

1.

LAND USE APPLICATION

Conditional Use Permit- Annual Review

Cellular Transmission Tower
1208 11th Ave. SW

ORIGINAL

LAND USE APPLICATION

Watford City Planning Department

See Reverse for Submittal Requirements

AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

APPLICATION TYPE:	DATE FILED: 7.7.14	APPLICATION NUMBER:
<input checked="" type="checkbox"/> ZONE CHANGE - \$200.00 fee	PROCESSES BY: MW	MEETING DATES: P&Z: 7/28 CC: 8/4
<input checked="" type="checkbox"/> CONDITIONAL USE PERMIT - \$500.00 plus publishing cost	FEES: \$525.00	ADVERTISE DATE: 7.16 + 7.23
<input checked="" type="checkbox"/> VARIANCE - \$200.00 fee	RECEIPT #: CHK# 22678	PROPERTY OWNERS NOTIFIED: Y
<input checked="" type="checkbox"/> STREET NAME CHANGE	SECTION/TOWNSHIP/RANGE: Sect. 25	
<input checked="" type="checkbox"/> VACATION and ABANDONMENT	RELATED CASE NOS: V03-2014 variance application	
<input checked="" type="checkbox"/> SIMPLE LOT SPLIT - \$450.00	FINAL ACTION MEMORANDUM ISSUED:	DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Kotana Communications Inc.
APPLICANT: Badlands Cellular of North Dakota LP d/b/a Verizon Wireless

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

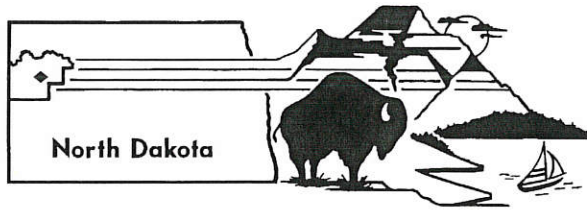
NAME: John Rowe, Agent - Buell Consulting, Inc
ADDRESS: P.O. Box 2523
CITY: Littleton STATE: CO ZIP CODE: 80161-2523
TELEPHONE: 303-220-9100 + 303-461-4181 EMAIL: JRowe@BuellConsulting.com
ASSESSOR'S PARCEL NUMBER(S): 11-00-10450
LEGAL DESCRIPTION: Portion of NW 1/4 NW 1/4 Section 25, T150N, R99W, 5th PM
PROPERTY ADDRESS AND NEAREST CROSS STREETS: 1208 11th Ave SW (11th Ave SW + 19th St SW)
GROSS/NET ACREAGE: 2.43 PRESENT ZONE CLASSIFICATION: C-1
DESIRED ZONE CLASSIFICATION: C-1 CURRENT LAST USE: Telecommunications

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

see attached Narrative justification.
Install wireless telecommunications transmission facility including a 100' monopole style antenna structure (with an overall height of 169' for lightning rod) and a 12' x 30' equipment shelter in order for Verizon wireless to provide service needed additional capacity to the area in and around Watford City.

DESCRIBE THE SOURCE OF WATER/SEWER: Not applicable Do you have a well serve letter YES NO

Watford City



City of Watford City

213 2nd St., NE / PO Box 494

Watford City, ND 58854

Ph. 701- 444- 2533

Fax 701- 444- 3004

cityofwatfordcity.com

February 19, 2020

STAFF REPORT

RENEWAL Conditional Use Permit

CUP 2014 (original)

APPLICANT:

Badlands Cellular of ND
P.O. Box 2523
Littleton CO, 80161

PROPERTY OWNERS:

Kotana Communications Inc.
1819 1st. Ave W
Williston ND 58801

PROPERTY LOCATION:

Section 25, Township 150, Range 99. IT 1207 PT NW ¼. 2.43 Acre Parcel # 110010450.
Address: 1208 11th Ave. SW. Watford City ND, 58854

REQUEST:

The existing Conditional Use Permit is in place for a Wireless telecommunications transmission facility and tower.

ZONING:

C1- (Commercial) 2.43 Acres

CURRENT USE:

Telecommunications transmission facility and tower.

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances Article XVII C1- General Commercial District, Section 3- Conditional Uses, Subsection 16: Transmission Facility/ Substation/ Public Uses.

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XXV, Conditional Uses, Section 1-Requirements for Conditional Uses:

A conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

- 1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;*
- 2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;*
- 3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;*
- 4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;*
- 5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and*
- 6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.*

SITE DEVELOPMENT:

- Access: The property is accessed from 11th Ave SW
- Sewer: City Sanitary Sewer Services are available within this area.
- Water: City Water Services are available within this area.

SURROUNDING LAND USE:

- North: Zoning – C1: General Commercial & AG: Agriculture
Use - Commercial Businesses and RV/Mobile Home Parks
- East: Zoning – AG: Agriculture
Use – Residential
- South: Zoning – AG: Agriculture
Use - Residential
- West: Zoning – AG: Agriculture
Use - Residential

DISCUSSION:

The Conditional Use Application originally was submitted in 2014 for a 12x30 equipment shelter as well as 100' monopole for telecommunication services. In 2016 Sprint Nextel applied to add additional equipment to the already existing unit.

The current use of this transmission facility has not seemed to detract from the current neighborhood development. A recent site visit by City Planning Department Staff showed that the site had appeared to be in relative compliance with all previous conditions and requirements set forth by the original and preceding year's staff reports. It should be noted that the immediate area of the transmission facility and access driveway appeared to be decently maintained and free of weeds.

The City of Watford City mailed the property owners that hold an interest in the subject property and the adjacent property owners a notice regarding the property's Conditional Use Permit renewal. At the time of this report, none of the noticed property owners had contacted the City regarding the application.

RECOMMENDATION:

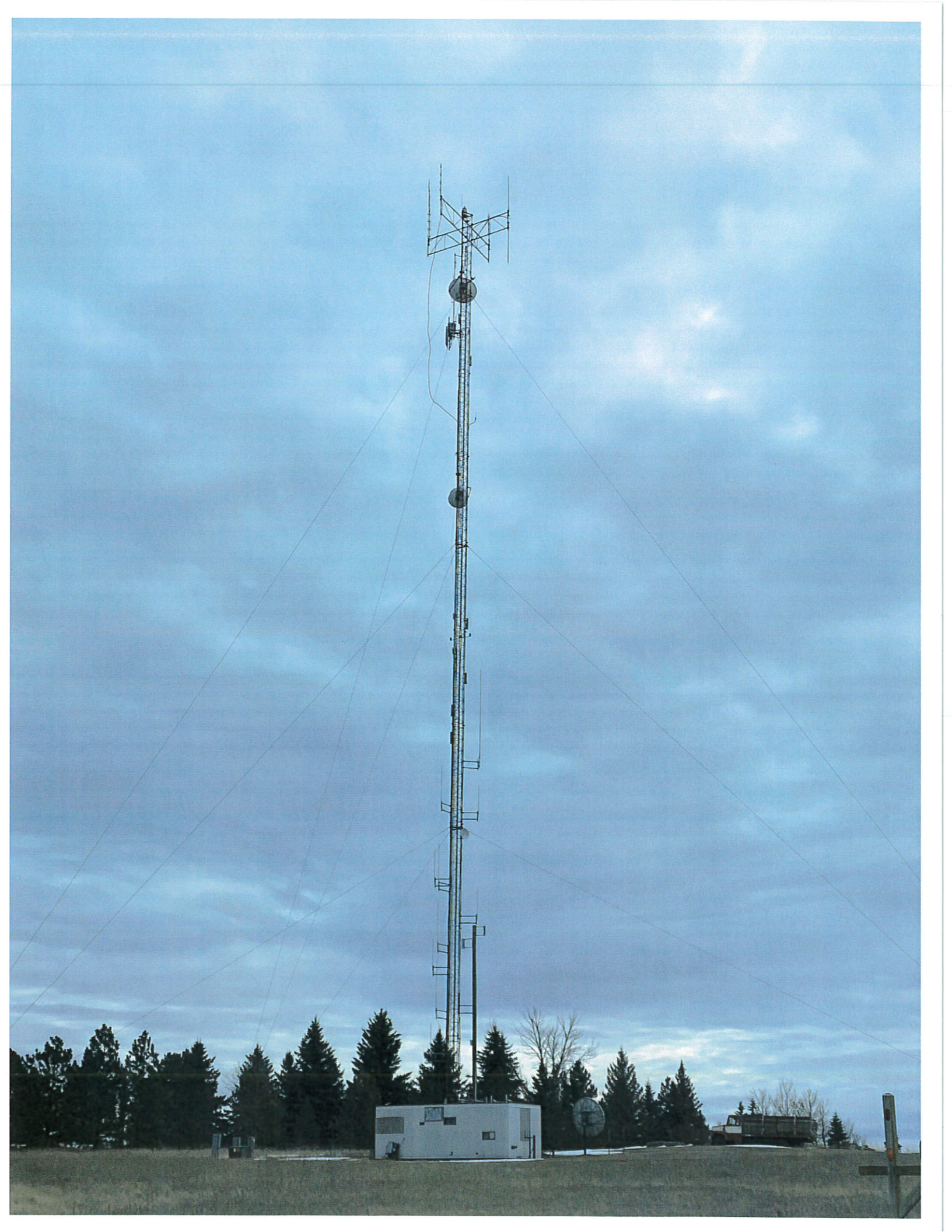
It is the recommendation of City Planning Department Staff to Approve the Land Use Application for Renewal of Conditional Use Permit for the wireless telecommunications transmission facility and tower.

Approval will be contingent upon the following items:

1. The Conditional Use Permit shall be for a term of one (1) year. The Permit will be reviewed again in February 2021 and may be subject to additional requirements.

PLANNING DEPARTMENT STAFF CONTACT:

LaRissa Bertram
lbertram@nd.gov
(701) 444-8406





1208 11th Ave SW



Click a starting point

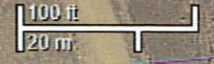


AUTO

* Workspaces



© 2018 Eagleview



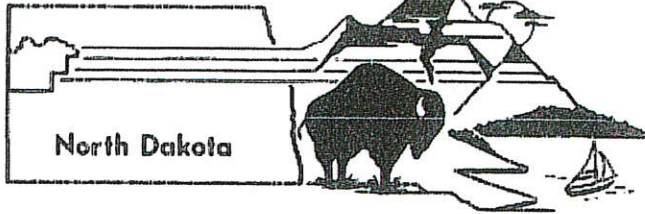
2.

LAND USE APPLICATION

Conditional Use Permit- Annual Review

Cellular Transmission Tower

#1 12209 26th N St.



LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF: MW	P&Z: 4-27-15 CC: 5-4-15
CONDITIONAL USE	FEE: \$575.00	ADVERTISE DATE: 4-15 & 4-22-15
VARIANCE	RECEIPT #:	PROPERTY OWNERS NOTIFIED:
STREET NAME	SECTION/TOWNSHIP/RANGE:	

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Mark Bruckelmeyer, James Beld, and Doug Wendling (D/B/A "DMJ, LLC")

APPLICANT: Verizon Wireless, by Brent Kabat, Buell Consulting, Inc. on behalf of Verizon Wireless

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Buell Consulting, Inc. ATTN: Brent Kabat

ADDRESS: 1360 Energy Park Drive, Suite 210

CITY: Saint Paul STATE: MN ZIP CODE: 55108

TELEPHONE: (651) 789-8705 EMAIL: bkabat@buellconsulting.com

ASSESSOR'S PARCEL NUMBER(S): 20-00-15620

LEGAL DESCRIPTION: Please see enclosed Warranty Deed for complete legal description.

