



## MEETING AGENDA

### City of Springfield Development Code Update Project

### SPRINGFIELD DEVELOPMENT CODE UPDATE PROJECT

#### Community Technical Advisory Committee – Employment Lands

Monday, July 20, 2020  
3:00 – 4:30 p.m.

Virtual Meeting – held via GoTo Meeting

<https://global.gotomeeting.com/join/162759749>

Item	Time	Subject	Lead
1	3:00	Welcome <ul style="list-style-type: none"><li>• Introductions</li><li>• Review agenda and meeting objectives</li></ul>	All
2	3:10	Introduction to Clear and Objective Standards	Mark Rust
3	3:20	Review code audit document and code language	Mark Rust
4	3:30	Committee discussion on code audit	TAC
5	4:25	Next Steps	Mark Rust
6	4:30	Adjourn	All



## MEMORANDUM

To: Community TAC Members  
Springfield Development Code Update Project  
Phase 2, Employment Lands

CC: Sandy Belson, City of Springfield  
Kristina Kraaz, City of Springfield  
Brenda Jones, City of Springfield

From: Mark Rust, Senior Planner, Project Manager – City of Springfield

Date: July 14, 2020

**RE: Draft Code Audit – Phase 2 Employment Lands  
Minimum Development Standards (MDS)  
Springfield Development Code (SDC) 5.15-100**

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### Introduction

The code audit is part of the City’s overall, multiyear effort to fully update the Development Code. The audit will inform and guide the drafting of new standards for the Minimum Development Standards (MDS) process for approving some commercial and industrial development to be adopted as part of the code amendments. The code update process is intended to be a full rewrite process.

The purpose of the Development Code Update project is to change the Springfield Development Code (SDC) to support efficient, timely, and clear development review. The updated Development Code will support Springfield’s economic development priorities and will honor Springfield’s home town feel now and in the future.

The audit, as part of the Development Code Update Process, will review all applicable standards to identify concerns, to identify significant regulatory barriers to development, and to identify additional regulatory opportunities to support the development. The SDC contains many different sections that apply to commercial and industrial development. Standards include base zone standards, design and development standards, infrastructure standards, and development review process standards, including project approval criteria. The overarching goal for the code audit is to identify regulatory barriers to development that support/further economic development in all sectors.

The existing Minimum Development Standards language contained in SDC 5.15-100 state that the review process for and MDS application is a Type 1 process. Section 5.1-125 of the SDC details the Type 1 approval process. This process is not a land use decision under state law, does not require notice or a public hearing. In order for a decision to qualify as a Type 1, only clear and objective approval criteria can be used, meaning that in deciding if the standards are met, no discretion is used. If discretion is used or the standards are not clear and objective, then a Type 1 process is not appropriate. A “clear and objective” review path means that there is only one way to interpret a standard.

## Code Audit Format & Methodology

The MDS code audit findings highlight both those areas of the code that are functioning effectively, as well as those that cause concerns or barriers to efficient, timely, and clear development, with an emphasis on the latter. Generally, the standards that cause the most concerns are the primary topics of discussion.

Given that the City intends to write primarily new development code standards, rather than targeted edits to the existing standards, many of the audit findings are broad commentary on existing uses, standards, and review processes, rather than line-by-line analysis of the existing standards. However a track change version of the existing code section is provided in the packet for review.

This draft audit focuses on identifying MDS standards that preclude a Type 1 review process, with initial analysis on whether the language appears to support a clear and objective path for development and whether it creates any additional barriers to development, balanced against community priorities to maintain a home town feel and promote quality development. The final audit will include significantly more detail on the identified code standards and potential alternative approaches.

The draft audit findings integrate analysis by staff and background from the project team. Further Community TAC feedback at the upcoming July 20<sup>th</sup> meeting will be used to refine the draft findings for the final audit. Community TAC is particularly desired to prioritize code sections in need of more detailed review, to provide context about how standards are applied during development, as well as to identify potential models or examples for future code standards.

