

## 17C.420\* SOUTH LOGAN TOD PLANNED ACTION ORDINANCE

*The proposed South Logan TOD Planned Action Ordinance is an area-specific Spokane Municipal Code Text Amendment that will apply to new development covered by the [South Logan Final Environmental Impact Statement \(FEIS\)](#). Projects that meet the threshold criteria found within the Planned Action Ordinance and comply with any required mitigation as identified in the FEIS are exempt from additional State Environmental Policy Act (SEPA) application and review.*

*The Planned Action Ordinance is a new code chapter, with no pre-existing language. The proposal also includes the addition of two definitions, in Section 2. Underlined text represents the proposed additions. Text without an underline in Section 2 is existing and not proposed to be modified.*

Section 1. That there is adopted Chapter 17C.420 SMC to read as follows:

### **Chapter 17C.420 South Logan TOD Planned Action 17C.420.010 Purpose**

The purposes of this chapter are to:

- A. Designate the South Logan TOD Subarea shown in Figure 17C.420.015-A of this Chapter as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action projects pursuant to RCW.43.21C.440;
- B. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the South Logan TOD Final Environmental Impact Statement (FEIS) to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;
- C. Confirm that the South Logan TOD FEIS meets the requirements of a Planned Action FEIS pursuant to SEPA;
- D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as Planned Action projects consistent with RCW 43.21C.440;
- E. Provide clear definition as to what constitutes a Planned Action project within the Planned Action Area, identify the criteria for Planned Action project approval, and determine how development project applications that qualify as Planned Action projects will be processed by the City;
- F. Streamline and expediate the land use permit review process by relying on the South Logan TOD FEIS; and

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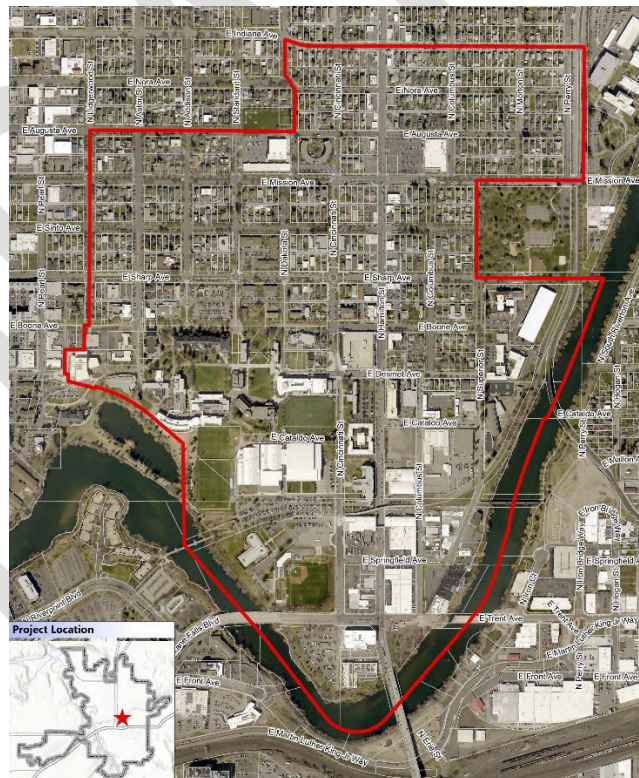
- G. Apply the mitigation framework contained in this Ordinance for the processing of Planned Action project applications and incorporate the applicable mitigation measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

**17C.420.015 Procedures and Criteria for Evaluating and Determining Projects as Planned Actions**

To qualify for a Planned Action designation, a project application shall comply with the following procedures and criteria for evaluation.

- A. Planned Action Area.

The Planned Action designation shall apply to the approximately 342-acre South Logan TOD area, which is generally bounded by E Augusta Avenue and E Indiana Avenue on the north, N Perry Street and the Spokane River on the east, N Lidgerwood Street on the west, and the Spokane River on the south, and that is specifically shown in Figure 17C.420.015-A, “Planned Action Area.”



**Figure 17C.420.015-A: Map of Planned Action Area**

- B. Environmental Document.