PROPERTY ADDRESS AND NEAREST CROSS STREETS: 12209 26 N St. NW, Watford City, ND 58854

GROSS/NET ACREAGE: 3.0 acres PRESENT ZONE CLASSIFICATION: Commercial

DESIRED ZONE CLASSIFICATION: N/A CURRENT LAST USE: N/A

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

The applicant requests a Conditional Use Permit for a wireless telecommunications transmission facility. The proposed facility will include an 80' tall monopole communications tower and an equipment shelter (measuring 29' 5-1/2" L x 11'6" W x (approx) 10' T) adjacent to the base of the tower. The facility will also include a temporary "small cell on wheels" (SCOW) trailer which will provide temporary wireless communications service and shall be operational until the construction of the 80' monopole is complete and its antennas are operational and on-the-air. At the time the construction of the monopole is complete and its antennas are on-the-air, the SCOW will be removed from the subject property. Please refer to the enclosed justification letter/zoning narrative and construction drawings for more detailed information.

DESCRIBE THE SOURCE OF WATER/SEWER: N/A Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

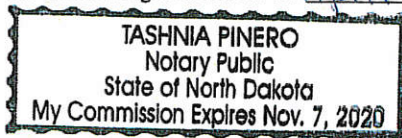
Mark Bruckelmyer
Property Owner Signature

MARK BRUCKELMYER
Print of Type Owner Name

NOTARY

State of NORTH DAKOTA
County of WYOMING

This instrument was acknowledged before me on April 7, 2015 by Mark Bruckelmyer
Date Name of Person



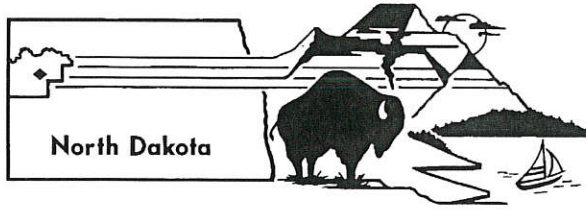
Tashnia Pinero
Signature of Notarial Officer

Required Documents for Land Use Application

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	*.pdf/*.dwg	Supplemental Info.	Application Fees
Conditional Use Permit	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$525 + publishing costs
Zone Change	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$300
Variance	1	1	1		1 ⁸	1 ¹¹		1		\$300
Street Name Change ^a	1	1	1			1 ¹¹		1		Refer to Fee Schedule

- Site Development Plan Application is required on all Conditional Use Applications.
- Only completed applications shall be accepted for filing.
- Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
- Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
- A letter indicating Watford City City Council's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
- Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
- The Planning Commission and City Council has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.

Watford City



City of Watford City

213 2nd St., NE / PO Box 494

Watford City, ND 58854

Ph. 701- 444- 2533

Fax 701- 444- 3004

cityofwatfordcity.com

Feb. 19, 2020

STAFF REPORT ANNUAL REVIEW for Conditional Use Permit

APPLICANT:

Verizon Wireless
Attn: Network Real Estate Dept.
Bloomington, MN 55468

PROPERTY OWNERS:

Mark Bruckelmeyer, James Beld & Doug Wendling
d.b.a. DMJ, LLC
12209 26 N. Street NW.
Watford City, ND 58854

PROPERTY LOCATION:

Parcel ID: 20-00-15620, 3 acres. Address: 12209 26 N. St NW Watford City, McKenzie County, North Dakota.

REQUEST:

A Land Use Application for Conditional Use Permit was originally submitted for Transmission facility/tower on C1- General Commercial District zoned land

ZONING:

current zoning is C1- General Commercial District.

CURRENT USE:

The property is currently undeveloped, aside from the transmission facility tower.

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances Article XVII C1- General Commercial District, Section 3- Conditional Uses, Subsection 16: Transmission Facility/ Substation/ Public Uses.

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XXV, Conditional Uses, Section 1-Requirements for Conditional Uses:

A conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

- 1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;*
- 2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;*
- 3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;*
- 4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;*
- 5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and*
- 6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental affects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.*

SITE DEVELOPMENT:

- Access: The property is accessible from 26 St NW.
- Sewer: The property does not have City sanitary sewer service.
- Water: The property does not have City water service.

SURROUNDING LAND USE:

- North: Zoning – AG, Agriculture
Use - Residential
- East: Zoning – AG, Agriculture and C-1 General Commercial
Use – Residential and Commercial
- South: Zoning – AG, Agriculture
Use - RV Park
- West: Zoning – AG, Agriculture
Use - Residential and Pasture Land

DISCUSSION:

The original applicant & property owner had submitted a Land Use Application for Conditional Use Permit in 2015 for the consideration of the installation of a wireless telecommunications tower and transmission facility. The original application states that the proposed facility was to include an 80' tall monopole communications tower and equipment shelter to be located at the base of the tower. The original application also asked to allow for the placement of a temporary "Small Cell on Wheels" SCOW trailer which consisted of an enclosed trailer to house communications equipment and have three antenna booms extending to the height of approximately 15-20" above ground. The temporary SCOW trailer was planned to remain on the property and in use until the construction of monopole tower and equipment shelter was complete and operational. The original Conditional Use Permit application was approved by City Council on May 4, 2015.

In 2016, an annual review of the Conditional Use Permit was conducted. It was noted that the construction of the tower was complete, and the temporary trailer was no longer on the property. On July 6, 2016 City Council moved to approve the renewal of the Conditional Use Permit for a period of two (2) years.

The current use of this transmission facility has not seemed to detract from the current neighborhood development. A recent site visit by City Planning Department Staff showed that the site had appeared to be in relative compliance with all previous conditions and requirements set forth by the original and preceding year's staff reports. It should be noted that the immediate area of the transmission facility and access driveway appeared to be decently maintained and free of weeds.

The City of Watford City mailed the property owners that hold an interest in the subject property and the adjacent property owners a notice regarding the property's Conditional Use Permit renewal. At the time of this report, none of the noticed property owners had contacted the City regarding the application.

RECOMMENDATION:

It is the recommendation of City Planning Department Staff to ***APPROVE*** the Land Use Application for Conditional Use Permit Annual Review. The next review will be scheduled for February 2021 given that the following contingencies are met and maintained during this time period.

Approval will be contingent upon the following items:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;

5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental affects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

PLANNING DEPARTMENT STAFF CONTACT:

LaRissa Bertram
lbertram@nd.gov
(701)444-8406



Click a starting point.



* Workspaces ▾

3.

