and coordinate structural assets as requested by incident command.
- 2. City of Des Moines
 - a) Open City EOC when requested by field incident command.
 - b) Advise and make recommendation to the City Manager as appropriate to the incident.
- 3. Mutual Aid Law Enforcement and Fire Agencies
 - a) Respond to mutual aid requests as resources allow.
- 4. Volunteer Organizations
 - a) Provide resources to support search and rescue operations when requested by law enforcement.
- 5. Valley Communications Center

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a) Provide E-9-1-1 telephone and dispatch services to the City.

VI. REFERENCES

Washington State Urban Search and Rescue Task Force (WATF1) website: http://www.co.pierce.wa.us/pc/abtus/ourorg/dem/USARwebpage2011vsn.htm

Chapter 118-04 Washington Administrative Code - Emergency Worker Program

VII. TERMS AND DEFINITIONS

Search and rescue - the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, technological, or human caused disaster, including instances involving searches for downed aircraft when ground personnel are used. (Chapter 38.52 RCW)

VIII. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 10:

Hazardous Materials

Primary Agencies:

City of Des Moines

South King Fire & Rescue (SKF&R)

King County Office of Emergency Management (KCOEM)

Environmental Protection Agency (EPA)

Support Agencies:

Des Moines Police Department

Des Moines Building, Planning and Public Works

King County Bomb Squad King County Zone 3

Port of Seattle Bomb Squad

Private Spill Response Companies

U.S. Coast Guard (USCG)

Valley Communications Public Safety Answering Point (PSAP)

Washington State Department of Ecology (WSDOT)

Washington State Department of Transportation (WSDOT)

Washington State Patrol (WSP)

I. INTRODUCTION

A. Purpose

To identify local responsibilities for hazardous material incident response and management.

To include preparation for and response to any incident involving hazardous substances or materials,, that, when released, can be harmful to persons or the environment of the City of Des Moines.

B. Scope

The City of Des Moines owns and maintains a marina for both public and private use. It provides moorage for approximately # privately owned boats and one publically owned boat. South King Fire & Rescue (SKF&R) moors its fire / rescue boat, which is the only emergency response boat between the cities of Seattle and Tacoma. All of these vessels have the potential for a hazardous materials release or fire. The Marina also has underground storage tanks containing fuel for public use.

This ESF provides for a coordinated response to actual or potential discharges and / or releases of hazardous material within the City of Des Moines. It includes the appropriate response actions to prevent, minimize, or mitigate a threat to public health, welfare, or the environment.

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II. POLICIES

- A. Attempt to use the safest practices based on national standards.
- B. The City is within the SKF&R jurisdiction for hazardous materials response.
- C. SKF&R has a specialized hazardous materials team that serves the City.
- D. Des Moines will use mutual aid agreements when the City's resources are depleted or committed.
- E. The City will operate in compliance with the King County Comprehensive Emergency Plan (CEMP) ESF 10 for and the release of hazardous materials.
- F. Facilities within the City, with on-site hazardous materials in sufficient quantities requiring SARA Title III compliance, will plan and report in accordance to the law.

III. SITUATION

On October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law (P.L. 99-499). One part of the SARA provisions is Title III: "The Emergency Planning and Community Right-to-Know Act of 1986" hereafter referred to as "EPCRA." EPCRA establishes requirements for federal, state, and local governments, and industry regarding emergency response planning and community right-to-know on hazardous chemicals

A. Emergency / Disaster Hazards and Conditions

- Fixed facilities (e.g., chemical plants, tank farms, laboratories, and industries
 operating hazardous waste sites which produce, generate, use, store, or dispose of
 hazardous materials) may be damaged by any number of hazards (earthquakes,
 explosions, etc), which may result in any existing spill control apparatus and
 containment measures, are no longer operational or effective.
- The facilities within the City with hazardous materials on-site are the: Mount Rainier Pool (chlorine); sewage treatment plant (chlorine); several dry cleaners; gas stations and various other underground storage tanks.
- Vehicles transporting hazardous materials using the local highway system may be involved in highway collisions. The potential also exists for waterway and aircraft incidents, which may result in a hazardous materials release.

B. Planning Assumptions

 Actual or threatened releases of hazardous materials often require immediate response.

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- 2. A hazardous material release may develop slowly, be explosive and / or occur without warning.
- 3. Damage to, or rupture of, pipelines transporting materials that are hazardous, if released, will present serious problems.
- 4. A natural or technological disaster could result in a single or numerous situations in which hazardous materials are released into the environment.
- 5. Emergency exemptions may be needed for disposal of contaminated material.
- 6. Laboratories responsible for analyzing hazardous material samples may be damaged or destroyed in a disaster.
- 7. Illegal drug labs and dumping occur within the City.
- 8. Facilities within the City with threshold quantities of on-site hazardous materials are in compliance with SARA Title III.
- 9. The coordination of emergency response operations of hazardous material incidents may require multi-agency and multi-disciplinary responses. Disciplines involved may include fire responders, law enforcement, environmental containment and cleanup specialists, fish and wildlife experts, emergency medical services, environmental health and other agencies.
- SARA Title III facilities are required to maintain plans for warning, notification, evacuation and site security under numerous regulations. Copies are filed with SKF&R.

IV. CONCEPT OF OPERATIONS

A. General

- The City of Des Moines has the primary responsibility for protecting life and property threatened by hazardous materials incidents, except where this has been specifically preempted by state or federal laws or regulations.
- 2. Hazardous materials emergency response and recovery operations will align with the National Incident Management System (NIMS).
- 3. SKF&R is the initial responding and incident command agency in accordance with RCW 70.136 for the isolation, identification, and containment of hazardous materials releases. After the scene is determined to be safe, incident command may be transferred to the Des Moines Police department to conduct criminal investigations.

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- 4. When a release occurs during transportation of the hazardous material, clean up is the responsibility of the transporter. This will be accomplished by recognized common guidelines after consultation with the designated incident command agency.
- 5. Based on the South King Fire & Rescue response guidelines, the response will vary depending upon the location and magnitude of the hazardous materials release and the population and environment impacted. Response and recovery efforts include containing and controlling the release, warning the public, request for assistance, notification to state and federal agencies, restoration of businesses and request for cleanup resources. Additionally, requests for recovery of response and cleanup costs and monitoring the site may be necessary.

A. Cleanup

Compensation, associated with the cleanup of a hazardous material, is the responsibility of the causing agency. Cleanup is frequently performed by a private contractor hired by the causing agency. When it is required that the first responders and the incident command agency conduct containment, the incident command agency will be compensated appropriately. If this occurs the cleanup is handed over to the EPA as soon as possible.

For incidents that the causing agency and / or private contractor are unavailable, the Department of Ecology will conduct investigations to locate the agency/contractor for compensation associated with cleanup costs.

B. Mitigation Activities

The International Fire and Building Codes, United States EPA regulations, Washington State Department of Ecology Codes and Puget Sound Air Pollution Control have regulations and codes relating to the safe storage, use, handling and disposal methods for hazardous materials. Commercial building inspections by fire and building personnel also contribute to the overall safety of workers, the public and the environment. The Department of Ecology and King County Solid Waste provide assistance to residents with hazardous materials disposal problems.

The Seattle King County Public Health Department enacts and enforces regulations for the purpose of maintain safe and clean living environments.

V. RESPONSIBILITIES

A. Primary Agencies

- 1. City of Des Moines
 - a) Plan for continuity of operations / continuity of government;
 - b) Maintain safe operational condition of the City's Marina;

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- c) Provide on-scene security and crowd control during hazardous materials operations;
- d) Activate the City EOC in support of field operations as appropriate; and
- e) Assist in response and population protection measures such as sheltering in place

2. South King Fire & Rescue (SKF&R)

- a) Operate as the Sara Title III incident command agency for the City;
- b) Serve as the designated Tier II report repository;
- c) Maintain adequate supplies of PPE (personal protection equipment) to protect fire personnel;
- d) Funnel resource requests through the City EOC; and
- e) Contact causing agency, Department of Ecology or private hazardous materials cleanup companies for cleanup.
- 3. King County Office of Emergency Management
 - a) As the local emergency planning district, maintain a functioning and effective Local Emergency Planning Commission (LEPC) for the purpose of EPCRA emergency response planning.
- 4. Department of Ecology
 - a) Serve as the SARA Title III regulatory agency for Washington State

B. Support Agencies

- 1. Des Moines Police Department
 - a) Provide security of the hazardous materials scene, traffic control, evacuation and communications support; and
 - b) Assist in response and population protection measures such as sheltering in place
- 2. Des Moines Planning, Building and Public Works
 - a) Provide information on the City of Des Moines' infrastructure and regulate critical utilities;
 - b) Provide necessary resources as requested by the Incident Commander;