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A Planned Action determination for a site-specific implementing project application shall be based on the environmental analysis contained in the South Logan TOD Final EIS adopted by the City on January 29, 2024 (RES 2024-0015), which adequately identified and addressed environmental impacts of the Planned Action. The mitigation measures contained in the FEIS, [Exhibit A](#), are based upon the findings of the South Logan TOD EIS and shall, along with adopted City regulations, provide the framework that the City will use to review and to impose appropriate conditions on qualifying Planned Action projects.

C. Planned Action Projects Designation.

Land uses and activities described in the South Logan TOD FEIS, subject to the thresholds described in subsection D of this section and the mitigation measures contained in [Exhibit A](#), are designated Planned Actions or Planned Action projects pursuant to [RCW 43.21C.440](#) and [WAC 197-11-172](#) (“Planned Action Project”). A development application for a site-specific Planned Action project located within the South Logan TOD Planned Action area that meets the criteria set forth in subsection D of this section and applicable laws, codes, development regulations and standards, may be designated a Planned Action Project pursuant to the process in SMC Section 17C.420.020.

D. Planned Action Qualifications.

The following thresholds shall be used to determine if a site-specific development proposed within the South Logan TOD Planned Action area qualifies as a Planned Action Project and has had its environmental impacts evaluated in the South Logan TOD FEIS:

1. Qualifying Uses.

a. Planned Action Categories.

The primary land uses and levels of development as envisioned in the South Logan TOD Preferred Alternative and as reviewed in the South Logan TOD FEIS, along with conditional and accessory uses permitted in the associated zones, are considered Planned Actions. The primary uses include residential, commercial, and mixed-use development.

2. Planned Action Project Primary Uses.

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A Planned Action Project may be a single Planned Action use, or a combination of Planned Action uses within a mixed-use development. A land use can qualify as a Planned Action Project when:

- a. It is within the Planned Action Area; and
- b. It complies with the land use plan map designation of the property identified in the South Logan TOD Preferred Alternative or has a lower intensity designation; and
- c. Is within one or more of the primary uses described in Subsection D.1 above; or
- d. It is a permitted accessory use or appurtenant to a permitted use.

3. Public Services.

The following public services, infrastructure, and utilities may also qualify as Planned Action Projects: streets and non-motorized improvements, utilities, parks, trails, civic, cultural, governmental, and similar facilities developed consistent with the South Logan TOD FEIS mitigation measures, City design standards, critical area regulations, and the Spokane Municipal Code.

4. Development Thresholds.

- a. The following amount of increase in housing is contemplated by the Planned Action:

Increase in New Housing Units <sup>1</sup>	2,954
Associated Population Increase	6,735

<sup>1</sup> Includes equivalent housing added in college dormitories.

- b. If future development proposals in the South Logan TOD Planned Action area exceed the development thresholds specified in this chapter, further environmental review may be required pursuant to [WAC 197-11-172](#). Further, if the proposed development would alter the assumptions and analysis in the South Logan TOD FEIS, further environmental review may be required.

5. Building Heights.

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Building heights shall not exceed the maximums identified and reviewed in the South Logan TOD Final FEIS and South Logan TOD Plan.

6. Transportation.

- a. The Preferred Alternative is anticipated to generate approximately 928 new PM peak-hour vehicle trips. This equates to approximately 9 percent higher traffic volumes in the area compared to the 2045 No Action alternative.

b. Trip Threshold.

Uses or activities that would exceed the forecasted trips shown above would not qualify as Planned Actions and would require additional transportation review.

c. City Engineer Discretion.

The City Engineer or their designee shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City Engineer, for each project permit application proposed under this planned action.

d. Transportation Improvements and Mitigation.

i. On-Site and Off-Site Improvements.

The Planned Action may require on-site and off-site transportation improvements to mitigate significant adverse impacts as development occurs. These transportation improvements are identified in the South Logan TOD FEIS and South Logan TOD Plan. The City shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action projects based on their identified impacts.

ii. Hamilton and Trent.

The intersection of N Hamilton Street/E Trent Avenue is forecasted to operate at LOS E during the 2045 No Action and LOS F with full development of Planned Action projects. Any

development must implement measures to restore the LOS and delay to its pre-development level of LOS E.

