

## **Amendment #2: Require Guarantee for Mitigation if FONSI Issued**

If Council wants to require that the applicant provide the City with a guarantee that proposed mitigation that considered by the Director in issuing a FONSI is completed, the following **motion** should be made:

I move that Section 10 of Ordinance 071, 2023, regarding Land Use Code Section 6.6.5 be amended by inserting the following language at the end of Subsection (D):

If the Director's decision includes consideration of proposed mitigation, the applicant must provide to the City a guarantee in the form of a development bond, performance bond, letter of credit, cash, certificate of deposit or other city-approved means to guarantee the completion of all mitigation to be constructed as shown on the approved development plan.

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The effect of the above amendment to Section 10 of Ordinance 071, 2023 is as follows (new language highlighted):

(D) Permit Not Required. If the Director has made a finding of no significant impacts, or FONSI, a permit pursuant to these Regulations is not required. However, the proposed development plan may be subject to a different Land Use Code development review process. **If the Director's FONSI determination included consideration of proposed mitigation, the applicant must provide to the City a guarantee in the form of a development bond, performance bond, letter of credit, cash, certificate of deposit or other city-approved means to guarantee the completion of all mitigation to be constructed as shown on the approved development plan.**