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- c) Assist in traffic control; and
- d) Assist in response and population protection measures such as sheltering in place
- 3. Private Spill Response Companies
 - a) Ensure inventories and skills are in compliance with local, state and federal regulatory agencies
- 4. Valley Communications PSAP (Public Safety Answering Point)
 - a) Serve as dispatch center for hazardous materials response
- 5. King County Zone 3 Agencies
 - a) Provide mutual aid resources when requested
- 6. Seattle/King County Department of Public Health
 - a) Conduct sampling and monitoring to ensure safety from the consequences of a hazardous materials release
- 7. Port of Seattle Bomb Squad
 - a) Provide incident command and special resources needed when managing and defusing suspicious devices, exploded or unexploded
- 8. King County Bomb Squad
 - a) Provide incident command and special resources needed when managing and defusing suspicious devices, exploded or unexploded
- 9. Washington State Patrol
 - a) Support response and cleanup operations on SR 516, SR 99, and SR 509 when requested by the City of Des Moines and / or SKF&R
- 10. Washington State Department of Transportation
 - a) Maintain the traffic signal network within the City;
 - b) Regulate hazardous materials placards; and
 - c) Conduct fuel transfers and mitigate leakage

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- 11. Washington State Department of Ecology
 - a) Coordinate hazardous materials cleanup;
 - b) Investigate SARA Title III EPCRA violations; and
 - c) Regulate mitigation and reporting requirements
- 12. Washington State Department of Labor and Industries
 - a) Regulate safety practices and investigation violations
- 13. U.S. Coast Guard
 - a) Serve as incident response agency for all hazardous materials incidents occurring within Puget Sound
- 14. Environmental Protection Agency
 - a) Serve as the federal regulatory agency for SARA Title III EPCRA

VI. RECOVERY

- A. Recovery activities are undertaken primarily by the party responsible for the release. Where the responsible party is not identified or cannot pay for cleanup, limited state and federal assistance may be provided for costs of both response and recovery. RCW 4.24.314 identifies the owner or transporter as responsible for the cost of cleanup from a hazardous materials release.
- B. Washington State Department of Ecology is the lead agency in King County for recovery from hazardous materials incidents. Washington State Department of Health is the state lead for radiological incidents. The King County Office of Emergency Management is the coordinating agency for these efforts.

VII. REFERENCES

South King Fire & Rescue Hazardous Materials response guideline

SARA Title III, 40 CFR 355, PL 99-499

International Fire Code

International Building Code

King County Hazard Identification and Vulnerability Analysis

Chapter 70.136 Hazardous Materials Incidents, Regulatory Code of Washington

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Chapter 118-40 Hazardous chemical emergency response planning and community right-to-know reporting (EPCRA), Washington Administrative Code

USCG Sector Seattle Emergency Plan

http://www.epa.gov/superfund/policy/index.htm

http://www.epa.gov/compliance/civil/epcra/epcraenfstatreq.html

http://www.kingcounty.gov/safety/prepare/EmergencyManagementProfessionals/Plans/LocalEmergencyPlanningCommittee.aspx

http://www.ecy.wa.gov/epcra/index.html

VIII. TERMS AN DEFINITIONS

Hazardous Materials:

- (a) Materials which, if not contained may cause unacceptable risks to human life or the environment within a specified area adjacent to the spill, seepage, fire, explosion, or other release, and will, consequently, require evacuation;
- (b) Materials that, if spilled, could cause unusual risks to the general public and to emergency response personnel responding at the scene;
- (c) Materials that, if involved in a fire may pose unusual risks to emergency response personnel;
- (d) Materials requiring unusual storage or transportation conditions to assure safe containment; or
- (e) Materials requiring unusual treatment, packaging, or vehicles during transportation to assure safe containment.

Public Safety Answering Point (PSAP):

A call center responsible for answering calls to an emergency telephone number for police, firefighting, and ambulance services. Trained telephone operators are also usually responsible for dispatching these emergency services.

The Emergency Planning and Community Right to Know Act (EPCRA)

EPCRA was enacted by Congress on October 17, 1986, as an outgrowth of concern over the protection of the public from chemical emergencies and dangers. Previously this had been covered by state and local regulatory authorities. After the catastrophic accidental release of methyl isocyanate at Union Carbide's Bhopal, India facility in December 1984, and a later toxic release from a West Virginia chemical plant it was evident that national public

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disclosure of emergency information was needed. EPCRA was enacted as a stand-alone provision, Title III, in the Superfund Amendments and Reauthorization Act of 1986 (SARA).

IX. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 11:

Agriculture and Natural Resources

Primary Agency:

City of Des Moines

Support Agencies:

American Red Cross

South King Fire & Rescue

City Sewer Districts (SW Suburban/Midway Sewer/Lakehaven)

City Water Districts (54/Highline/Lakehaven)

Food Storages and Distributors

King County Natural Resources and Parks Department King County Regional Communication and Emergency

Coordination Center (RCECC)

Local Grocers Salvation Army

Seattle - King County Public Hearth

Volunteer Organizations

Washington Emergency Management Division Washington State Department of Agriculture Washington State Department of Fish and Wildlife

Washington State Department of Ecology

I. INTRODUCTION

A. Purpose

This ESF provides guidelines for accomplishing the following four (4) functions associated with the response to emergencies and disasters

- Provision of nutrition assistance
- Animal and plant disease and pest response
- Assurance of the safety and security of the commercial food supply
- Protection of natural, cultural, and historic (NCH) resources.

B. Scope

- 1. The City has no large animals or crops within its boundaries that meet the intent of this ESF.
- 2. The City has no capacity or authority for determining the safety and security of commercial food supply.
- 3. The City has little capability to coordinate or support the coordination of the four (4) functions listed in I.A. during or immediately after an emergency or disaster. The

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City will be most reliant on King County RCECC support for the delivery of these four (4) functions except as provided in V. A. below.

4. The City will likely not be the only jurisdiction needing these services.

II. POLICIES

- A. The City of Des Moines will focus on the coordination of mutual aid or other support in the delivery of services identified in this ESF.
- B. The City expects those that own or provide the original products, which may need the services of the four (4) functions listed above, to follow regulations and meet mandates pertaining to those products.
- C. The City expects all residents and business owners be prepared for a minimum of seven (7) days of self-sufficiency after an emergency or disaster.

III. SITUATION

A. Emergency / Disaster Conditions and Hazards

- 1. The hazard or combination of hazards that result in the need for the listed four (4) functions will have widespread regional impact. The consequences of the original incidents requiring the implementation of this ESF will impact multiple infrastructure sectors and will have a prolonged recovery. In a worst case scenario, the long-term quality of life, as currently known, will likely decline.
- 2. The King County Hazard Identification and Vulnerability Analysis (published separately) has additional information on local hazards and is a basis for this ESF.

B. Assumptions

- 1. City residents and business owners have prepared for a minimum of seven (7) days of self-sufficiency.
- 2. The need to implement this ESF may result from intentional or unintentional acts.
- 3. The City has limited or no resources to manage this ESF.
- 4. Food and water will be in high demand after an emergency or disaster.
- 5. Jurisdictions will be competing for the same limited resources.

IV. CONCEPT OF OPERATIONS

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- A. The City will conduct rapid assessments and determine priorities, especially for food, water, shelter, and medical care, as soon as possible after an emergency or disaster and will provide that information to the King County RCECC.
- B. The City will take necessary action to inform residents and business owners on the current situation, outlook, and emergency actions.

C. Provision of nutrition assistance

- 1. The City will take quick action to determine the immediate need for food and water and relay that information to the King County RCECC.
- 2. The City will work with local grocers to take inventory and actions against hoarding.
- 3. The City will coordinate with King County RCECC and private sector to procure food and water as needed.
- 4. The City will rely on, and coordinate with, volunteer organizations for the distribution of food and water.
- 5. The City will monitor evolving conditions to determine short and long-term food and water shortages.
- 6. In the event of a major disaster, the City will request feeding stations for the community.

D. Animal and plant disease and pest response

- 1. The City has no capacity to respond to this function.
- 2. Washington State Department of Agriculture (WSDA) and Washington Department of Fish and Wildlife (WDFW)
 - a) Conduct animal health surveillance and respond to trends and disease outbreaks with early controls to ward off disaster.
 - b) Assist in the disposal of animal carcasses.
- E. Assurance of the safety and security of the commercial food supply
 - 1. The City has no capacity to respond to this function.

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- 2. The Seattle King County Public Health Department, and private sector commercial food warehouses, suppliers, and distributors will take all precautions to preserve commercial food safety and security.
- 3. Entities associated with the growing, producing, packaging, distributing, or transportation of food and associated commodities will report potential or actual violations to authorities as soon as detected.