LAND USE APPLICATION

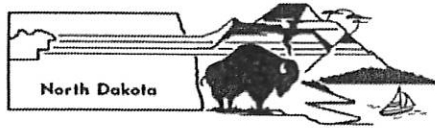
Conditional Use Permit- Annual Review

Cellular Transmission Tower

#2 12209 26th N St.

LAND USE

CONDITIONAL USE PERMIT



APPLICATION
THE CITY OF WATFORD CITY
213 2ND ST NE / PO BOX 494
WATFORD CITY, NORTH DAKOTA

APPLICATION FEE:

\$525.00

REQUIREMENTS: All applications must be legible, printed in ink or typed, and suitable for reproduction. *Original application with original signature is required. A Conditional Use Permit Application may be submitted in order to consider a particular use of property not permitted within the property's current zoning district. A Conditional Use Permit may be granted for the property and not to a particular person or firm. Conditional Use Permits must still conform to the regulations as set within the City of Watford City Municipal Code of Ordinances. Along with this application, please submit the following: N.D. Professionally Engineered/ Surveyed Site Development Plan of the property in both .PDF format and 11"x17" size paper for review, a brief justification letter explaining the request for Conditional Use Permit and a copy of current property deed(s) and/or title report. For specific details regarding this process, please refer to the City of Watford City Municipal Code of Ordinances: CHAPTER XV ARTICLE XXV: CONDITIONAL USES, SECTION 1-6.*

PROPERTY OWNER INFORMATION

OWNER NAME(S): DMJ LLC / Brent Russum	PHONE NUMBER:	EMAIL:
MAILING ADDRESS: 10111 Eltopia Road, Pasco, WA 99301		

APPLICANT INFORMATION

Same as Owner

APPLICANT NAME: James Ries	PHONE NUMBER: 612-481-2228	EMAIL: james.ries@powderriverdev.com
MAILING ADDRESS: 708 West River Parkway, Champlin, MN 55316		

DEVELOPER INFORMATION

DEVELOPER NAME: Powder River Development	PHONE NUMBER: 612-481-2228	EMAIL: james.ries@powderriverdev.com
MAILING ADDRESS: 408 S Eagle Road, Suite 200, Eagle, ID 83616		

PROPERTY INFORMATION

PROPERTY ADDRESS: 12209 26th N Street	ZONING DISTRICT: AG C-1
PARCEL NUMBER(s): 200015620	LEGAL DESCRIPTION: (SECTION, TOWNSHIP, RANGE) Section 22, Twp. 150, Range 98
CURRENT USE OF PROPERTY: Commercial / Light industrial	PROPOSED USE OF PROPERTY: no change

DESCRIPTION

Please give a brief description of the proposed Conditional Use.

Proposed 150' monopole, adjacent base of tower, fenced equipment compound and unmanned equipment shelter
See attached CDs for additional details.

APPLICANT SIGNATURE: (IF DIFFERENT THAN OWNER)

As the applicant, I certify that all City Ordinances will be complied with and that the information given within this application as well as the plans submitted are in all respects true and correct to the best of my knowledge and belief.

APPLICANT SIGNATURE: 	DATE: 03/27/2019
APPLICANT PRINT NAME: MARK BRUCKELMYER	APPLICANT TITLE: OWNER

PROPERTY OWNER(S) AFFIDAVIT

I/We, the undersigned, swear that I am / we are, the owner(s) and/or Mortgage holders of the property described within this application. I/We will make provisions to ensure compliance with the disclosure and recording requirements of McKenzie County and the City of Watford City. I/We certify that all information contained within this application are in all respects true and correct to the best of my/our knowledge and belief. I/We also hereby authorize City of Watford City Staff and/or its designee to access my property or premise for the purpose of gathering and verifying information in relation to this application and submitted plans.

PROPERTY OWNER SIGNATURE:

Mark Bruckelmyer

DATE:

03/27/2019

PROPERTY OWNER SIGNATURE:

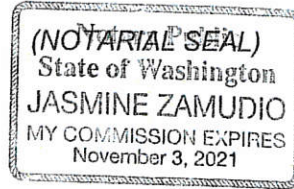
DATE:

 / /

PROPERTY OWNER NOTARY

On this 27th day of March, 2019 before me, the undersigned, a notary public for the state of Washington, personally appeared, Mark A Bruckelmyer known to me to be the person(s) who executed the certificate in witness whereof, I have hereunto set my hand and affixed my official seal the day and year in the certificate first written above.

Jasmine Zamudio
Notary Public



Notary Public for the state of Washington
Residing at Posco, WA
My Commission Expires 11/03/2021

OFFICE USE ONLY

- COPY OF PROPERTY DEED
- COPY OF TITLE REPORT
- COPY OF TITLE MEMORANDUM
- .PDF & LEDGER SIZE REVIEW COPY OF SITE PLAN
- VICINITY MAP
- LEGAL DESCRIPTION
- JUSTIFICATION LETTER
- ORIGINAL SURVEYOR STAMP & SIGNATURE ON PLAN

LEGAL NOTICE DATES:

5/15/19

5/22/19

ADJACENT PROPERTY OWNER NOTICES MAILED

MEETING DATES:

PLANNING COMMISSION:

5/28/19

CITY COUNCIL:

6/4/19

INVOICE:

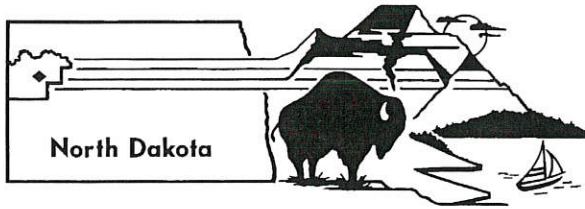
INVOICE NUMBER: _____

DATE CREATED: 5/8/19 BY: UJB

PAYMENT: \$ **525.00**

DATE RECEIVED: 5/8/19 AMOUNT: \$ 525.00

CARD CASH CHECK # 7682



February 19, 2020

STAFF REPORT
Conditional Use Permit

APPLICANT:

Powder River Development Services, LLC.
Attn: Brandon Peterson
708 West River Parkway
Champlain, MN 55316

PROPERTY OWNERS:

DMJ, LLC
10111 Eltopia Rd
Pasco, WA 99301

PROPERTY LOCATION:

Parcel ID: 20-00-15620, 3 acres. Address: 12209 26 N. St NW Watford City, McKenzie County, North Dakota.