7. Elements of the Environment and Degree of Impacts.

A proposed project that would result in a significant change in the type or degree of impacts to any of the elements of the environment analyzed in the South Logan TOD FEIS, EIS addendum, and/or supplemental EIS, would not qualify as a Planned Action.

8. Changed Conditions.

Should environmental conditions change significantly from those analyzed in the FEIS, the City's PAO Responsible Official may determine that the Planned Action designation is no longer applicable until a supplemental environmental review is conducted.

9. Additional Mitigation Fees.

The City may adopt and apply such other fees as may be deemed necessary and appropriate to mitigate impacts to other capital facilities in the Planned Action area and to accommodate planned growth. Such fees, if adopted, shall be in addition to the fee required in subsection (D)(4)(d) of this section, and shall apply only to required improvements that are not addressed in this subsection.

10. Inadvertent Discovery Plan.

An Inadvertent Discovery Plan (IDP) should be implemented into the scope of work for all projects within the Planned Action area. The IDP should outline procedures to perform in the event of a discovery of archaeological materials or human remains. The IDP should always be kept at the project site during all project activities. If any artifacts or human remains are found upon excavation, the Tribal Historic Preservation Office (THPO), Washington State Department of Archaeology and Historic Preservation (DAHP), and Spokane Historic Preservation Office shall be immediately notified and the work in the immediate area cease.

11. Historic Preservation Design Review.

Properties individually placed on the Spokane Register of Historic Places or located within one of Spokane's designated historic districts must meet all requirements of the Spokane Historic Preservation Office, including

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obtaining a Certificate of Appropriateness from the Spokane Historic Landmarks Commission or the Historic Preservation Officer for proposed changes or additions to historic structures when necessary.

12. Demolitions.

Buildings fifty years of age or greater at time of demolition permit submittal shall provide a Level 2 Site Inventory Form unless determined by the Historic Preservation Officer and Planning Director to not be of historic significance.

13. Shoreline Master Program.

Areas within the Planned Action area subject to the Shoreline Master Program are not exempt from permitting or SEPA review through the FEIS and must comply with Chapter 17E.060 SMC Shoreline Regulations.

14. Uses.

Drive-thru facilities, including accessory drive-thru features, are not exempt from SEPA review and do not qualify as Planned Action Projects.

E. Planned Action Review Criteria.

1. The City's PAO Responsible Official may designate as "Planned Actions," pursuant to RCW 43.21C.030, applications that meet all of the following conditions:

- a. The proposal is located within the Planned Action Area identified in SMC 17C.420.015, or is an off-site improvement directly related to the proposed development within the Planned Action Area; and
- b. The proposed uses and activities are consistent with those described in the FEIS and subsection D of this section; and
- c. The proposal is within the Planned Action thresholds and other criteria of subsection D of this section; and
- d. The proposal is consistent with the City of Spokane Comprehensive Plan and the South Logan TOD Plan; and
- e. The proposal's significant adverse environmental impacts have been identified in the South Logan TOD FEIS; and

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- f. The proposal's significant impacts have been mitigated by the application of measures identified in Exhibit A, and other applicable City regulations, together with any modifications or variances or special permits that may be required; and
  - g. The proposal complies with all applicable local, state, and/or federal laws and regulations, and the PAO Responsible Official determines that these constitute adequate mitigation; and
  - h. Adequate infrastructure improvements are in place, or will be in place at completion of the project, to support the development of the project; and
  - i. The proposal is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is part of or accessory to a residential, office, school, commercial, recreational, or service that is designated as a Planned Action.
2. The City shall base its decision on designation as a Planned Action project on review of a Planned Action checklist, or an alternative form developed consistent with applicable provisions of Chapter 43.21C RCW, and review of the application and supporting documentation.
  3. A proposal that meets the criteria of this section shall be considered to qualify and be designated as a Planned Action, consistent with the requirements of RCW 43.21C.440, WAC 197-11-164 et seq., and this chapter.
- F. Effect of Planned Action.
1. Designation as a Planned Action project means that a qualifying proposal has been reviewed in accordance with this chapter and found to be consistent with its development parameters and thresholds, and with the environmental analysis contained in the South Logan TOD FEIS.
  2. Upon determination by the City's PAO Responsible Official that the proposal meets the criteria of section (D) of this section and qualifies as a Planned Action, the proposal shall not require a SEPA threshold determination, preparation of an EIS, or be subject to further review pursuant to SEPA.