F. Protection of natural, cultural, and historic (NCH) resources

- 1. The City relies on Water Districts (54 / Highline / Lakehaven) to maintain wells, wellheads, and pipelines to ensure pure and reliable water distribution.
- 2. King County maintains clean water basin habitats through a stewardship program of the creeks in the City of Des Moines.
- 3. South King Fire & Rescue will set booms and absorbent materials to prevent any oil spills on Puget Sound from entering the two creeks.
- 4. The City has properties and/or landmarks registered with the Department of Archaeology and Historic Preservation.

V. RESPONSIBILITIES

A. City of Des Moines

- 1. Conduct rapid and frequent assessments of conditions related to this ESF and determine and reassess priorities.
- 2. Conduct outreach to special needs populations residing in the City and assist in the determination of priorities.
- Communicate regularly with residents and business owners on ever-changing conditions, emergency action steps, resource distribution locations, feeding centers, and other items as indicated by the specifics of the emergency or disaster.
- 4. Coordinate with local grocers and other food suppliers to determine inventories and hoarding prevention strategies.

B. Support Agencies

- 1. American Red Cross
 - a) Coordinate delivery and distribution of food and water supplies.

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- 2. South King Fire & Rescue
 - a) Dispatch fire resources in an attempt to prevent further contamination from spills.
- 3. Southwest Suburban / Midway Sewer District / Lakehaven Utility District
 - a) Take precautions to prevent sewage contamination from entering waterways.
- 4. Water District 54 / Highline Water District / Lakehaven Utility District
 - a) Maintain wells, wellheads, pipelines, and water purity and distribution.
- 5. Food Storages and Distributors
 - a) Adhere to regulations specific to commercial food storage and distribution;
 - b) Coordinate with commercial food suppliers for additional commodities when needed; and
 - c) Coordinate with King County RCECC for commercial food delivery and distribution.
- 6. King County Natural Resources and Parks Department
 - a) Identify commercial food distribution locations and coordinate with King County RCECC.
- 7. King County Office of Emergency Management / RCECC
 - a) Coordinate resources as requested by the City;
 - b) Assess conditions and determine priorities based on county (incorporated and unincorporated) needs;
 - c) Liaise with WEMD and FEMA on behalf of the City; and
 - d) Provide prompt and accurate information frequently to the City.
- 8. Local Grocers
 - a) Maintain adequate inventories in safe conditions;

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- b) Coordinate with commercial food storage facilities and distributors for additional inventories when needed; and
- c) Coordinate with the City resources to help prevent food hoarding.

9. Salvation Army

- a) Coordinate delivery and distribution of food and water supplies.
- 10. Seattle King County Public Health
 - a) Conduct surveillance and regular inspections and testing to ensure food safety and water purity; and
 - b) Communicate violations immediately to officials in support of maintaining health and safety.

11. Volunteer Organizations

- a) Assist in conducting outreach to special needs populations residing in the City; and
- b) Assist in the delivery and distribution of food and water to locations identified by the City.
- 12. Washington Emergency Management Division
 - a) Coordinate resources as requested by King County RCECC;
 - b) Liaise with appropriate state departments to coordinate the functions identified in this ESF; and
 - c) Liaise with FEMA on behalf of King County and the City.
- 13. Washington State Department of Agriculture / Department of Fish and Wildlife
 - a) Conduct animal health surveillance and respond to trends and disease outbreaks with early controls to ward off disaster;
 - b) Assist in the disposal of animal carcasses to prevent spread of diseases; and
 - c) Communicate conditions and expectations frequently to officials.
- 14. Washington State Department of Ecology

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a) Assist with cleanup of contamination in the City of Des Moines surface and waterways.

VI. REFERENCES

Department of Archaeology and Historic Preservation; Historic Places in Washington

VII. TERMS AND DEFINITIONS

None

VIII. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 12: Energy

Primary Agency: Puget Sound Energy

Support Agencies: South King Fire & Rescue

Des Moines Police Department

Zone 3 Cities

Zone 3 Fire Mutual Aid Agencies

King County Medic One

King County Regional Emergency Coordinating Center (RCECC)

King County Zone 3 Emergency Managers

Washington Emergency Management Division (WEMD)

I. INTRODUCTION

A. Purpose

- Provide guidance for the effective utilization of available electric power, petroleum products and natural gas as required to meet essential emergency needs of the City residents and businesses during emergencies or disasters.
- Facilitate the coordination with utilities required to meet essential needs during emergencies or disasters.

B. Scope

City residents and businesses rely on the private and public sector for the generation and distribution of power and energy to the Des Moines area. The City has no authority over said agencies.

II. POLICIES

- A. Follow strict safety practices while performing duties.
- B. The City expects that the power companies comply with Chapter 43.21G; Energy Supply Emergencies, Alerts.

III. SITUATION

A. Emergency / Disaster Hazards and Conditions

 The Des Moines area is subject to extended power outages caused mostly by storms. City residents and businesses were without power for five (5) days after the 2006 December windstorms.

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2. The King County Hazard Identification and Vulnerability Analysis (published separately) has additional information on local hazards and is a basis for this ESF.

B. Planning Assumptions

- 1. External power outages and pipeline disruptions may occur in a major emergency or disaster. These outages may take days and weeks to restore and repair.
- Extended power outages may interfere with the City's ability to provide essential services, and most likely will impact the City's ability to provide even basic day to day services.
- 3. Extended power outages will cause hardship on the high-risk populations living within the City.
- 4. Delays in the production, refining, and delivery of petroleum-based products occur because of transportation infrastructure failures and loss of commercial electrical power.
- 5. Restoration of normal operations at energy facilities is the responsibility of the facility owners.

IV. CONCEPT OF OPERATIONS

- A. Energy resources will be used to meet immediate local needs. If shortages exist, requests will be submitted to meet needs through normal emergency management channels. Actions may be taken to curtail use of energy until normal levels of service can be restored or supplemented. These resources, when curtailed, will be used to meet immediate and essential emergency needs, such as hospitals.
- B. The decision to open the City's EOC will be dependent on the conditions and impact of the energy disruption on the residents and business owners.
- C. The City will seek updated information from all available sources (King County ECC, Zone 3, media, power companies' websites and emergency numbers, etc.) to determine priorities.
- D. The City will prioritize and coordinate road and debris clearing operations with the appropriate power company and the Des Moines / Normandy Park and North Highline Fire Departments.
- E. To the extent possible, energy systems will continue to provide services through their normal means.

Comprehensive Emergency Management Plan

F. The City may seek gasoline and diesel fuels from outside sources through established Memorandums of Understanding (MOU) with those sources.

V. RESPONSIBILITIES

A. Puget Sound Energy

- 1. Identify and coordinate power restoration priorities with, and within, the City;
- 2. Participate in field unified command;
- 3. Provide a public information officer (PIO) to assist in prompt and accurate information dissemination and work with the City PIO to ensure consistent messages based on the best available information:
- Comply with energy allocations and curtailment programs as determined by the Governor; and
- 5. Coordinate mutual aid private and public energy assistance.

B. Support Agencies

- 1. South King Fire & Rescue
 - a) Conduct initial scene control and life safety operations;
 - b) Establish incident / unified command if conditions warrant; and
 - c) Dispatch fire-based hazardous materials teams when indicated (see ESF 10).
- 2. City of Des Moines
 - a) Activate City EOC when conditions warrant;
 - b) Coordinate with energy companies to prioritize restorations;
 - c) Assist in debris clearing and road opening operations; and
 - d) Survey known high-risk populations for resource requests and assist in the coordination of resources when possible.
- 3. King County Office of Emergency Management (King County RCECC)
 - a) Incorporate Puget Sound Energy into EOC staffing during activations; and
 - b) Ensure prompt and accurate information dissemination of information regarding disruptions and / or damages to the energy infrastructure to the City.

Comprehensive Emergency Management Plan

- 4. King County Zone 3 Agencies
 - a) Provide Zone 3 representative to King County ECC as liaison with Zone 3 cities.
- 5. Washington Department of Commerce, Energy Division
 - a) Provide assistance to local jurisdictions in assessing damage to energy systems.
- 6. Washington Emergency Management Division
 - a) Alert appropriate agencies of the possible requirement to supplement local energy needs; and
 - b) Coordinate with the appropriate agencies and organizations to provide supplemental assistance to local jurisdictions.

VI. REFERENCES

Washington State Comprehensive Emergency Management Plan

Chapter 43.12G Revised Code of Washington, Energy Supply Emergencies, Alerts

VII. TERMS AND DEFINITIONS

<u>Energy</u> includes producing, refining, transporting, generating, transmitting, conserving, building, distributing, and maintaining energy systems and system components.

<u>Natural gas</u> is odorless in it pure state. A strong odorant (mercaptain) is added in low concentration to serve as a warning of the presence of gas. It is non-poisonous, however if natural gas displaces air in enclosed spaces, suffocation can occur because of lack of oxygen.