REQUEST:

A Land Use Application for Conditional Use Permit has been submitted for an additional transmission facility/tower on C1- General Commercial District zoned land

ZONING:

Current zoning is C1- General Commercial District.

CURRENT USE:

The property is currently undeveloped, aside from the transmission facility tower.

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances Article XVII C1- General Commercial District, Section 3- Conditional Uses, Subsection 16: Transmission Facility/ Substation/ Public Uses.

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XXV, Conditional Uses, Section 1-Requirements for Conditional Uses:

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- 1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;*
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- 3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;*
- 4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;*
- 5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and*
- 6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental affects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.*

SITE DEVELOPMENT:

- Access: The property is accessible from 26 St NW.
- Sewer: The property does not have City sanitary sewer service.
- Water: The property does not have City water service.

SURROUNDING LAND USE:

- North: Zoning – AG, Agriculture
Use - Residential
- East: Zoning – AG, Agriculture and C-1 General Commercial
Use – Residential and Commercial
- South: Zoning – AG, Agriculture
Use - RV Park
- West: Zoning – AG, Agriculture
Use - Residential and Pasture Land

DISCUSSION:

A Land Use Application for an amended Conditional Use Permit was submitted for an additional telecommunications tower to be constructed on this site. The proposed transmission facility will consist of a new 150' monopole, an unmanned equipment shelter, and a back-up generator within a fenced compound surrounding the proposed tower. The fenced compound around the base of the tower measures 48'x 48'.

There is an existing Conditional Use Permit for this property allowing an 80' monopole telecommunications tower.. Planning Staff spoke to AT&T's Engineer regarding the proposed tower and it was explained that in order to maximize the positive impact for their cellular network, they are proposing a new tower rather than adding antennas to the existing tower. By adding an additional 150' pole, this will allow Verizon to add their antennae at 146' therefore increasing the cellular services range by a significant amount of area. This new tower will also allow for additional equipment from other carriers to be added in the future.

When city staff visited the site on February 11, of 2020 the additional pole had not be constructed. City staff contacted the company and were informed that the project is set to be constructed on the 5-11-2020 to 5-29-2020.

Their original CUP was approved at City Council June 2019. This would have fit within the appropriate timeframe. Planning staff wanted to review this project early since the project had not moved forward and they had no information whether it would or not.

The use of the transmission facility has not detracted from the current neighborhood development. A recent site visit by City Planning Department Staff showed that the in compliance with all previous conditions and requirements set forth by the original and preceding year's staff reports. It should be noted that the immediate area of the transmission facility and access driveway are maintained and free of weeds. However, the remaining undeveloped area of the property was still overgrown with tumbleweeds.

The City of Watford City mailed the property owners that hold an interest in the subject property and the adjacent property owners a notice regarding the property's Conditional Use Permit Application. At the time of this report, none of the noticed property owners had contacted the City regarding the application.

RECOMMENDATION:

It is the recommendation of City Planning Department Staff to **APPROVE** the Land Use Application for an amended Conditional Use Permit allowing for an additional 150' monopole telecommunications tower.

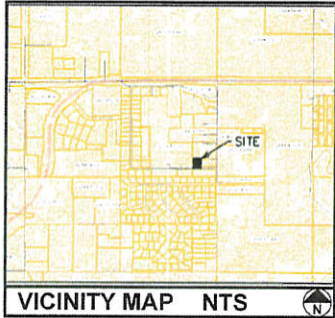
Approval will be contingent upon the following items:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;

3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The Conditional Use Permit shall be for a term of **one (1) year**. The permit will be reviewed again in **February, 2021** and at which time may be subject to additional requirements.

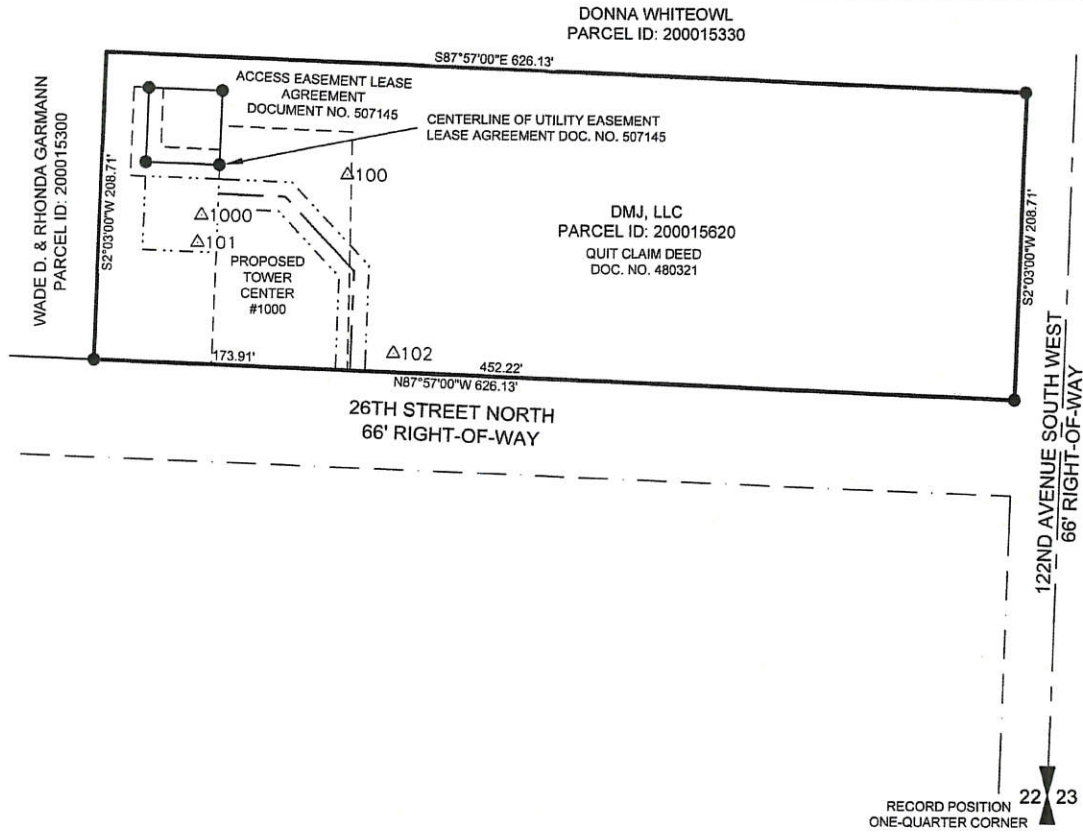
PLANNING DEPARTMENT STAFF CONTACT:

LaRissa Bertram
lbertram@nd.gov
(701) 444-8406



NOTES:

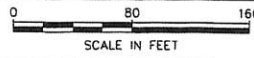
1. PLAN PREPARED WITH THE BENEFIT OF A TITLE REPORT. FILE: 50867-ND1806-5030
DATE: AUGUST 29, 2018
2. PLAN DOES NOT REPRESENT AN ALTA/NSPS LAND TITLE SURVEY.
3. BASIS OF THE BEARINGS AND COORDINATES IS THE NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM (NAD83/2011) BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON AUGUST 7, 2018; TIED TO THE NATIONAL SPATIAL REFERENCE SYSTEM VIA CORS AND EXPRESSED IN INTERNATIONAL FEET.
4. VERTICAL INFORMATION BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88) AND EXPRESSED IN INTERNATIONAL FEET.
5. THIS PLAN DOES NOT REPRESENT AN ACTUAL BOUNDARY SURVEY OF THE PARENT PARCEL. BOUNDARY LINES ARE DRAWN FROM FIELD LOCATIONS OF FOUND MONUMENTS.
6. PROPERTY LOCATED OUTSIDE THE SPECIAL FLOOD HAZARD AREA, PURSUANT TO FEMA FLOOD MAP PANEL NO. 38053C0950D, EFFECTIVE 9/2/2015.
7. LESSEE INFORMATION:
POWDER RIVER DEVELOPMENT SERVICES, LLC
219 S. WOODDALE
EAGLE, ID 83616
8. PROPERTY INFORMATION:
DMJ, LLC
10111 ELTOPIA ROAD
PASCO, WA 58856-6711



1A CERTIFICATE	
LATITUDE:	N 47° 47' 53.80" (NAD '83)
LONGITUDE:	W 103° 12' 00.04" (NAD '83)
GROUND ELEV. (AMSL):	2136.68± (NAVD '88)

NDL02916 WATFORD CITY EAST HORIZONTAL DATUM: NAD 83(2011); VERTICAL DATUM: NAVD 88 (GEOID 12A) NORTH DAKOTA STATE PLANE, NORTH DAKOTA NORTH ZONE CONTROL POINT 101 CSF: 0.999849163 CONVERGENCE: -2'00'33"						
POINT NUMBER	LATITUDE	LONGITUDE	ELEVATION	GRID NORTHING	GRID EASTING	DESCRIPTION
100	N47° 47' 54.11"	W103° 11' 58.60"	2137.56	302845.2880	1305146.2980	CP SPIKE
101	N47° 47' 53.62"	W103° 12' 00.07"	2136.56	302798.6630	1305044.6450	CP ALUM CAP
102	N47° 47' 52.93"	W103° 11' 58.08"	2137.10	302724.2670	1305177.7410	CP SPIKE
1000	N47° 47' 53.80"	W103° 12' 00.04"	2136.68	302817.1452	1305047.2362	CP TOWER CENTER

LEGEND	
	BOUNDARY LINE
	ADJOINER BOUNDARY
	ACCESS EASEMENT
	PROPOSED ROAD CENTERLINE
	PROPOSED EASEMENT
	PROPOSED LEASE
	FOUND REBAR WITH CAP
	CONTROL POINT



SITE SURVEY

SCALE: 1" = 80'

PREPARED FOR:

POWDER RIVER
219 S. WOODDALE
EAGLE, ID 83616

PROJECT INFORMATION:

**WATFORD CITY EAST
NDL02916**

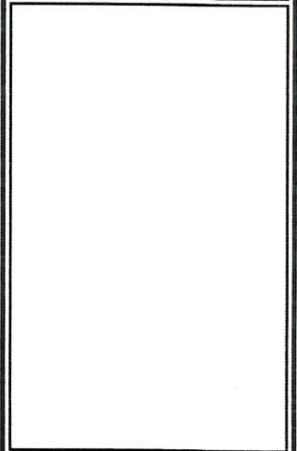
12209 26TH STREET NORTH
WATFORD CITY, ND 58854
(McKENZIE COUNTY)

PREPARED BY:

TOWER ENGINEERING PROFESSIONALS
326 TRYON ROAD
RALEIGH, NC 27603-3530
(919) 661-6351

PREPARED BY:

Boers Land Surveying and Mapping, Inc.
P.O. Box 3531 Bozeman, Montana 59772
www.boerslandsurveying.com
(406) 600-3790



SHEET TITLE:

SITE SURVEY

DATE: 11/8/2018	REVISION: 0
SHEET #: 1 OF 5	TEP #: XXXXX





12209
26 N/W

Click a starting point.



*Workspaces ▾



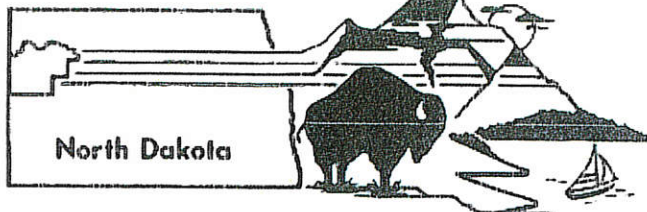
4.