### **17C.420.020 Planned Action Permit Process and Application**

Applications for Planned Actions shall be reviewed pursuant to the following process:

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- A. Applications shall be made on forms provided by the City, including an approved Planned Action Checklist, and shall meet the applicable requirements of the Spokane Municipal Code.
- B. After the City receives a complete application, the PAO Responsible Official shall determine whether the project qualifies as a Planned Action Project under this chapter.
- C. Once a project is determined to qualify as a Planned Action Project under this chapter, the City shall:
  - 1. Notify the applicant and the project shall proceed in accordance with the applicable permit review procedures; and
  - 2. Notify Spokane Tribe of Indians, Spokane Historic Preservation Office, internal City Departments, utility providers, and other partner agencies as deemed appropriate by the assigned project manager of the pending development under South Logan TOD FEIS. The notice required by this section may be combined with the public notice required or provided with the underlying permit and may take the form of the environmental checklist or other project review form. Notice provided shall not be less than 14 days.
- D. If a project does not qualify as a Planned Action under this chapter, the City shall notify the applicant. The notice shall describe the elements of the application that result in failure to qualify as a Planned Action.
  - 1. Projects that fail to qualify as Planned Actions may incorporate or otherwise use relevant elements of the South Logan TOD Plan and FEIS to meet SEPA requirements. The City may limit the scope of the SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action.

#### **17C.420.025 Monitoring and Review**

- A. The City shall monitor the progress of development in the designated Planned Action area to ensure that it is consistent with the assumptions of this chapter and the South Logan TOD FEIS regarding the type and amount of development and associated impacts, and with the mitigation measures and improvements planned for the Planned Action Area.
- B. This Planned Action Ordinance shall be reviewed no later than five (5) years from its effective date to determine the continuing relevance of its assumptions and findings with respect to environmental conditions in the Planned Action area, the

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impacts of development, and required mitigation measures. Based upon this review, the City may propose amendments to this ordinance and/or may supplement or revise the South Logan TOD FEIS.

Section 2. That SMC Section 17A.20.160 is amended to read as follows:

**17A.20.160 “P” Definitions**

A. Painted Wall Highlights.

See SMC 17C.240.015.

B. Painted Wall Sign.

See SMC 17C.240.015.

C. PAO Responsible Official.

The Planning Director, serving in the capacity of administrative official of the lead agency.

D. Parcel.

See “Lot” (SMC 17A.020.120).

E. Parkway.

A thoroughfare designated as a collector or arterial, with a median reflecting the park-like character implied in the name - SMC 17D.050A.040.U.

F. Party of Record.

Any person who has appeared at a hearing of the hearing examiner by presenting testimony or making written comment.

G. Paved Area.

1. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy-impact uses.
2. Graveled areas are not paved areas.

H. Pedestrian Buffer Strips (PBS).

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A hard-surfaced or planted area(s) between travel or parking lanes and sidewalks, also called planting strips. PBS improves safety by separating vehicles and pedestrians and provide space for drainage, street trees and snow storage.

I. Pedestrian Path.

A continuous, unobstructed, reasonably direct route between an on-site parking lot and a Primary Building Entry designed and suitable for pedestrian use. Minimum requirements for Pedestrian Paths are listed in [Section 17C.123.040](#) of the FBC.

J. Pedestrian-Scaled Fixtures (lighting).

Pole-mounted light fixtures placed and designed to illuminate foot-traffic areas including exterior lots, pathways or sidewalks. For purposes of the HFBC, Pedestrian-Scaled Fixtures are defined by height as measured from ground to bottom of shade or bulb.

K. Pedestrian-Scaled Signs.

[See SMC 17C.240.015.](#)

L. Pedestrian Street.

1. A street designated on the official zoning map as a pedestrian street where development standards are required to promote a pedestrian friendly street. Pedestrian streets offer a pleasant and safe walking environment. Design features include minimal interruptions of the sidewalk by driveways, publicly usable site furnishing such as benches, tables, and bike racks, and visually interesting buildings close to the sidewalk.