VIII. ATTACHMENTS

None

Comprehensive Emergency Management Plan

EMERGENCY SUPPORT FUNCTION (ESF) 13:

Public Safety, Law Enforcement and Security

Primary Agency: Des Moines Police Department

Support Agencies: City of Des Moines

Federal Bureau of Investigation (FBI)

Immigration and Customs Enforcement (ICE) Mutual Aid Law Enforcement Agencies South Correctional Entity (SCORE) Jail

Washington State Patrol (WSP)

I. INTRODUCTION

A. Purpose

To address City capabilities and resources to support a full range of law enforcement operations associated with incidents having the potential or actual threat to public safety and security.

B. Scope

- This ESF focuses on law enforcement operations within the City of Des Moines and mutual aid resources under emergency or disaster conditions and not day-to-day operations.
- 2. This ESF is a guideline for those in primary and supporting law enforcement operations and should not be considered a prescribed action plan. It will outline broad objectives that will provide for the greatest protection of life and property that can be achieved with information and resources available.
- 3. ESF 13 does not supersede plans, policies, procedures, and protocols implemented by the City of Des Moines Police Department.

II. POLICIES

- A. Strict safety practices will be followed while performing duties.
- B. The Des Moines Police Department will follow established day-to-day policies and procedures published in the Des Moines Police Department Policy Manual as long as conditions allow.
- C. The Des Moines Police Department will follow principles of the incident command system (ICS) when conducting field operations.
- D. The Des Moines Police Department will coordinate with other local, state and federal law enforcement agencies to support essential law enforcement operations.

Comprehensive Emergency Management Plan

III. SITUATION

A. Emergency / Disaster Conditions and Hazards

- The Des Moines Police Department routinely works in emergency and stressful conditions.
- 2. Information on other hazards can be found in the King County Hazard Identification and Vulnerability Analysis (published separately).

B. Planning Assumptions

- 1. The Des Moines Police Department maintains 24-hour operational readiness in order to serve and protect people and property.
- 2. Most law enforcement operations deal with isolated incidents and are effectively managed as day-to-day operations.
- 3. Acts of terrorism or civil unrest are uncommon in the City.

IV. CONCEPT OF OPERATIONS

- A. The Des Moines Police Department is signatory to a statewide law enforcement mutual aid agreement.
- B. The Des Moines Police Department is dispatched by the Valley Communications Center.
- C. The Des Moines Police Department will exhaust, or nearly exhaust, local resources, including mutual aid, before requesting resources through the King County RCECC.
- D. The Des Moines Police Department is the primary location of the City of Des Moines EOC.
- E. Some law enforcement incidents, such as immigration violations and acts of terrorism, reach beyond the authority of the Des Moines Police Department. For such incidents, the police department will coordinate operations with Immigration and Customs Enforcement, the Federal Bureau of Investigations, or other appropriate agency.
- F. Des Moines Police Department uses the King County Jail facilities and the South Correctional Entity (SCORE) jail to house individuals arrested and convicted of felony and misdemeanor crimes.

V. RESPONSIBILITIES

A. Des Moines Police Department

- 1. Assume incident command responsibility. This responsibility may be delegated to another agency, such as a fire department if the incident is fire-related;
- 2. Conduct traffic control and enforcement as appropriate to the incident;

Comprehensive Emergency Management Plan

- 3. Conduct crime scene investigations;
- 4. Request and provide support and mutual aid to other law enforcement agencies;
- 5. Coordinate AMBER Alert broadcasts with the Washington State Patrol via Valley Communications Center; and
- 6. Conduct background checks for new hires and organized volunteers.

B. Support Agencies

- 1. City of Des Moines
 - a) Activate the City of Des Moines EOC in support of law enforcement operations when requested.
- 2. Federal Bureau of Investigation
 - a) Provide resources and /or assume incident command when indicated by the type of crime.
- 3. Immigration and Customs Enforcement
 - a) Provide resources and /or assume incident command when indicated by the type of crime.
- 4. Law Enforcement Mutual Aid Agencies
 - a) Provide mutual aid resources when requested.
- 5. South Correctional Entity (SCORE) Jail
 - a) House inmates convicted of misdemeanor crimes.
- 6. Washington State Patrol
 - a) Assist in scripting and broadcasting AMBER Alert messages, on behalf of the Des Moines Police Department, when requested.

VI. REFERENCES

Des Moines Police Department Policy Manual

RCW 10.93 (Washington Mutual Aid Peace Officers Powers Act)

VII. TERMS AND DEFINITIONS

AMBER - America's Missing: Broadcast Emergency Response

VIII. ATTACHMENTS

Comprehensive Emergency Management Plan

None

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EMERGENCY SUPPORT FUNCTION (ESF) 14: Recovery

Primary Agency:

City of Des Moines

Secondary Agencies:

South King Fire & Rescue

Cable TV and Internet Providers

Energy Providers (Puget Sound Energy)

Federal Emergency Management Agency (FEMA)
Garbage Haulers (Waste Management / Allied Waste)

Highline School District Federal Way School District Highline Community College

King County Regional Communications and Emergency

Coordination Center (KC RECC)

Sewer Districts (Southwest Suburban / Midway / Lakehaven) Washington Emergency Management Division (WEMD)

Water Districts (54 / Highline / Lakehaven)

I. INTRODUCTION

A. Purpose

- 1. To provide a standardized system to collect, report, and evaluate information related to an emergency or disaster and the response necessary to facilitate the City's transition from emergency response to the resumption of normal activities.
- 2. To provide for the effective implementation and coordination of damage assessment activities with the City.

B. Scope

This ESF addresses damage assessment activities in the City resulting from all-hazards emergencies and disasters and the roles and responsibilities of City departments regarding recovery and restoration efforts. Its focus is management of damage assessment operations and process for Presidential Emergency Declaration eligibility. It also addresses disaster related assistance and services provided by government and volunteer agencies following the response phase.

II. POLICIES

A. Initially, recovery operations for large incidents impacting the City will be coordinated by the City EOC, under the direction of the Emergency Management Coordinator or designee. Long term recovery will be prioritized by the City Council and directed by the City Manager.

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- B. City department directors are responsible for establishing policies and procedures for assessing, documenting and reporting visible structural damages and / or ability to conduct essential services.
- C. City department directors will determine employee accountability, conduct damage assessments and the ability to provide essential services, and compile and relay this information to the planning section chief or disaster coordinator, as soon as safe.
- D. For smaller incidents, or for incidents no longer requiring EOC support, an appointed point of contact is responsible for coordinating damage assessments within the City.
- E. The planning and finance section chiefs will work together in compiling dollar-loss estimates resulting from damages and emergency operations. The directors will compile data in such a way that it meets FEMA standards.
- F. If combined dollar-loss estimates do not qualify for federal assistance, the City will provide assistance through existing policy and programs or by volunteer organizations.
- G. Public damage and response costs will be borne by the impacted organization or the organization requesting assistance.

III. SITUATION

A. Emergency / Disaster Hazards and Conditions

Any of the hazards identified in the King County Hazard Identification and Vulnerability Analysis (published separately) have the magnitude potential to qualify for recovery operations.

B. Planning Assumptions

- 1. The capability to recover from any emergency or disaster is dependent upon the timely receipt of accurate information. This information is used to determine priorities based on needs and the availability of resources.
- 2. There may be immediate and urgent needs for medical attention, sanitation facilities, food, water, clothing, and transportation following an emergency or disaster.
- 3. To the extent practical, immediate basic needs will be the responsibility of the individual.
- 4. Needs not met by individual preparedness will be referred to established public or private programs, consistent with individual qualifications, organizational priorities, and resource availability.
- 5. Initial reports may be fragmented and conflicting and may provide inaccurate situation and resource assessment. Reports will become more accurate and thorough as more information is gained.

Comprehensive Emergency Management Plan

- 6. There may be a shortage of individuals qualified to assess damages.
- 7. Organizations or agencies providing utility services have plans in place and capabilities needed to ensure continued services during recovery operations.
- 8. Agencies with critical infrastructure such as water, sewer, and power are responsible for prompt damage assessment and repair of their respective structures located within the City.
- The City may conduct structural assessment on privately-owned structures and businesses to determine safety to enter or occupy. Additional actions are the responsibility of the property owner or occupant.