LAND USE APPLICATION

Conditional Use Permit- Annual Review

Cellular Transmission Tower

1809 Main St. South



LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF: MN	P&Z: 4-27-15 CC: 5-4-15
CONDITIONAL USE	FEE: \$525	ADVERTISE DATE: 4-15 + 4-22
VARIANCE	RECEIPT #:	PROPERTY OWNERS NOTIFIED:
STREET NAME	SECTION/TOWNSHIP/RANGE:	

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Patrick G. and Sally M. Golberg

APPLICANT: Verizon Wireless, by Brent Kabat, Buell Consulting, Inc. on behalf of Verizon Wireless

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Buell Consulting, Inc. ATTN: Brent Kabat
 ADDRESS: 1360 Energy Park Drive, Suite 210
 CITY: Saint Paul STATE: MN ZIP CODE: 55108
 TELEPHONE: (651) 789-8705 EMAIL: bkabat@buellconsulting.com
 ASSESSOR'S PARCEL NUMBER(S): 11-00-10670
 LEGAL DESCRIPTION: Please refer to enclosed Warranty Deed for complete legal description.
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 1809 Main St. South, Watford City, ND 58854
 GROSS/NET ACREAGE: 45.97 Acres PRESENT ZONE CLASSIFICATION: Agricultural
 DESIRED ZONE CLASSIFICATION: N/A CURRENT LAST USE: N/A

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

The applicant requests a Conditional Use Permit for a wireless telecommunications transmission facility. The proposed facility will include an 80' tall monopole communications tower and an equipment shelter (measuring 29' 5-1/2" L x 11'6" W x (approx) 10' T) adjacent to the base of the tower. The facility will also include a temporary "small cell on wheels" (SCOW) trailer which will provide temporary wireless communications service and shall be operational until the construction of the 80' monopole is complete and its antennas are operational and on-the-air. At the time the construction of the monopole is complete and its antennas are on-the-air, the SCOW will be removed from the subject property. Please refer to the enclosed justification letter/zoning narrative and construction drawings for more detailed information.

DESCRIBE THE SOURCE OF WATER/SEWER: N/A

Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the Watford City Planning Department and its designee, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

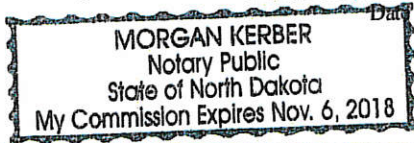
Patrick G. Golberg
Property Owner Signature

Patrick G. Golberg
Print of Type Owner Name

NOTARY

State of North Dakota
County of McKenzie

This instrument was acknowledged before me on 04/06/2015 by Patrick G Golberg
Name of Person



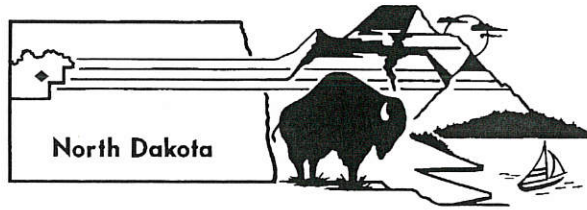
Morgan Kerber
Signature of Notarial Officer

Required Documents for Land Use Application

Table with 11 columns: APPLICATION TYPE, Application, Conceptual Site Plan, Site Plans, Deed, Legal Description, Justification Letter, Traffic Impact Analysis, *.pdf/*.dwg, Supplemental Info, Application Fees. Rows include Conditional Use Permit, Zone Change, Variance, and Street Name Change*.

- Site Development Plan Application is required on all Conditional Use Applications.
Only completed applications shall be accepted for filing.
Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
A letter indicating Watford City City Council's decision and all conditions of approval is sent to the correspondent address on the application. All conditions must be met before an occupancy permit or a business license will be issued. In many cases, the Planning Commission is considered to be final action unless appealed, refer to the Summary or Required Reviews or Hearings.
Any person may appeal, in writing, to the board within 30 calendar days from the date the Notice of Final Action was sent. The Office of the Zoning Administrator must physically receive the appeal by 4:00 pm. on the 30th calendar day.
The Planning Commission and City Council has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.

Watford City



City of Watford City

213 2nd St., NE / PO Box 494

Watford City, ND 58854

Ph. 701- 444- 2533

Fax 701- 444- 3004

cityofwatfordcity.com

February 19, 2020

STAFF REPORT ANNUAL REVIEW for Conditional Use Permit

APPLICANT:

Verizon Wireless
Attn: Network Real Estate Dept.
Bloomington, MN 55468

PROPERTY OWNERS:

Patrick and Sally Golberg
1809 Main St. S
Watford City, ND 58854

PROPERTY LOCATION:

Parcel ID: 11-00-1670, 45.97 acres. Address: 1809 Main St. S Watford City, McKenzie County, North Dakota.

REQUEST:

A Land Use Application for Conditional Use Permit was originally submitted for Transmission facility/tower on R2- Two Family Dwelling District zoned land.

ZONING:

At this time, current zoning is R2, Two Family Dwelling District.

CURRENT USE:

Aside from a single family residence and the transmission facility and tower, the property is mostly undeveloped.

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances Article XI R2- Two Family Dwelling District, Section 3- Conditional Uses, 15: Transmission Facilities.

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XXV, Conditional Uses, Section 1-Requirements for Conditional Uses:

A conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

- 1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;*
- 2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;*
- 3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;*
- 4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;*
- 5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and*
- 6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental affects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.*

SITE DEVELOPMENT:

- Access: The property is accessible from Main St S. and then off 16th Ave SW
- Sewer: The property does not have City sanitary sewer service.
- Water: The property does not have City water service.

SURROUNDING LAND USE:

- North: Zoning – AG, Agriculture
Use - Prairie View RV Park
- East: Zoning – AG, Agriculture and C-1 General Commercial
Use – Single Family Home, Mobile Home Park
- South: Zoning – AG, Agriculture
Use - Single Family Homes
- West: Zoning – AG, Agriculture
Use - RV Park

DISCUSSION:

The original applicant & property owner had submitted a Land Use Application for Conditional Use Permit in 2015 for the consideration of the installation of a wireless telecommunications tower and transmission facility. The original application states that the proposed facility was to include an 80' tall monopole communications tower and equipment shelter to be located at the base of the tower. The original application also asked to allow for the placement of a temporary "Small Cell on Wheels" SCOW trailer which consisted of an enclosed trailer to house communications equipment and have three antenna booms extending to the height of approximately 15-20" above ground. The temporary SCOW trailer was planned to remain on the property and in use until the construction of monopole tower and equipment shelter was complete and operational. The original Conditional Use Permit application was approved by City Council on May 4, 2015.