M. Performance Guarantee.

A “financial guarantee” providing for and securing to the City the actual construction and installation of the required improvements.

N. Performance/Warranty Retainer.

A “financial guarantee” both providing for and securing to the City the actual construction and installation of such improvements, and securing to the City the successful operation of the improvements for two years after the City’s final inspection and acceptance of the improvements.

O. Permanent Erosion and Sediment Control Measures.

A combination of plants, mulch, sod, matting, erosion control blankets, and permanent structures that will provide long-term soil stabilization.

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P. Permanent Sign.

[See SMC 17C.240.015.](#)

Q. Permanent Stabilization.

See Permanent Erosion and Sediment Control Measures.

R. Permeable Sediment.

Sediment permitting the flow of water.

S. Person.

Any natural person, whether acting individually or in a representative capacity, partnership, joint venture, corporation, or other legal entity.

T. Pier.

Any platform structure, fill, or anchored device in or floating upon water bodies to provide moorage for watercraft engaged in commerce, including, but not limited to, wharves, mono-buoys, quays, ferry terminals, and fish weighing station.

U. Planned Action.

A Planned Action means one or more types of project action that:

1. Are designated Planned Actions by an ordinance or resolution; and
2. In conjunction with, or to implement, an adopted comprehensive plan or subarea plan that have had the significant impacts adequately addressed in an Environmental Impact Statement under the requirements of WAC 197-11-64; and
3. Is exempt from additional SEPA review for all elements covered under the Environmental Impact Statement of the adopted comprehensive plan or subarea plan.
4. Is defined in WAC 197-11-164.

V. Planned Capacity.

For all capital facilities, except transportation, capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion, or modification project is contained in the current adopted City of Spokane

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comprehensive plan, capital improvement program and scheduled to be completed within six years. (RCW 36.70A.020).

W. Planned Capacity for Transportation Facilities.

Capacity for transportation facilities, including roads and transit, that does not exist, but where transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

1. These strategies may include:
  - a. increased public transportation service,
  - b. ride sharing programs,
  - c. demand management, and
  - d. other transportation systems management strategies.
2. For transportation facilities, “concurrent with the development” shall mean that improvements or strategies are in place at the time of development, or that a financial commitment is in place to complete the improvements or strategies within six years (RCW 36.70A.070(6)(b)).

X. Planned Unit Development (PUD).

1. A planned unit development is a project permit for an overlay zone, approved by the hearing examiner, which does not fully comply with all of the development standards of the base zone in which it is located, but is approved based on superior or innovative design
2. The City may permit a variety of types, design, and arrangement of structures and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare.

Y. Plans.

Planning documents, which are developed by the various departments of the City, pertaining to the orderly development of public facilities.

Z. Planting Zone.

Area for street trees, ground cover or other plantings; typically included herein as a portion of overall sidewalk width reserved for locating permanent trees and tree grates.

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AA. Plat – Final.

A map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, alleys, or other divisions and dedications and containing all elements and requirements set forth in this chapter and chapter 58.17 RCW.

BB. Plat – Preliminary.

1. A neat and approximate drawing of a proposed subdivision showing the general layout of streets, alleys, lots, blocks, and other elements of a subdivision required by this chapter and chapter 58.17 RCW.
2. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

CC. Plaza.

Areas generally open to the public on a controlled basis and used for passive recreational activities and relaxation.

Plazas are paved areas typically provided with amenities, such as seating, drinking, and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

DD. Plinth.

The base or platform upon which a building wall or column appears to rest, helping establish pedestrian-scaled elements and aesthetically tying the building to the ground.

EE. Pollutant.

Any substance which is prohibited or limited by applicable laws or regulations, which is released or discharged in conjunction with development. Any substance that causes or contributes to violation of air, land, or water quality standards, released or discharged.

FF. Pollution.

Contamination, or other alteration of the physical, chemical, or biological properties of air, land, water or wetlands, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into air, land, water, or wetlands as will or is likely to cause a nuisance or render such air, land, water, or wetlands harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wildlife, fish, native vegetation, or other aquatic life.

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GG. Potential Geologically Hazardous Areas.