IV. CONCEPT OF OPERATIONS

- Recovery operations will begin as life safety operations are winding down and conditions are safe.
- B. Initial recovery operations will focus on the restoration of basic necessities. As soon as safe, the emergency first responders, such as public works, fire services and law enforcement, will conduct visual damage assessments (windshield surveys) of areas visible while conducting emergency operations. The emergency first responders will report those findings to the City EOC as soon as possible.
- C. In order to qualify for federal monies to recover and rebuild from any emergency or disaster, rapid collection and compilation of dollar-loss estimates are critical. A dollar-loss threshold must be met prior to the issuance of a Presidential Declaration of Emergency. Authorities from the King County RCECC will be requesting the estimates early in the recovery phase or maybe even in the response phase. It is important for the City to dedicate resources to accomplish the task. The City must evaluate and re-evaluate estimates to ensure accuracy.
- D. Upon qualification for a Presidential Declaration of Emergency, FEMA will dispatch a damage assessment team that will document the impact and magnitude of the disaster upon individuals, families, businesses, and public property and to gather information for emergency management purposes. This process is called the Preliminary Damage Assessment (PDA). The PDA also assesses the City's need for immediate needs funding (INF) to support debris removal and conducting emergency protective measures.
 - It is the City's responsibility to either escort these teams to identified sites with damages or provide comprehensive information packets to include maps and how the dollar-loss estimate was determined.
 - It is the City's responsibility to establish processing centers within the City for individual homeowner claims with FEMA.
- E. As recovery progresses, the Emergency Management Coordinator may close the EOC and coordinate operations from one or a combination of City departments.

Comprehensive Emergency Management Plan

- F. The City is reliant on public and private sector owners of critical infrastructure and services to ensure the integrity and operational status of their respective products and / or services.
- G. City residents and business owners rely on the City government to keep the community informed of the recovery process, restoration of services, assistance availability and locations, volunteer opportunities, and multiple aspects associated with an emergency or disaster of severe impact.
- H. The City may waive the building review process and fees in order to facilitate rebuilding.

V. RESPONSIBILITIES

A. City of Des Moines

- 1. Individual departments will conduct damage assessments and complete appropriate forms and forward those forms to the EOC, if activated, or planning section chief;
- 2. All departments will maintain detailed expense records at the onset and throughout the emergency response and recovery;
- 3. The City will maintain frequent contact with infrastructure owners for the status of services and remediation of any deficiencies;
- 4. The City will serve as the central hub for residents to obtain recovery related information and repair status;
- 5. The City may coordinate emergency debris collection operations with appropriate haulers when conditions warrant;
- The City will collect and compile dollar loss estimates of any damages and / or emergency operations expenses and provide them to King County ECC upon request;
- 7. The City will divide the City into segments for the purpose of organizing damage assessment and to prevent duplication and omission of areas checked. The City will compile information as reported by those conducting the assessments; ad
- 8. The City will work with the FEMA Preliminary Damage Assessment (PDA) teams, when dollar losses indicate this level of operations.

B. Secondary Agencies

- South King Fire & Rescue
 - a) Coordinate damage assessment operations with the City EOC.
- 2. Cable TV and Internet Providers

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- Assess and restore telecommunication infrastructure as soon as safe after an emergency or disaster; and
- b) Make status of assessment and restoration operations available to the City as soon as possible.
- 3. Energy (Electrical and Natural Gas) Providers (Puget Sound Energy)
 - a) Assess and restore generation and distribution infrastructure as soon as safe after an emergency or disaster;
 - b) Take necessary precautions to preserve the safety of emergency first responders;
 - c) Take necessary precautions to preserve community safety; and
 - d) Make status of assessment and restoration operations available to the City as soon as possible.
- 4. Federal Emergency Management Agency
 - a) Facilitate the Presidential Declaration of Emergency process;
 - b) Liaise with WEMD;
 - c) Arrange for PDA teams; and
 - d) Establish homeowner claims processing center.
- 5. Garbage Haulers (Waste Management / Allied Waste / Clean Scapes)
 - a) Coordinate special collections and / or drop boxes with Emergency Management Director.
- 6. King County Regional Emergency Coordination Center (King County RCECC)
 - a) Liaise with WEMD on behalf of the City for the purposes of meeting resource needs and qualifying for a Presidential Declaration of Emergency.
- 7. Highline School District / Federal Way School District / Highline Community College / Private Schools
 - a) Ensure the safety of students, faculty, and staff;
 - b) Conduct damage assessments for all school facilities;

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- Provide the Planning and Community Development Department with dollar loss estimates associated with school damages and non-routine emergency operations costs; and
- d) For incidents that create the need to close schools, either short or long-term, take all action to get schools back in session as soon as safe.
- 8. Sewer Districts (Southwest Suburban / Midway / Lakehaven)
 - a) Assess and restore pipelines and treatment plant infrastructure as soon as safe after an emergency or disaster;
 - b) Take necessary precautions to preserve community safety; and
 - c) Make status of assessment and restoration operations available to the City as soon as possible.
- 9. Washington Emergency Management Division (WEMD)
 - a) Liaise with King County RCECC for the purpose of qualifying for Presidential Declaration of Emergency; and
 - b) Liaise with FEMA for the purpose of meeting Presidential Declaration eligibility requirements and subsequent requirements / expectations.
- 10. Water Districts (54/ Highline / Lakehaven)
 - a) Assess and restore well heads, pumps and pipelines as soon as safe after an emergency or disaster;
 - b) Take necessary precautions to preserve water safety:
 - Make water purity conditions available to the City as soon as possible and disseminate information on water purification throughout the City when indicated; and
 - d) Make status of assessment and restoration operations available to the City as soon as possible.

VI. REFERENCES

King County Hazard Mitigation Plan; current revision

Public Assistance Guide FEMA 322/June 2007

VII. TERMS AND DEFINITIONS

Comprehensive Emergency Management Plan

None

VIII. ATTACHMENTS

None

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EMERGENCY SUPPORT FUNCTION (ESF) 15: Public Affairs

Primary Agencies: City of Des Moines

South King Fire & Rescue (SKF&R)
Des Moines Police Department

Support Agencies: King County Joint Information Center (KCJIC)

Zone 3 Public Information Officer (PIO) Network

I. INTRODUCTION

A. Purpose

This ESF provides guidance for the collection, verification and dissemination of information to the media, public, and local governments during emergencies or disasters.

B. Scope

- This ESF addresses the responsibility of the City's public information officer (PIO) to supply accurate, consistent and clear information to the media, the public, and local governments.
- This ESF is a guideline for those who support and coordinate public affairs, and should not be considered a prescribed action plan. It will outline broad objectives that will provide for the greatest protection of life and property that can be achieved with the information and resources available.

II. POLICIES

- A. The primary PIO for the City is an employee of the City and varies according to the type of disaster. When the primary PIO is unavailable, the City Manager or designee will function as the PIO. For fires, crimes and other emergencies that are solely the responsibility of the fire or police departments, the fire or police PIO will function as the PIO of the incident. The City and Police / Fire PIOs will work cooperatively, regardless of the incident.
- B. The City will seek the assistance of the Zone 3 PIO Network and the King County Joint Information Center (KCJIC) when the incident involves more than Des Moines and / or when resources are exhausted.
- C. The City will use available means to keep the public informed as much as possible.

III. SITUATION

A. Emergency / Disaster Hazards and Conditions

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- 1. All hazards have the potential to create the need for the dissemination of information from the City to employees, residents, business owners, and the media.
- 2. The King County Hazard Identification and Vulnerability Analysis (published separately) has additional information on the local hazards and is a basis for this ESF.

B. Planning Assumptions

- City residents and business owners expect the City to provide timely and accurate information on the status of the emergency or disaster response and recovery operations, life-safety action steps, available resources, and other appropriate information.
- 2. Information may be fragmented, incorrect, and conflicting during the initial response efforts to an emergency or disaster. Information will become more reliable as the response progresses.
- 3. The City will require frequent and regular communications with first responders, neighboring jurisdictions, and county and state EOCs, to ensure the latest information is available to disseminate.
- 4. Emergencies and disasters will likely disrupt telecommunications infrastructure that the City typically relies on.

IV. CONCEPT OF OPERATIONS

A. General

- The City's need for information regarding the emergency or disaster begins with the initial response operations. The City's PIO will collect and verify initial information and compile it for dissemination. Initial dissemination may be limited to the City Manager, EOC committee, and others on a "need-to-know" basis.
- 2. As the emergency or disaster escalates, the City will become more and more dependent on emergency information. The City will reach out to other organizations such as neighboring jurisdictions, King County ECC, and local media.
- 3. When the informational demands exceed the capabilities of field command, the City PIO, City Manager, or a member of the EOC Committee will determine the need to open the City EOC. Upon opening, the EOC Manager will approve all emergency information disseminated by the City.
- 4. The King County ECC may decide to open the joint information center (JIC). The JIC is comprised of local PIOs for meeting all aspects of emergency informational flow. At full operational capacity, the JIC is responsible for crisis communications, information coordination, media relations, community relations, VIP relations,

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productions, and support and staffing. The City PIO will support the JIC as resources allow.

5. The City may consider sending a PIO to the JIC to ensure the City is represented.

B. Methods for Dissemination

- 1. The City will use available methods to disseminate information as appropriate.
- The PIO and redundancy will maintain a current RPIN (Regional Public Information Network) password. RPIN is one method the City will use to disseminate emergency information.
- 3. The City owns or has jurisdiction of the following methods to disseminate information to residents and businesses owners within the City.
 - Website: www.desmoineswa.gov
 - Des Moines Government TV Channel 21
 - CodeRED (reverse 9-1-1)
 - Reader boards / sandwich boards / Variable Message Signs (VMS)
 - · City telephone recorded messages
 - Nixle.com
- 4. The City will work with / through King County JIC for emergency information dissemination over local media.
- 5. The City may use other social media for information dissemination.
- 6. The City will consider posting information or providing live briefings at natural gathering places such as grocery stores.
- 7. See ESF 2 for other methods of information dissemination.