## Detailed Audit Findings

### *Code organizational and overarching issues*

- The “EXCEPTION” language, used extensively in the existing code, could be rewritten to integrate into the text of the standard itself, calling less attention to the exception with more focus on the standard. Generally, offering exceptions to standards, even if they incorporate discretionary language, do not run afoul of clear and objective standards provided that there is a clear standard as the base requirement. For example, the standard for bicycle parking spaces includes an exception if the requirement cannot be met. However the exception defers the decision to the Director to make a finding that the reduction will not have an adverse impact, rather than relying on clear and objective exception standards.
- Generally, code standards that grant authority to the Director to approve an alternative design should be rewritten to specific when and how an alternative design can be approved, ideally referencing an established land use process such as a variance. For example, allowing different approaches to meeting the landscape standards in Section 5.15-120 A through an exception that the Director “may” approve” provides too much discretion to the Director and not enough certainty for code users. The requirement for clear and objective standards can be met by listing the three approved options, and flexibility can then be provided by offering an alternative review path.
- Organization of special development standards (4.7-100) could be improved for greater clarity and ease of use. Many of the specific development standards in Section 4.7-100 could be integrated into the commercial and industrial district standards in SDC 3.2-300 and 3.2-400.

### *Minimum Development Standards (MDS) (Section 5.15-100)*

- See the attached track changes version of the MDS code section for suggested edits.

### *Infrastructure Development Standards (Sections 4.1, 4.2, 4.3)*

- The central challenge is to determine that balance between the infrastructure improvement standards that should be located in this chapter of the development code, and those that should be located in the engineering standards (EDSPM). Some general guidelines for consideration include:
  - Design issues that relate to land use approvals, such as tentative subdivision plans and site plan approval, should be included in the development code, while design and construction details

should be located in the EDSPM. For example, street spacing and widths should be included in the SDC, but construction details about compaction and base layers for the roadway would be located in the EDSPM.

- Many infrastructure development requirements affect development and should have a clear and objective development option for Type 1 (ministerial, i.e. MDS) applications. There can still be a role for engineering discretion or analysis, however, provided it is through an alternative review path. For example, a clear and objective spacing requirement for block length could cap block length at 600 feet, while allowing an alternative length to be approved based on topography, natural resources, or other factors through an adjustment or similar process, similar to the existing standards in Section 4.2-115.
- Some regulatory requirements are driven by state and federal standards, such as stormwater, and may change more quickly than the development code is updated. Where possible, reference outside standards rather than integrating into the development standards.

#### ***Site Development Standards (Sections 4.4, 4.5, 4.6)***

- *Landscaping (4.4-100)*: No specific concerns noted.
- *Lighting (4.5-100)*: No specific concerns noted.
- *Off-street Parking (4.6-100)*:

#### ***Development Review Process (Chapter 5)***

- *Pre-Development Meetings (5.1-120)*: Pre-submittal meetings, required in advance of site plan review and subdivision applications, intend to support early dialogue about development projects to improve development efficiencies and avoid last-minute design problems and expensive revisions. However, the balance between upfront investment in developing detailed plans for the pre-submittal and costs of addressing issues later in the process could continue to be explored. There may be opportunities to reduce barriers to development by streamlining application requirements for pre-submittal meetings, or using other tools like development issues meetings to review ideas at a more conceptual level prior to investing time in developing plans.
- *Land Division (5.12-100)*: The most significant issue in this section is the approval criteria for tentative plat in Section 5.12-125, which could be improved for greater clarity and effective review of proposed projects.
  - *Criteria A*: No concerns about requirement to meet minimum lot sizes and dimensions.
  - *Criteria B*: Requirement for zoning to conform with applicable plans does not seem useful; zoning conformity should be addressed through a separate map amendment process prior to land division.
  - *Criteria C*: Requirement for adequate infrastructure capacity to serve the development, as determined by the Public Works Director, is an inherently discretionary criterion. Consider replacing with references to specific infrastructure capacity standards.
  - *Criteria D*: Requirement for compliance with design and construction standards could be improved through a more detailed list of applicable standards elsewhere in code and outside of code; additional review of said standards should also evaluate whether improvement requirements themselves are clear and objectives.
  - *Criteria E*: Requirement to protect significant natural features could benefit from greater clarity. While some features reference specific code sections or ORS citations, other features that do not appear to be defined in the code, such as “significant clusters of trees” and “rock outcroppings.” Greater clarity is needed on the specific features protected and which code standards must be met.
  - *Criteria F*: All of circulation standards in this criterion could benefit from additional clarification, either here in the criteria or through references to traffic and circulation standards elsewhere in the code. For example, the requirement to “facilitate vehicular traffic, bicycle and pedestrian safety to avoid congestion,” does not clearly define “congestion” and would be better served by a reference to adopted level-of-service standards or similar objective standards.

- *Criteria G:* Criterion to allow development of the remainder of the property would benefit from additional clarification about specific goals and standards at issue.
- *Criteria H:* Criterion to allow development of adjacent properties, including providing adequate access, would benefit from additional clarification about specific goals and standards at issue.
- *Criteria I:* No significant concerns about the requirement for subdivisions within the urbanizable fringe outside city limits. Potential to cross-reference standards for the Urbanizable Fringe Overlay District in Section 3.3-800.

## Section 5.15-100 Minimum Development Standards

### Subsections:

- 5.15-105 Purpose
- 5.15-110 Applicability
- 5.15-115 Review
- 5.15-120 SDC Standards Applicable to MDS Approval
- 5.15-125 Timelines and Conditions

### 5.15-105 Purpose

Minimum Development Standards (MDS) are intended to support economic development by minimizing City review for:

1. minor additions or expansions;
2. changes in approved land use categories;
3. new construction not exceeding 50,000 square feet; or
4. where land use conflicts have been mitigated or eliminated as a result of prior development approvals, zoning or regulation.

The purpose of MDS procedures is to provide the minimum level of ~~ministerial~~ review that ~~guarantees~~ ensures compliance with applicable development standards. MDS ~~approvals shall ensure~~ applications review for compliance with specific appearance; transportation safety and efficiency, and stormwater management standards of this Code or other applicable regulations as necessary to protect the public health, safety and welfare.

Minimum Development Standards include the following range of review procedures which ~~shall~~ bear applied subject to applicability and locational standards contained herein. The Director ~~shall~~ determines the appropriate MDS approach from the following list of MDS review procedures:

- A. Building Permit Only (BPO). If no additional site review or MDS procedures are required by this Code, building permit procedures and timelines ~~shall~~ bear used to determine compliance with applicable standards of this Code. Applicable zoning overlay applications may be processed concurrently with building permit applications.
- B. Land Use Compatibility Inspection Application (LUCI). This Type 1 (ministerial) planning review and/or site inspection process may be used to demonstrate that: (1) the subject site is in substantial compliance with previous approvals; and (2) existing improvements satisfy required standards. The LUCI process shall ~~must~~ not be used when other provisions of MDS or Site Plan Review apply.
- C. MDS Minor Application. This process ~~shall~~ be used for:
  1. Addition or expansions on a development site where the addition or expansion does not exceed 10,000 square feet; or additions

Comment [MR1]: ???

2. ~~New construction on a development site where the new construction does not exceed 10,000 square feet;~~
3. ~~A change in land use category or building occupancy of a structure or property on an existing development site that do not exceed 10,000 square feet.~~

- D. MDS Major Application. This process ~~shall be~~ used for:
1. ~~Addition or~~ expansions ~~or additions to certain on a existing~~ development sites where the ~~addition or~~ expansion ~~or addition~~ does not exceed 50,000 square feet of new impervious ~~area and/or combined-new~~ gross floor area.

All MDS applications may be submitted concurrently with a complete Building Permit application; the applicant assumes all liability and responsibility if concurrent reviews necessitate the revision of either permit in response to ministerial review.

**Comment [MR2]:** This should be a general statement made in the procedures section of the code (not here), and not need to be repeated throughout.

#### 5.15-110 Applicability

- A. MDS regulations ~~shall~~ apply as described below:

1. Land Use Compatibility Inspection (LUCI) procedures ~~shall~~ apply where the property is currently in compliance with all of the standards specified in Section 5.15-120, and the Director has verified compliance with the above standards through a ministerial land use compatibility inspection and/or review of prior land use approvals.
2. MDS Minor provisions ~~shall~~ apply within all Commercial, Industrial and Public Land zoning districts, where there is:
  - ~~\_\_\_\_\_~~ (a) new construction, an addition or expansion on a development site of up to 10,000 square feet; or
  - ~~\_\_\_\_\_~~ (b) a change in land use category or building occupancy of a structure or property. MDS Minor submittals ~~shall~~ must comply with the standards of Section 5.15-120 Subsections A. through H.
3. MDS Major provisions ~~shall only~~ apply ~~only~~ within Commercial, Industrial, High Density Residential, Medium Density Residential, and Public Land and Open Space zoning districts where:
  - a. The proposed development area is not located within 50 feet of Low Density Residential zoned or designated property (as measured from the property line of the subject site and including public rights-of-way); and
  - b. The proposed construction, addition, or expansion will not exceed 50,000 square feet of new impervious and/or combined gross floor area; and
  - c. Where the proposal will comply with the standards of Section 5.15-120 Subsections A. through I.