Areas designated on maps maintained in the City's planning and economic development services department. They are classified "potential" because they have not been confirmed by field investigation nor do they necessarily include the full extent of all geologically hazardous areas within the City. The maps are intended to alert property owners, purchasers, developers, etc., to the possible existence of significant geological hazards, which may warrant further geotechnical study.

HH. Practicable Alternative.

An alternative that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes and having less impact to critical areas. It may involve using an alternative site in the general region that is available to the applicant and may feasibly be used to accomplish the project.

II. Predevelopment Meetings.

Meetings between City or agency staff and an applicant or their representatives prior to formal submission of a detailed application. They are intended to provide an overview of the regulatory requirements, application process, and procedural submission requirements.

JJ. Principal Buildings.

Where multiple buildings occupy a single lot, those buildings that are associated with the prevailing use of that site.

KK. Primary Building Entry.

Access or entrance of first rank, importance or value, visually associated with the prevailing ground-floor use of a building.

LL. Primary Building Walls.

Any exterior building wall that faces a street and contains a public entrance to the occupant's premises or tenant space. If an individual tenant space does not have a street facing wall, or does not have a street facing wall containing a public entrance, then the primary building wall for that individual tenant space is any wall containing a public entrance that faces a parking area on the site. (See Figure 1, [SMC 17C.240.130](#), Primary Building Walls)

MM. Primary Container.

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The container that is in direct contact with the material of concern during the course of normal transport, use, or storage.

NN. Primary Drainage Basin.

The basin of the stream or tributary within which a project is proposed, not including basins of major tributaries. For the purpose of this regulation the primary drainage basin of:

1. Latah Creek is not a part of the primary drainage basin of the Spokane River,
2. Marshall Creek is not a part of the primary drainage basin of Latah Creek.

OO. Primary Structure.

1. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.
2. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

PP. Primary Use.

1. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed or ordinarily used.
2. A site may have more than one primary use.

QQ. Principal Arterials.

A street serving major activity centers, providing a high degree of mobility and serving the longest trip demands within the urban area.

RR. Priority Habitats.

Habitat areas determined by WDFW to have unique or significant value to many species and that meet one or more of the following criteria:

1. High wildlife density.
2. High species diversity.

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3. Important wildlife breeding habitat.
4. Important wildlife seasonal ranges.
5. Important movement corridors.
6. Limited availability.
7. High vulnerability to habitat alteration.

SS. Priority Species.

A wildlife species requiring protective measures for their perpetuation due to their population status, their sensitivity to habitat alteration, and/or their recreational importance.

TT. Private Street.

Roadway which is not controlled or maintained by a public authority, and which serve two or more properties.

UU. Project Permit or Project Permit Application.

Any land use or environmental permit or license required for a project action, including, but not limited to, building permits, short plats, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits, or approvals required by the critical area ordinance, and site specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specifically identified under RCW 36.70B.140.

VV. Projecting Sign.

[See SMC 17C.240.015.](#)

WW. Protected Species.

A general classification of animals by WDFW that includes all those species not classified as listed, game, fur-bearing, or non-protected. This also includes all birds not classified as game or non-protected.

XX. Proximity.

That two or more properties are either adjacent or separated by a street or alley.

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YY. Public Access.

The public's right to get to and use the City's public waters, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by means such as scenic streets and overlooks, viewing towers, and other public sites or facilities.

ZZ. Public Facilities.

Any City-owned, operated, or contracted public facility or service in whole, or in part, whether existing or planned, including, but not limited to:

1. parks,
2. recreation facilities,
3. playgrounds,
4. streets,
5. transportation facilities,
6. open spaces,
7. fire facilities,
8. storm water drainage ponds, and
9. all such appurtenances and improvements.

AAA. Public Property.

Any City-owned real property, air space, or other interest in real estate, including streets, alleys, or other public rights-of-way, owned by or controlled by this municipality or any other governmental unit.

BBB. Public Way.

1. A dedicated "public way" is a tract of land:
  - a. conveyed or reserved by deed,
  - b. dedicated by plat, or

- c. acquired by decree of court,
  - d. which has been accepted and dedicated by action of the city council to the public right-of-way and for secondary use as an easement for public utilities.
2. An “alley” is a public way, usually not exceeding sixteen feet in width, designed or intended to provide secondary access to abutting properties.

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