



LAND ALTERATION FORM¹

This handout is intended to provide guidance on putting together and submitting a land alteration application in Montgomery. A Land Alteration Permit shall be obtained and approved for all cases where excavation, grading, and/or filling of any land would result in a substantial alteration of existing ground contour or would change existing drainage or would cause flooding or erosion or would deprive an adjoining property owner of lateral support and would remove or destroy the present ground cover resulting in less beneficial cover for present and proposed development. Substantial alteration of land shall be defined as the extraction, grading, and/or filling of land involving movement of earth and materials of twenty-five (25) cubic yards or more. The purpose of the land alteration form is to provide the City a chance to review your proposal.

In order to have your land alteration application be complete and reviewed in the timeliest fashion, there are a number of steps that must be followed:

1. Contact City staff to discuss your land alteration request and obtain a land use permit.
2. Put together an informational packet (described herein) that fulfills the land alteration submittal requirements. Initially providing detailed information and answers will greatly reduce the potential overall review time.
3. Submit your completed packet to staff for review. Staff will examine your information to determine if the application is complete, and contact you if additional information is required or was omitted. It is to your advantage to submit your materials as early as possible so staff can assist you in ensuring your application is complete and be able to process accordingly.
4. Staff will address completed applications by reviewing all information and either approve, approve with conditions or deny the land alteration request based on their findings. Staff will determine whether the application may be processed administratively or whether it will require approval of the City Council.
5. The City may require with a Land Alteration Permit, adequate proof of bonding in the form of a performance bond, sufficient in value to cover the expense of the completion of the development plan or to bring such portion of the completed project to a safe grade and elevation so as to be healthful and safe to the general public and to provide safe and adequate drainage to the site.
6. If, during the land alteration work it becomes necessary for the person altering the land to create a condition of grade or drainage not in the interest of health or safety, it shall become that person's duty to correct immediately the dangerous situation created, as well as fence or screen the area from the public upon order of the Building Inspector.

****It is intended hereunder to cover the removal of natural materials from lands including such activity when carried on as a business, but shall not apply to basement excavation or other excavation which is already covered by the Building Code or other such regulations of the City.****

The City Council has established a **\$100** non-refundable fee for processing a land alteration permit.

¹The information provided in this document is intended to be a correct statement of the law as set forth in the Montgomery City Code and the laws of the State of Minnesota. However, the applicant should refer to the actual sources and consult with their own legal advisor regarding applicability to their application. In providing this information, the City makes no representations nor provides any legal advice or opinion.

At a minimum, the following materials must be submitted prior to deeming an application complete:

Sub: Req: Item:

- | | | |
|-------|-------|--|
| _____ | _____ | 1. Land Use Application signed by all property owners along with payment of the proper filing fee. |
| _____ | _____ | 2. Land Alteration Form |

Property Address: _____

Nature of proposed alteration and future use of the property. (Please explain how much is to be excavated or filled, what is to be accomplished or improved as a result of the project, and how are potential problems i.e. impacts to wetlands, change in drainage patterns onto adjacent property, etc being addressed.): _____

Starting date and approximate completion date of the operation: _____

The highway, street, streets, or other public ways in the city upon and along which any material is to be hauled or carried: _____

The names and addresses of all owners and occupants of the adjoining land that may be affected by said land alterations: _____

_____ _____ 3. A **site plan** illustrating **present** topography and also including boundary lines for all properties, water courses, wetlands, easements, and other significant features within three hundred fifty (350) feet.

_____ _____ 4. A **site plan** illustrating the **proposed finished** grade and landscape plan. Erosion and sediment control measures shall be included in the site plan. Final grade shall not adversely affect the surrounding land or the development of the site on which the excavation is being conducted. Top soil shall be of a quality capable of establishing normal vegetative growth.

In signing this application, you are acknowledging that the proposed activity will in no jeopardize the public, health, safety, and welfare or in the alternative this site is fenced to provide adequate protection. Also, you are acknowledging you will comply with all conditions prescribed by the City or its officers.

Property Owner Signatures:

Property Owner # 1: _____ Date: _____

Property Owner # 2: _____ Date: _____

For Office Use Only:

Approved: _____ Denied: _____ by the **City Engineer** on _____

Signature: _____

Subject to the following conditions:

Approved: _____ Denied: _____ by the **City Administrator** on _____

Signature: _____

Subject to the following conditions:

Approved: _____ Denied: _____ by the **City Council** on _____

Subject to the following conditions:
