

Land Use or Variance Application and Permit

CITY OF WHITE SULPHUR SPRINGS

105 W. Hampton St., P.O. Box 442, White Sulphur Springs, MT 59645
Phone: (406) 547-3911 Fax: (406) 547-3945 Email: wss@itstriangle.com

APPLICANT INFORMATION:

Applicant Name: _____ Phone: _____
Physical Address: _____ Mailing Address: _____
Addition/Subdivision: _____ Block: _____ Lot(s): _____

PURPOSE OF APPLICATION: [check all that apply]

This application is submitted to obtain authority from the City to add new permanent or temporary structures or to change and/or improve any of the existing structures, or their use, at the above address, or make other modifications to the property as indicated. This includes obtaining required variances, services, and other permissions as dictated by the information provided or the use to be made. State and City codes may control this application.

☐ Land Use Permit ☐ Lot Line Relocation ☐ Water/Sewer Service ☐ Street/Alley Vacation
☐ Lease/Rent ☐ Variance ☐ Subdivision
Status: ☐ New Build ☐ Conversion ☐ Temp. Structure ☐ Remodel ☐ New Service ☐ Extension

Are there any liens or other claims against the property? Circle One: Yes No

Does the location encroach onto City Property or a City right-of-way? Circle One: Yes No
NOTE: If the answer to any of the above is "Yes", then additional information or action may be required

Are all surveyed corner pins marked with a visible flag or stake above ground? Circle One: Yes No
[Note: City is not responsible for survey. Lack of markers may result in a delay in processing application.]

ATTACHMENTS: ☐ plans*, ☐ diagrams*, ☐ survey map(s)* ☐ other documents. [*lack of attachment may delay processing]
[Note: Construction CANNOT begin until all applications/permits are approved and inspections completed.]

Customer Acknowledgement:

1. I understand that no construction may begin without City approval.
2. I understand that an incomplete application or incorrect statements will void the permit.
3. I understand that fees are assessed, but additional costs for services associated with the review and approval of this Application may apply. [Fees listed in City Fee Schedule. Copy available in Packet or upon request.]
4. I acknowledge I have been provided a copy of and have read the Applicant Agreement and consent to be bound by the statements made in that Agreement.

Authorized Signature/Date: _____

Routing: [Note: Only a fully completed application will be processed/reviewed. Delays are Applicant's responsibility.]

City Engineer/Planner		
Date sent: _____	Assigned: _____	
Public Works Supervisor:		
(Initial & Date after each action)		
Date Project Started: ____/____/____	Inspected by: _____	Date: ____/____/____
Date Project Completed: ____/____/____	Inspected by: _____	Date: ____/____/____
City Clerk:		
Application Fee: \$ _____	Received by: _____	Date: ____/____/____

Land Use Permit valid when signed by Mayor. Permit expires 6 months (180 days) from date of issue.

Referred to <input type="checkbox"/> Mayor <input type="checkbox"/> Council	Issued/Approved Date: ____/____/____
Separate terms/conditions page issued <input type="checkbox"/>	Variance issued <input type="checkbox"/> All costs associated with review services paid <input type="checkbox"/>
Mayor's Signature: _____	

DIAGRAM

Please draw the location on the property where the new construction will be located and/or the improvements will be made.

Note: Building setback distances are 3 feet from the inside of the property lines.

Instructions:

- The drawing should include all street names and should be oriented with "N" for North at the top of the page.
- The locations of existing structures and proposed structures should be marked and labeled.
- Property lines should be identified with distances between those and the structures.
- The drawing is not required to be to scale, but a scale would help. *(You may submit your own drawing on graph paper)*
- Please indicate if this is a corner lot

A large rectangular area filled with a grid of small squares, intended for drawing a site plan or diagram. The grid is 20 squares wide and 30 squares high.