V. RESPONSIBILITIES

A. Primary Agencies

- 1. City of Des Moines
 - a) Identify a City PIO with redundancy;
 - b) Activate City EOC to support PIO operations;
 - c) Use appropriate methods of information dissemination;

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- d) Establish relationships with local media and other agencies associated with information dissemination; and
- e) Participate in Zone 3 and King County PIO meetings and trainings.
- 2. South King Fire & Rescue
 - a) Identify a departmental PIO with redundancy; and
 - b) Function as lead PIO for fire-related incidents occurring in the City.
- 3. Des Moines Police Department
 - a) Identify a departmental PIO with redundancy; and
 - b) Function as lead PIO for law enforcement-related incidents occurring in the City.

B. Support Agencies

- 1. King County Joint Information Center (JIC)
 - a) Support the City's informational needs by establishing the JIC and disseminating emergency information as related to the City; and
 - b) Conduct PIO meetings and trainings.
- 2. Zone 3 PIO Network
 - a) Support Zone 3 emergency informational operations with a cadre of trained PIOs.

VI. REFERENCES

King County Joint Information Center Plan

VII. TERMS AND DEFINITIONS

None

VIII. ATTACHMENTS

None

Comprehensive Emergency Management Plan

EMERGENCY SUPPORT FUNCTION (ESF) 16: Defense Support to Civil Affairs

Primary Agencies:

Washington Military Department

Department of Defense

Support Agencies:

City of Des Moines

King County Regional Communications and Emergency

Coordination Center (RCECC)

I. INTRODUCTION

A. Purpose

- To identify the circumstances and outline procedures to request the Governor, through the King County Regional Communications and Emergency Coordination Center (RCECC) to order the Washington National Guard (WNG) and request other regional military branches into service to support emergency response and recovery operations in Des Moines, as indicated.
- 2. To provide for effective coordination and use of Department of Defense assets during an emergency or disaster.

B. Scope

The City has no authority to directly request the resources identified in this ESF. This ESF is informational as to what support the state and federal government can provide under extreme conditions.

II. POLICIES

Military forces, either state or federal, remain under, and will follow, the military chain of command. Personnel and equipment will remain under the control of the designated commander.

The Adjutant General will deploy resources of the WNG in a federally-funded status in response to an emergency involving imminent loss of life, to prevent great suffering, and / or to mitigate great destruction of property, in accordance with federal regulations and statutes. As soon as the incident is stable, the WNG will initiate the withdrawal (demobilization) of resources unless the Governor orders the WNG into active service.

III. SITUATION

Comprehensive Emergency Management Plan

A. Emergency / Disaster Hazards and Conditions

- Any hazard may escalate to the point of requiring defense support to manage the incident, but most of the areas, emergencies and disasters do not reach that scale and scope.
- 2. The King County Hazard Identification and Vulnerability Analysis (published separately) has additional information on the local hazards and is a basis for this ESF.

B. Planning Assumptions

- 1. Available resources will be depleted or nearing depletion before a request is made for defense support to respond to an emergency or disaster.
- 2. Defense support may take a minimum of 72-hours to arrive.
- 3. Defense operations, such as war, have priority over defense support to civil affairs, unless otherwise directed by the Secretary of Defense.

IV. CONCEPT OF OPERATIONS

Defense support falls under the purview of the state and federal governments. State defense support is the Washington National Guard. Federal defense support is the Department of Defense, which represents the various military branches: Army, Air Force, Marines, Navy, Coast Guard and Corps of Engineers.

A. State of Washington

- 1. The Washington State Military Department is headquartered at Camp Murray, located in Pierce County. It has two military components (the Air National Guard and the Army National Guard) and two civilian components (the emergency management division (WEMD) and support services staff).
- 2. The Governor has the sole authority to deploy either Guard component. When the City's resources are depleted or nearing depletion, the City will follow the same process to request emergency resources as with any other emergency or disaster. The City will initiate the request through the King County RCECC.
- 3. WNG capabilities include but are not limited to engineering, communications, transportation and aviation.
- 4. A fee for service is associated with the deployment of the WNG. Unless the deployment is associated with a presidentially declared disaster, the requestor of the WNG resources is responsible for payment.

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B. Department of Defense

- 1. Emergencies or disasters requiring defense support often qualify for a presidentially declared disaster.
- 2. Under extreme conditions, requests for Department of Defense resources can be made directly to the commander of the respective military branch by the King County director of emergency management, or from the Governor, through Region X to FEMA. Such conditions include lives are at risk, suffering, and mitigating destruction of property when there is no time to make the request through normal channels.
- The United States Army Corps of Engineers (USACE) provides direct assistance to civil affairs in flood fighting, flood rescue, and the repair or restoration of flood control infrastructure.

V. RESPONSIBILITIES

A. Primary Agencies

- 1. Washington Military Department
 - Maintain a level of readiness in the emergency management division and WNG operations and resource support; and
 - b) Respond to resource requests when appropriate thresholds are met.
- 2. Department of Defense
 - a) Respond to resource requests when appropriate thresholds are met.

C. Support Agencies

- 1. City of Des Moines
 - a) Consider all other options prior to requesting the WNG; and
 - b) Be responsible for applicable costs, if any, associated with the deployment of WNG
- 2. King County Regional Communications and Emergency Coordination Center (RCECC)
 - a) Coordinate WNG and DOD requests and support as appropriate to the incident.