The current use of this transmission facility has not detracted from the current neighborhood development. A recent site visit by City Planning Department Staff showed that the site was in compliance with all previous conditions and requirements set forth by the original and preceding year's staff reports. It should be noted that the location of the transmission facility, including the fenced area, had been overgrown with weeds. The property owner and applicant will be notified by Watford City's Code Enforcement to bring the property into compliance in regards to *City of Watford City Municipal Code of Ordinances, Chapter IV Public Health, Welfare, and Safety, Article 10: Noxious Weeds*.

In an attempt for City Planning Department Staff to better regulate and be able to simultaneously review all of the current Conditional Use Permits for Wireless Communications Towers and Transmission Facilities, City Staff would like to ask for the consideration of slightly extending the typical one (1) year review period in order to schedule the next annual review for this Conditional Use Permit. This extension will include this Conditional Use Permit as well as other current Permits of the same tower/transmission use. Staff would like to recommend extending the review period until February 2021. This extension would give the approval period an additional five months beyond the one year review period.

The City of Watford City mailed the property owners that hold an interest in the subject property and the adjacent property owners a notice regarding the property's Conditional Use Permit renewal. At the time of this report, none of the noticed property owners contacted the city regarding the application.

RECOMMENDATION:

It is the recommendation of City Planning Department Staff to **APPROVE** the Land Use Application for the Biannual Review of the Conditional Use Permit for the use of Transmission Tower. The next review will be scheduled for February 2021 given that the following contingencies are met and maintained during this time period.

Approval will be contingent upon the following items:

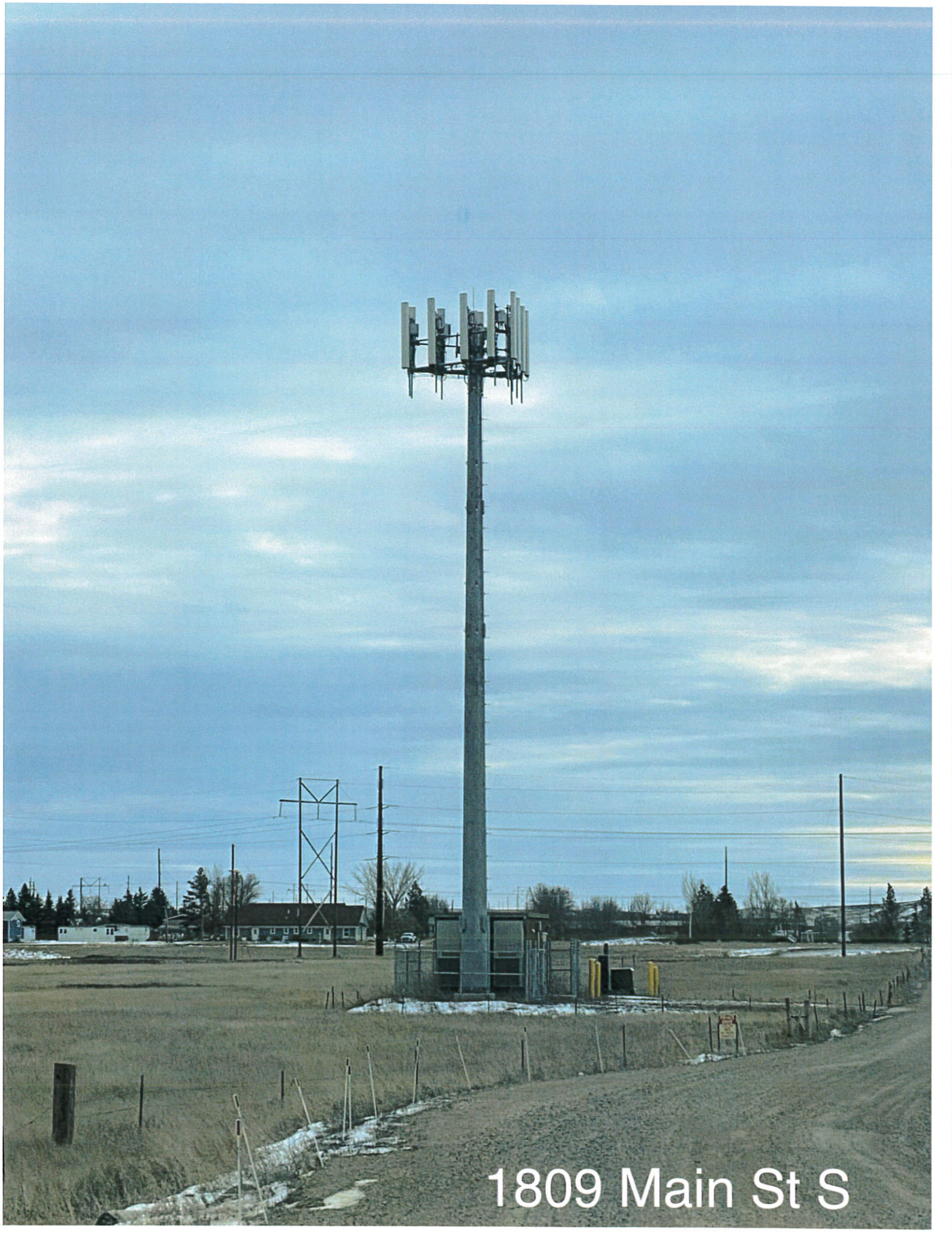
1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare

2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided;
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.
7. The facility must be maintained and free of noxious weeds.

PLANNING DEPARTMENT STAFF CONTACT:

LaRissa Bertram
lbertram@nd.gov
(701) 444-8406





1809 Main St S



Click a starting point.



AUTO

* Workspaces

© 2018 Eagleview