4. MDS provisions ~~shall~~ only apply to developed properties located within Springfield's land use jurisdiction. Development proposals that exceed the size provisions of MDS standards ~~shall~~ require **Site Plan Review as specified in Section 5.17** of this Code.

B. Where there is an MDS application for addition, expansion, or change of use category for a building or property containing multiple uses, ~~the property owner may bring~~ the entire property ~~may be brought~~ into compliance with the standards specified in **Section 5.15-120** or the ~~application property owner~~ may request that required improvements be reviewed, approved and installed in proportion to the relative impacts of the businesses on the property.

For example, if there are 3 businesses on the property with equal impacts and there is only 1 change of use, then approximately 1/3 of the improvements necessary for the entire development area ~~shall are be~~ required to be completed to serve the proposed use. Improvements mitigating identified safety concerns ~~shall be are~~ given priority.

Alternatively, if a multi-tenant space is being upgraded ~~an owner may submit~~ an MDS Major Application ~~may be submitted~~ where applicable proposing full improvements to the entire development site with a proposed phasing plan stipulating a proportional percentage of the property ~~shall to~~ comply with specified MDS requirements for each change of use category or expansion with the intent that the total property will meet MDS requirements over time. Upon approval of an MDS phasing plan, improvements consistent with the approval ~~shall will~~ be reviewed under building permit procedures. This agreement ~~shall must~~ not exceed the MDS timelines specified in **Section 5.15-125** ~~unless otherwise approved by the Director~~.

**Comment [MR3]:** Add a timeline extension process with clear and objective criteria?

#### 5.15-115 Review

A. LUCI and MDS applications are reviewed under the **Type I** review process, unless the applicant requests ~~or the Director finds~~ that the ~~application process proposed use~~ should provide public notice. ~~In this case the applicant will be responsible for paying the notice fee.~~ The target ~~date timeframe for processing an MDS approvals application shall be is~~ 30 days from the date of submittal.

**Comment [MR4]:** Clear and objective. Not a land use decision, no notice.

B. Required public improvements and any additional required land use permits or approvals ~~shall will~~ be reviewed in accordance with this Code.

#### 5.15-120 SDC Standards Applicable to MDS Approval

In order to grant MDS approval, the Director ~~shall must determine verify~~ compliance with all applicable standards specified below. ~~Subject to review and approval by the Director, t~~ The applicant may request deferral of plan details demonstrating compliance with standards of **SDC 5.15-120** until Final MDS Plan Submittal, building permit submittal or building permit occupancy as noted herein. Final approvals and/or occupancy is contingent upon the completion of all required site improvements. Application materials ~~shall must~~ be submitted as required on

application submittal checklists and in sufficient detail to demonstrate compliance with the following standards:

- A.** A 5-foot wide landscaped planter strip, including street trees, with approved irrigation or approved drought resistant plants as specified in Sections 4.4-100 and 4.2-140 shall ~~shall~~ must be installed between the sidewalk and parking areas or buildings.\*

**EXCEPTIONS:**

1. Where there is an unimproved street, a 4-foot wide landscaped planter strip shall must be required to be set back 1 foot from the property line.
2. Where there is insufficient space for the landscaped strip required in Subsection A., above due to existing buildings, street width, paved parking, changes of elevation, or location of utilities including catch basins, ~~the Director may approve~~ the applicant must provide one of the following:
  - a. Decorative fencing located immediately behind the property line. The fencing may be wrought iron or masonry and shall ~~is be~~ subject to the fence height standards of the applicable zoning district and the vision clearance setbacks of Section 4.2-130; ~~and/or~~
  - b. Landscaping equivalent to the amount required in Subsection A., above may be placed at the property corners or other areas of the property that are visible from the street.

Comment [MR5]: Discretionary

\* Property lines, setbacks and dimensioned landscape areas shall ~~must~~ must be shown on ~~all applications~~ the submitted site plan document; however street trees, fencing and planting information may be noted and details deferred to Final MDS Plan Approval or Building Permit Submittal.

- B.** Trash receptacles shall ~~must~~ must be screened, covered, and the trash receptacle catchment area must be connected to the sanitary system in accordance with the Engineering Design Standards Manual ~~as applicable~~.