VI. ATTACHMENTS

None

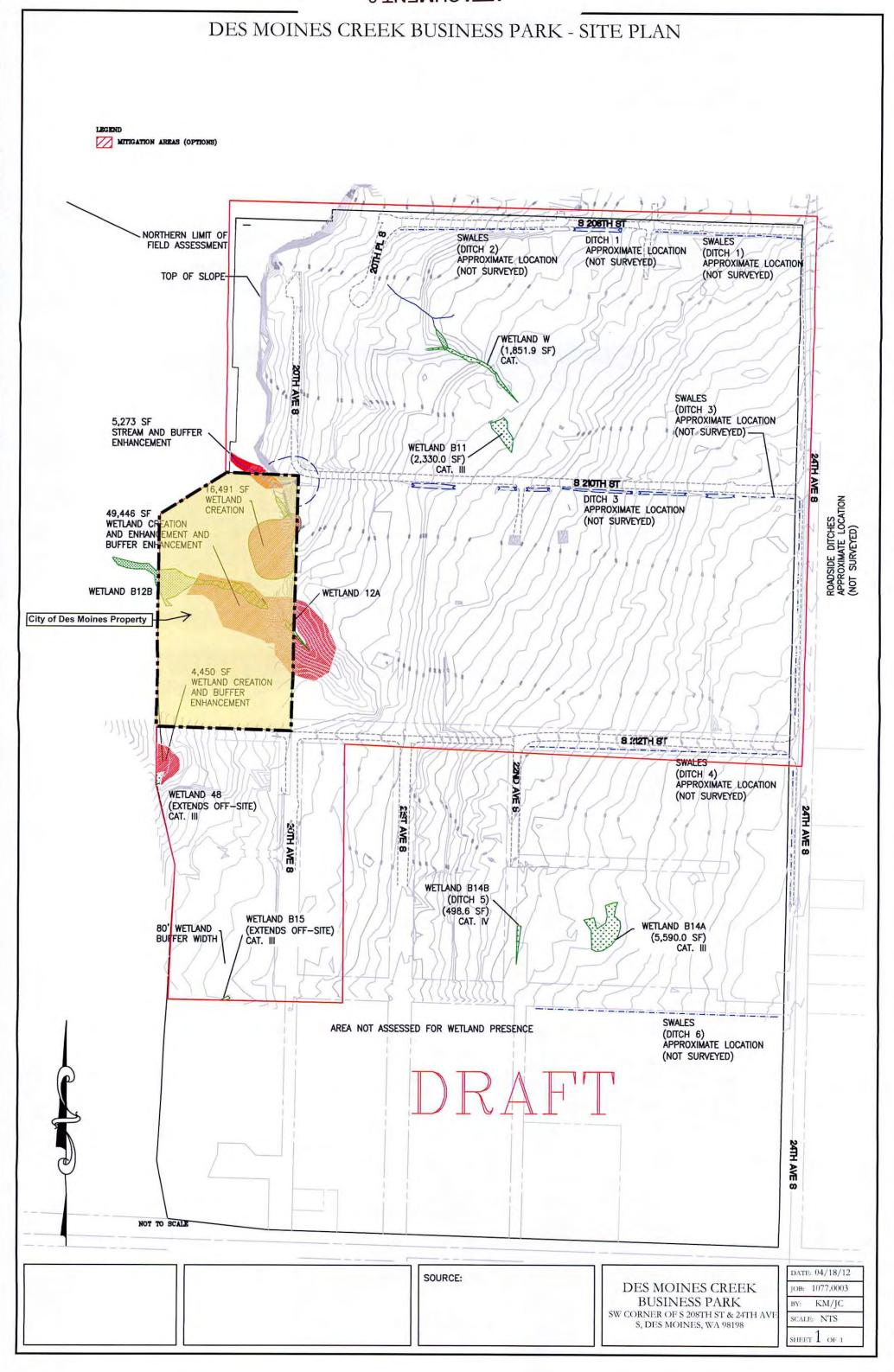
Comprehensive Emergency Management Plan

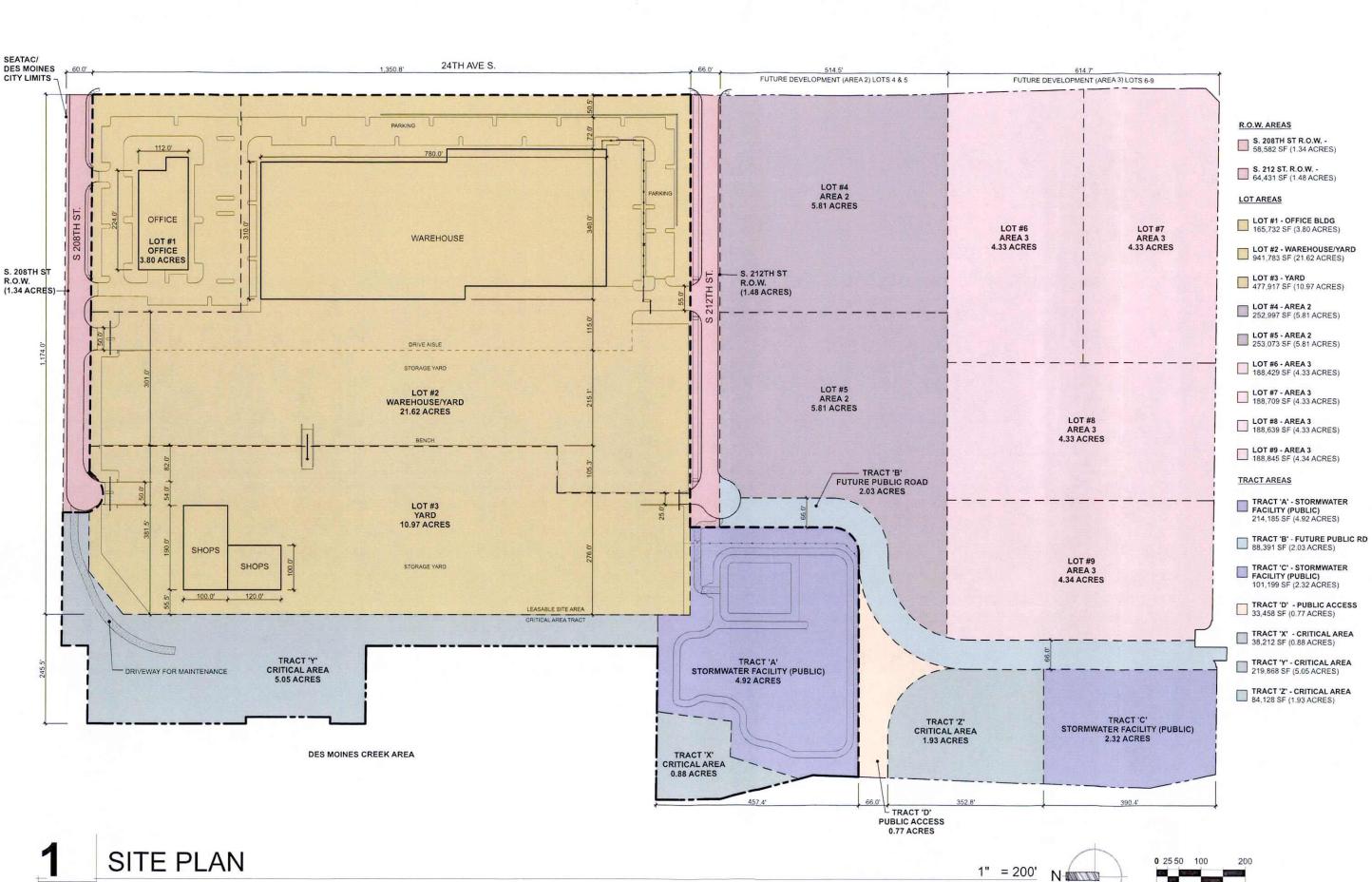
VII. TERMS AND DEFINITIONS

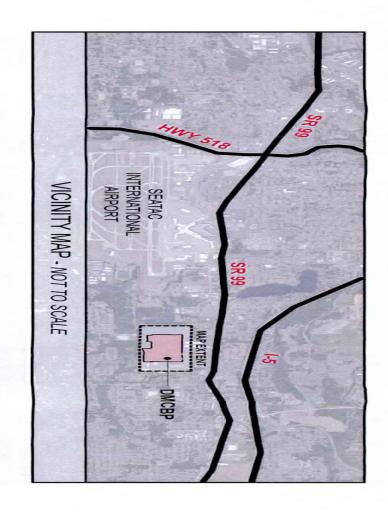
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VIII. REFERENCES

None







SHETT VI

Puget Sound Energy Benaroya Capital Co., LLC Des Moines Creek Business Park



CITY COUNCIL SPEAKER SIGN UP SHEET FOR PUBLIC HEARING

DMCBP Master Plan Phase 1/Ind Dwelgoment

NAME (PLEASE PRINT)	Address
David Namura	



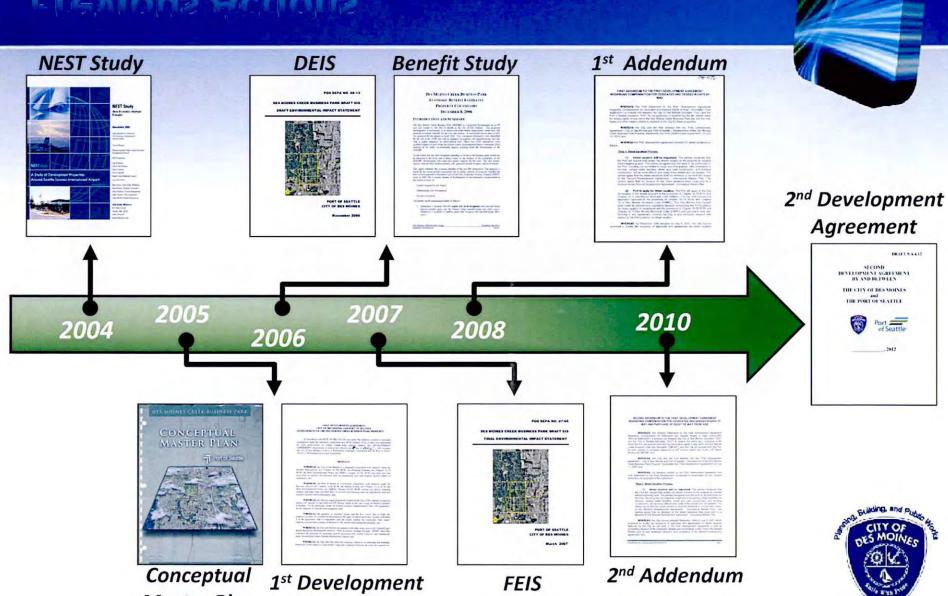


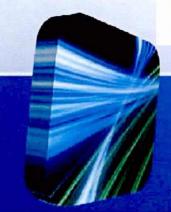
City Council Presentation
June 14, 2012

Previous Actions

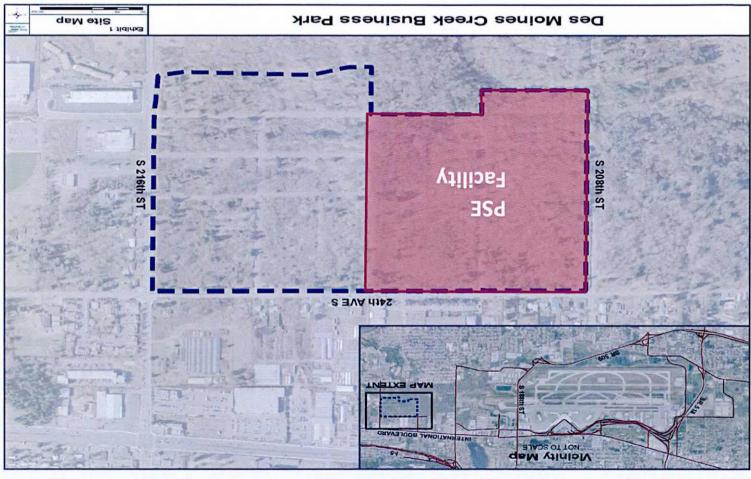
Master Plan

Agreement





Vicinity Map





Frontage Improvements In-Lieu Fees:

- ✓ Port agrees to make an advance in-lieu payment
 - South 216th Street \$2.5 Million
 - 24th Avenue South \$3.5 Million
- ✓ City agrees to waive the Transportation Impact Fees and construct the roadway improvements
 - Payment equals 2,000 Peak PM Trips
 - City utilizing to secure grant funds for construction



Retail Use:

- ✓ City has until 9/28/12 to request retail option on southern
 22 acres
- ✓ If yes, option agreement negotiated before 12/31/12
 - 2-year maximum
 - Assignable
- √ If no, Port pursues other business park uses



Access and Internal Roadways:

- √ South 208th Street
 - Constructed as part of PSE/Benaroya Project
 - Dedicated to City upon completion
- ✓ Internal Loop Road (Des Moines Creek Parkway)
 - Phased construction
 - Each phase dedicated to City upon completion



Development Regulations:

- ✓ Parking
 - Removed Structured Parking Requirement
 - Removed Parking Requirement for Yard (PSE Only)
- ✓ Recreation Requirement
 - No Study Required
 - Providing Joint-Use Path and Des Moines Creek Trail
 Connection instead
- ✓ Landscaping
 - Reduce width and removal of earthen berm
 - Consistent with requirements for properties on south side of South 216th Street



Critical Area Easement:

- ✓ Mitigation for on-site wetlands proposed around adjacent wetlands located on City property.
- ✓ Likely not part of PSE project King County Wetland Mitigation In-Lieu Fees



Stormwater Facilities:

- ✓ Pond "A" Tract A
 - For Areas 1 and 2 Fully Constructed as part of PSE/Benaroya Project
 - Deeded to City upon completion
- ✓ Pond "B" Tract C
 - For Area 3 Future construction
 - Deeded to City upon completion



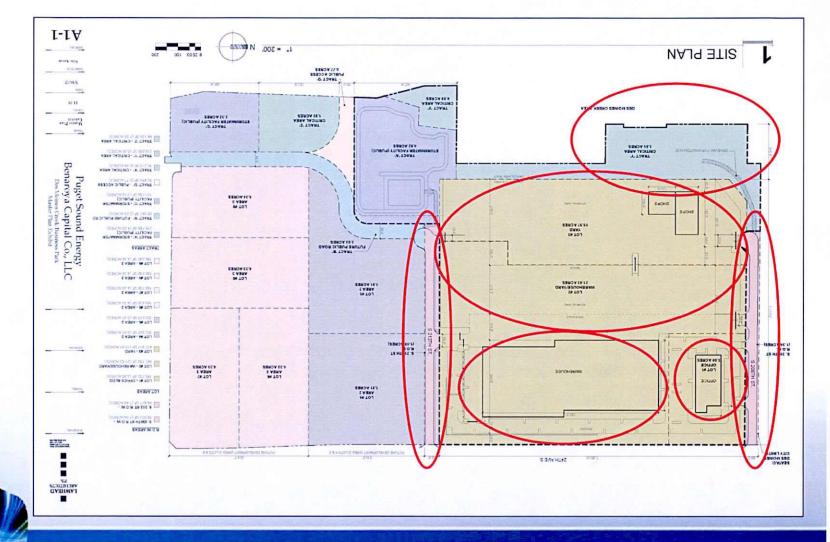
Duration and Vesting:

- ✓ Duration
 - 15 years, unless extended
 - Terminates upon full build-out
 - May be terminated sooner by agreement
- √ Vesting
 - Development regulations vest for 15 years
 - Building code changes and others regulations excepted

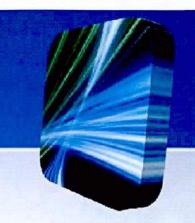


Site Plan





Economic Benefit



✓ Jobs:

- 250 permanent jobs
- 200 construction jobs
- ✓ On-going Revenues: On-going annual tax revenue of estimated to be \$676,000.
- ✓ Construction Sales Tax Revenues: One-time tax revenues estimated to be \$648,000.

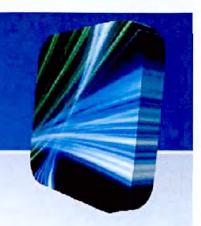


DEVELOPMENT AGREEMENT CRITIERIA

- ✓ Agreement must set forth the development standards that govern and vest to the property
- ✓ Must be consistent with the City's adopted development regulations.
 - Deviations ok if authorized by current development regulations
- ✓ Must be approved by a resolution at a public hearing



MASTER PLAN CRITIERIA



- √ Permitted use
- ✓ The project complies with the lot coverage requirements.
- √ There is sufficient access to the project site
- ✓ The environmental impacts have been sufficiently mitigated.
- ✓ The project complies with applicable sections of the Des Moines Comprehensive Plan



From: Ronald Dupard <ron_dupard@msn.com>

To: dkaplan <dkaplan@desmoineswa.gov>; dcaldwell <dcaldwell@desmoineswa.gov>; mpina <mpina@desmoineswa.gov>; mmusser <mmusser@desmoineswa.gov>; jburrage <jburrage@desmoineswa.gov>; bsheckler
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Cc: Debra Ferguson <debrafergusonjones@gmail.com>

Subject: FW: City of Des Moines Ordinance No. 12-058, Proposed Multifamily Tax Exemption

Date: Fri, Jun 1, 2012 5:20 pm

Ms. Burrage,

I hope this finds you doing well. In response to your comment below, I believe it was the mayor that said something to the effect that "if we lower it to 35 feet, then that's what will get built." I want to clarify that this may or may not be true. What will get built on any potential building site is the maximum density that any builder or developer believes he can build and still make a profit. This is because economies of scale generally work in a developer's favor except when they must go up over three stories in unproven markets. Your market is unproven for mid-rise apartment construction, so any developer that contemplates a project in Pacific Ridge will be doing what we in the trade call "pioneering."

I have made some inquiries relating to a report I'm writing on the Smith Court property, and I have learned that the "plug-in" number for construction costs for a 5 over 2 podium aka "mid-rise" type structure is about \$170.00 per net rentable square foot, which assumes that 20% of the frame portion of the building will be corridors and common areas. The "plug-in" number for construction costs for a 3 over 1 podium type structure is about \$150.00 per net rentable square foot again assuming that 20% of the frame portion of the building will be corridors and common areas. Furthermore, rents would need to be between \$1.70-\$1.90 per square foot to support a 3 over 1 podium type structure—depending on land costs—which translates into monthly rental rates of \$1,530.00-\$1,710.00 per month for a 900 SF 2-bdrm unit, and they would need to be even higher for a 5 over 2 structure. Although we have not completed a rental analysis for the sub-market of the Smith Court property, my preliminary observations leave me almost 100% certain that there are no comparable rents in that price range. Therefore, it is likely that if a developer ventures to construct a mid-rise building in the neighborhood, it is more likely that a 3 over 1 structure would work rather than a 5 over 2.

I would like to reiterate the comments I made during the hearing. You currently have ghetto and want to incentivize developers to replace it with something nice. We applaud you for your efforts, but no developer is going to take on a project—especially in this environment—where they might lose money because they have all been there and done that in recent times. The current environment demands risk reduction, which requires that you give developers maximum flexibility if you want them to take the risk and go in and build something nice to replace your ghetto. Indeed, any kind of new construction, even new three story walkups or garden court type apartments, should be allowed, as it would be an improvement over what you have in the neighborhood now. After all, it would be new and displace trailer parks.

We are requesting that you allow garden court/walkup type apartments up to 35 feet above grade in the PR-R zoning. Furthermore, we are requesting that the minimum building height to qualify for the MFTE should be 40 feet specifying that it must be a podium or mid-rise type structure with either underground or ground floor parking in order to meet your objective of developers building a nicer product. If you take this approach, you are not overly restricting an owner's use of the property while at the same time you will be incentivizing a developer to build a nicer product. Furthermore, by taking this approach, someone may build a 4 story podium building, and if that works, the next guy will be willing to push the envelope by building a 5-7 story project. All the while someone can go in with a walkup/garden court project—without the MFTE—if that is all that is economically viable on a particular property. I want to reiterate that any astute developer will try to maximize density on any given site, but you can't force someone to build a 5 story building if the market rents won't support that business model. At this point, anything is better than nothing at all.

Another request we would like to make is allowing hotel use in the PR-R zoning, even if you only limit this to one building on our site. There are several reasons that we make this request. First, there are a number of operators currently looking for hotel sites, increasing the likelihood of someone selecting our site. Second, the Smith Court