LAND USE OR VARIANCE APPLICATION AND PERMIT

APPLICANT AGREEMENT

1. An Application is not complete until all plans, documents, or specifications required by the City have been submitted. Upon review, the individual performing the review may require additional information before the matter is submitted for consideration, either by the Mayor or by the Council. Delays in providing requested information are attributable to the Applicant/Owner.
2. The modification of any property is at the sole and exclusive expense and risk of the Applicant/Owner.
3. The Permit/Variance, if and when issued, runs with the land associated with the modification of the property and/or existing structures such that Applicant/Owner, their heirs, devisees, and assigns will remain solely and exclusively responsible for any costs associated with the modification and any future alterations or issues.
4. The City is not required to approve a permit or variance for construction on, or modification of, a property or any pre-existing structures sited on a property which were made or erected before application for any permit or variance, unless the site and existing structure has been deemed grandfathered in for purposes of applying the Code of Ordinances or State law. The City may issue a variance, or grant permit approval with exceptions, under the current application only with respect to non-conforming conditions which existed before adoption of the relevant Code of Ordinances or state law, and only after a review to determine applicability to the identified property.
5. Any modification of an existing structure which is non-conforming and grandfathered in will typically render the building subject to all future code provisions (City and state) or subject to upgrade after a set period, and will remove the structure or property from grandfathered status for future projects or applications.
6. Applicant/Owner understands a recent survey is required. Applicant/Owner is responsible for supplying a recent survey (within the last 5 years), and is responsible for all costs, and associated delays, related to obtaining a required survey if one is performed or is ordered by the City with regard to the application unless specifically exempted.
7. The City is not required to approve an application as filed. Modification to the property may be required as part of the Application review. Any and all modifications required by the City as to the application must be completed before the permit/Variance is issued unless the modification relates to the Variance itself. All work is at the expense of the Applicant.
8. The property must conform to the current Code of Ordinances for the City, applicable building codes (see state code or administrative rules for relevant provisions), and any regulations otherwise imposed by law.
9. Modifications are generally limited to the diagram/plan as submitted and finally approved. Modifications made without prior approval may result in a Stop Work Order or loss of the Variance unless and until all modifications are approved or are removed, as applicable. Revocation of a Variance or other Permit due to unauthorized modifications may result in the Applicant/Owner being required to bring the property into compliance with current laws. Costs are the responsibility of the Applicant/Owner.
10. Failing to comply with the application/permit conditions may result in a Stop Work Order, termination of the Variance Permit, and/or an order to return the property to a condition which does not encroach on City Property or City Right-of-Way if such encroachment was authorized as part of the review process or was deemed to be grandfathered in. Costs are the responsibility of the Applicant/Owner.
11. By signing and submitting the Application form, the Applicant/Owner, to the fullest extent permitted by law, hereby agrees to release, defend, indemnify, and hold harmless the City of White Sulphur Springs, its elected officials, officers, agents, employees, consultants, and assigns, from and against any and all actions, claims, damages, losses, demands, or assertions of liability, costs, and expenses, including but not limited to reasonable attorney's fees or other costs of resolution, involving or relating to any harm, injury, or damage suffered or sustained, whether tangible or intangible, which in any manner may arise or be alleged to have arisen, or resulted or alleged to have resulted, from the application or modification of the identified property through this process, save only intentional acts which can be proven.

9.1.3	LAND USE PERMIT (BUILDING) ¹	\$50.00
	VARIANCE APPLICATION ¹	\$50.00
	¹ PLUS ALL COSTS ASSOCIATED WITH PROFESSIONAL SERVICES USED TO REVIEW APPLICATION	
9.6.190 T. 11	PLANNING FEE SCHEDULE	
	NOTE: ALL COSTS BELOW ARE BASE COSTS TO WHICH PROFESSIONAL SERVICE FEES FOR CONTRACT PLANNER/ENGINEER/OTHER WILL BE ADDED	
	PRE-APPLICATION REVIEW	\$250.00
	PRE-APPLICATION FEE PER LOT	\$10.00
	PRELIMINARY PLAT - MINOR SUBDIVISION - FLAT FEE	\$750.00
	PRELIMINARY PLAT - MINOR SUBDIVISION - PER LOT	\$75.00
	PRELIMINARY PLAT - MAJOR SUBDIVISION - FLAT FEE	\$1800.00
	PRELIMINARY PLAT - MAJOR SUBDIVISION - PER LOT	\$75.00
	FINAL PLAT - FLAT FEE - MINOR SUBDIVISION	\$330.00
	FINAL PLAT - PER LOT - MINOR SUBDIVISION	\$25.00
	FINAL PLAT - FLAT FEE - MAJOR SUBDIVISION	\$650.00
	FINAL PLAT - PER LOT - MAJOR SUBDIVISION	\$25.00
	ANNEXATION PLUS ANY APPLICABLE FEES AND COSTS	\$500.00
	AMENDED ANNEXATION	\$150.00
	EXEMPTION	\$200.00
	PRELIMINARY PLAT EXTENSION	\$230.00
	VARIANCES	
	APPLICATION – RESIDENTIAL	\$300.00
	APPLICATION – COMMERCIAL	\$400.00
	ADDITIONAL REVIEW [MINIMUM]	\$100/HR
ANY	UNLESS OTHERWISE STATED HEREIN, AN APPEAL FEE SHALL BE ASSESSED UPON FILING AN APPEAL OF ANY DECISION BY THE MAYOR OR CITY COUNCIL OR OTHER BOARD/COMMITTEE WITH THE CITY CLERK. ALL APPEAL FEES SHALL BE IN ADDITION TO ANY COSTS OR CONSULTING FEES INCURRED DURING THE PROCESS. THE FEE SHALL COVER COSTS RELATED TO NOTIFICATION REQUIREMENTS LISTED IN THE SPECIFIC CODE PROVISION OR AS REQUIRED BY STATE LAW, INCLUDING BUT NOT LIMITED TO: PUBLICATION FEES, CERTIFIED MAILING FEES, GENERAL MAILING FEES, AND DUPLICATION OF DOCUMENTS. IN THE EVENT THE APPEAL IS SUCCESSFUL, ALL BUT \$20.00 OF THE FEE SHALL BE REFUNDED TO THE APPELLANT. THE \$20.00 SHALL BE APPLIED TO HELP COVER PUBLICATION FEES, MAILING FEES, AND STAFF TIME RELATED TO THE APPEAL. THE MAYOR, OR DESIGNEE, MAY AUTHORIZE A PAYMENT PLAN OR MAY WAIVE THE FEE BASED ON ABILITY TO PAY.	\$75.00

Guidelines:

1. Contacting utility companies (phone/electric) is the individual or contractor's responsibility.
2. Streets/alleys may not be closed without City approval.
3. Notifying the Sheriff's Office of street/alley closures is the responsibility of the individual/contractor.
4. All open or unsafe construction sites must be fenced.
5. All safety rules must be followed.
6. All asphalt removal must be paid for by the individual/contractor.
7. Any damage to any electric, phone, fiber optic, TV, sewer, or water line is the responsibility of the contractor.
8. All spills must be cleaned/treated by the individual/contractor, and notice provided to the City of the substance if it might be toxic or hazardous to the public.
9. The contractor must have their own traffic control equipment.

Water/Sewer Requirements:

1. Project must comply with existing City and state codes/regulations and be handled by a qualified and licensed professional.
2. All pipes, valves, and parts must be approved by the City.
3. Cover and bedding material may be sand or small gravel (3/8-inch or less).
4. Contractor is responsible for providing all bedding and backfill materials.
5. All water/sewer lines must be bedded 3 inches.
6. All water/sewer lines must have 1 foot of cover.
7. Pit run may be used for fill after 1 foot of cover.
8. All water/sewer lines must be compacted every 2 feet.
9. All water/sewer lines must be inspected by the City before filling trenches/ditches.
10. All repairs and/or new water/sewer lines in City streets must be completed before the contractor moves to another job or takes time off.