- C.** All outdoor storage areas shall ~~must~~ must be screened by a structure or enclosure permanently affixed to the ground as specified in Section 4.4-110.\*

\* Property lines, setbacks, and the location of covers and screens shall ~~must~~ must be shown on ~~all applications~~ the submitted site plan document; however materials and construction types may be noted and details deferred to Final MDS Plan Approval or Building Permit Submittal.

- DC.** Bicycle parking spaces shall ~~must~~ must be ~~added~~ provided to meet the numerical standards for the appropriate use or upgraded to meet the standards specified in Sections 4.6-140, 4.6-145 and 4.6-155.\*

\* Long-term and short-term bicycle parking areas may be noted on all applications; however, details may be deferred to Final MDS Plan Approval or Building Permit Submittal.

**EXCEPTION:** In cases where the number of bicycle parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Public Works Director, may reduce the standard without a Variance if a finding is made that the reduction will not have an adverse impact on public safety.

**Comment [MR6]:** Check language in new bicycle parking section.

**Comment [MR7]:** Not clear and objective. Would require notice as a land use decision. Provide another option...

**ED.** Parking and vehicle circulation areas shall ~~must~~ be provided, including paving, striping and wheel stops ~~shall be installed~~ as specified in Sections 4.6-100 and 4.6-120.

~~**EXCEPTION:** In cases where the number of vehicular parking spaces cannot be met due to lot/parcel size or physical constraint, the Director, in consultation with the Public Works Director, may reduce the standard without a Minor Variance if a finding is made that the reduction will not have an adverse impact on public safety.~~

**Comment [MR8]:** This exception process does not meet the clear and objective standard test that allows the MDS process to be processed as a Type 1 process, which is not a land use decision, and therefore does not need to be noticed to surrounding property owners. An applicant could still apply for a variance to this or any numerical standard through the standard variance process.

**F.** Stormwater management standards. The Stormwater management standards in Section 4.3-110 must be met for Required paving and other impervious surfaces on the site ~~shall comply with on-site stormwater management standards as specified in Section 4.3-110.~~

**GE.** Access from the proposed development area to the public right-of-way shall ~~must~~ comply with Section 4.2-120.

1. Where the proposed development area abuts an improved street, any driveways ~~not in conformance with SDC 4.2-100 non-conforming or unsafe driveways, as determined by the Public Works Director, shall must~~ be removed and replaced with curb, gutter and sidewalk ~~in accordance with the standards of SDC 4.2-100.~~
2. Where the proposed development area abuts an unimproved street, any ~~non-conforming or unsafe~~ access points ~~not in conformance with SDC 4.1-100, as determined by the Public Works Director, shall must~~ be:
  - a. Removed by the use of fencing, extruded curbs or other method of approved barricade; and
  - b. The property owner shall ~~must~~ sign an Improvement Agreement guaranteeing future participation in a Local Improvement District.
3. If an existing driveway or access point is ~~required to be closed, the Director may approve~~ a joint use access agreement with a neighboring property ~~may be approved~~ as specified in Section 4.2-120.

- | **HF.** Concrete sidewalks ~~shall~~must be installed where the proposed development area abuts a curb and gutter street as specified in Section **4.2-135**.
- | **IG.** Streetlights required to serve the development area ~~shall~~must be installed as specified in Section **4.2-145**.
- | **JH.** The development area ~~shall~~must connect to public utilities as specified in Sections **4.3-105, 4.3-110, 4.3-120, 4.3-125 and 4.3-130** and comply with the Springfield Building Safety Codes, where applicable. Easements may be required as specified in Subsection **4.3-140**.
- | **KI.** **MDS Major Approval** Pursuant to Section **5.15-110, Subsection A.3** ~~shall the~~application must also meet the following submittal standards in addition to Subsections **A. through H.**:
  1. **Existing Conditions Plan.** The applicant ~~shall prepare~~must submit an MDS Site Assessment of Existing Conditions Plan meeting that meets the following standards:
    - a. The plan ~~shall~~must be drawn by a licensed engineer, architect, landscape architect, or land surveyor.
    - b. The plan ~~shall~~must provide the name, location, and dimensions of all existing site features including, but not limited to, significant stands of trees, watercourses shown on the Water Quality Limited Watercourse Map and their riparian areas, wetlands, flood designations and slopes.
  2. **Site Plan.** The applicant ~~shall provide an MDS~~must submit a Site Plan meeting that meets the following standards:
    - a. ~~Be P~~Prepared by a licensed engineer, architect, landscape architect, or land surveyor.
    - b. ~~Show P~~Proposed building envelopes.
    - c. ~~Show the L~~Location and dimension of proposed landscape areas including percentage of landscaped coverage.
    - d. ~~Show R~~Required screening.\*
    - e. ~~Show R~~Required street tree location and types.
    - f. ~~Provide a P~~Planting list.\*
    - g. ~~Show the D~~Dimensions of the Development Area.

h. Where applicable, show the location of existing planned or proposed transit facilities\*.

i. Show the Area of all property to be reserved, conveyed or dedicated.

3. **Public Utilities Improvement Plan.** The applicant ~~shall~~ must submit a ~~an~~ Improvement and Public Utilities Improvement Plan meeting the following standards:

a. Be Prepared by a licensed engineer where utility systems are proposed.

b. Show the Location and width of proposed easements.

c. Show the Location and dimensions of all existing and proposed rights-of-way.

d. Show the Location of existing of proposed utilities and infrastructure on or adjacent to the subject site including the following as applicable: stormwater management systems, sanitary sewer mains, power, water mains, gas, telephone, and cable connections.

e. Show Drainage patterns and connection points with supporting documentation to demonstrate the proposed system will function consistent with the City of Springfield *Engineering Design Standards and Procedures Manual*.

\* The applicant may request deferral of plan details demonstrating compliance with standards of **SDC 5.15-120** until Final MDS Plan Submittal, building permit submittal or building permit occupancy as noted herein.

<b>5.15-125</b>	<b>Timelines and Conditions</b>
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The property owner and/or applicant ~~shall~~ must comply with the standards specified in **Section 5.15-120** within 3 years of the Director's Final MDS Plan approval as follows:

A. Submittal of a Final MDS Plan within 90 days of the Director's Final MDS Plan approval, including the following additional material, where applicable:

1. The original recorded copy of any required Improvement Agreement.

2. Where applicable, any required ODOT Right-of-Way Approach Permit ~~shall~~ must be submitted prior to construction of improvements with ODOT right-of-way.

3. Where approved, a copy of a recorded joint use access/parking agreement.

4. A copy of a recorded private easement or the original public utility easement.

- B. The ~~submittal to the City of the signing of a~~ Development Agreement by the property owner within 90 days of the Director's Final MDS Plan approval and issuance of the Development Agreement. A Building Permit may be issued by the Building Official only after the Development Agreement has been signed by the ~~applicant property owner and submitted to the City~~. No structure or site ~~shall-can~~ be occupied until all improvements are made as specified in this Section, unless otherwise permitted below.
- C. The construction of the required improvements ~~shall-must~~ begin within 2 years of the ~~signing-submittal~~ of the Development Agreement ~~to the City~~. If this time line cannot be met, the applicant may submit a written request for a single 1-year extension of the 2-year start of construction timeline specified above.
- D. If the timeline established for the start of construction in Subsection C. above is not met and the applicant has not requested an extension, then ~~the Director shall declare~~ the application ~~is~~ null and void.
- E. Upon satisfactory completion of site development, as determined by a Final Site Inspection (prior to the final building inspection), the City shall authorize the provision of public facilities and services and issue a Certificate of Occupancy or otherwise authorize use of the site.
- F. All required improvements ~~shall-must~~ be installed prior to the issuance of a Certificate of Occupancy or Final Building Inspection for the development, unless improvements have been deferred for good cause ~~by the Director~~ as noted below:
1. A Temporary Certificate of Occupancy may be issued prior to complete installation and approval of improvements, if security is filed with the City.
  2. Required security ~~shall-must~~ equal 110 percent of the cost of the design, materials and labor, ~~as determined by the Director~~. Required security may consist of cash, certified check, time certificate or deposit, or lending agency certification to the City that funds are being held until completion.
  3. If the installation of improvements is not completed within the period stipulated by the ~~Director signed Development Agreement~~, or if the improvements have been improperly installed, the security may be used by the City to complete the installation, or the security may be held by the City and other enforcement powers employed to prevent final occupancy until the improvements are completed. Upon completion of the improvements as certified by the Director, any portion of the remaining security deposited with the City, including any accrued interest, ~~shall-must (or will)~~ be returned.