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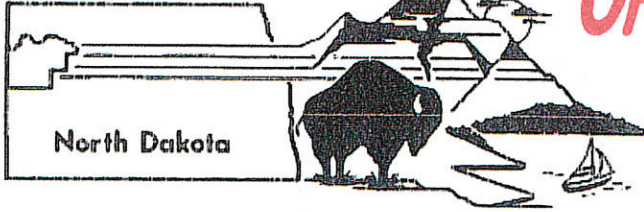
Land Use Application

Conditional Use Permit- Annual Review

Buell Consulting, INC. on behalf of Badlands Cellular

12209 26 St. N

ORIGINAL



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
Notary Public
State of North Dakota
My Commission Expires Nov. 7, 2020

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 ⁶	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.

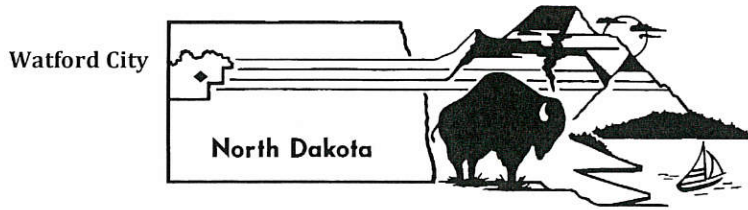
Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.

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.



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

August 15, 2018

STAFF REPORT 12-2018 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:

At this time, the 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.

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 2020. 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 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 2020 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

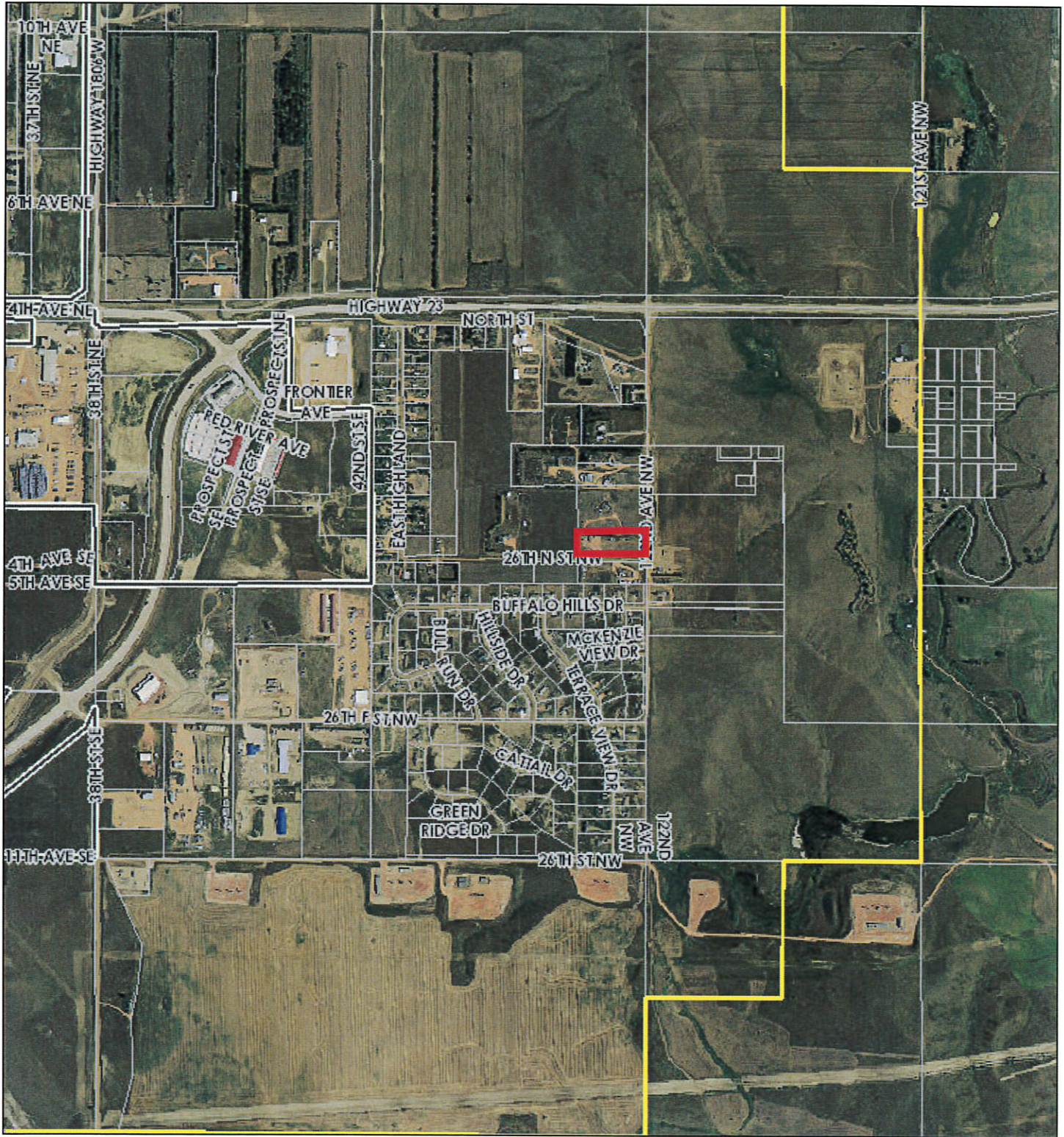
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate 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:

Becky Smith
basmith@nd.gov
(701)444-8402




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

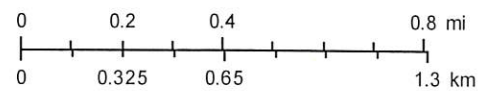
12209 26 ST. N



August 21, 2018

1:24,075

- StreetCenterlines
-  Watford City Limits
-  Extra-Territorial Area (ETA)
-  Cherry Creek
-  Parcels from McKenzie County



GIS, Watford City, AE2S



2.

Land Use Application

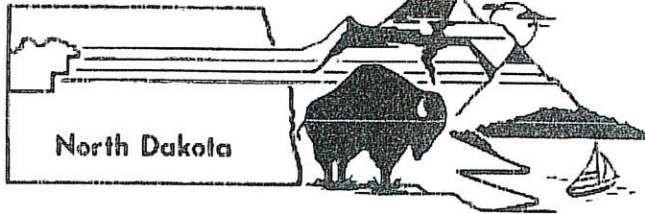
Conditional Use Permit- Annual Review

Buell Consulting INC. on behalf of Verizon Wireless

1809 Main St. S

ORIGINAL

(VZW Site Ref: ND04 Clampetts)



LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF: MW	P&Z: 4-21-15 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.

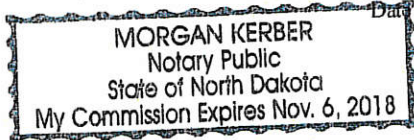
Patrick G. Golberg
Property Owner Signature

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
Date Name of Person

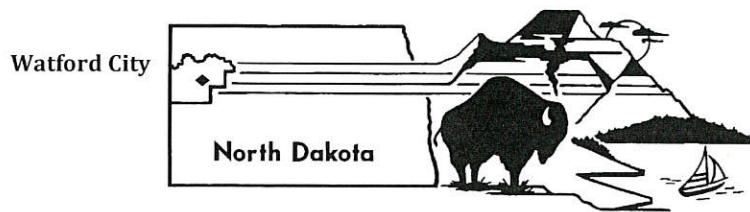


Morgan Kerber
Signature of Notarial Officer

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.



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

August 15, 2018

STAFF REPORT
12-2018 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 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, including the fenced area, had appeared to be 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 2020. 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.

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:

Becky Smith
basmith@nd.gov
(701)444-8402





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

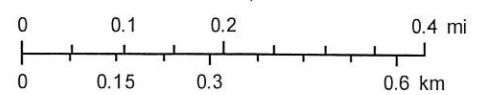
1809 Main St. S Cell Tower



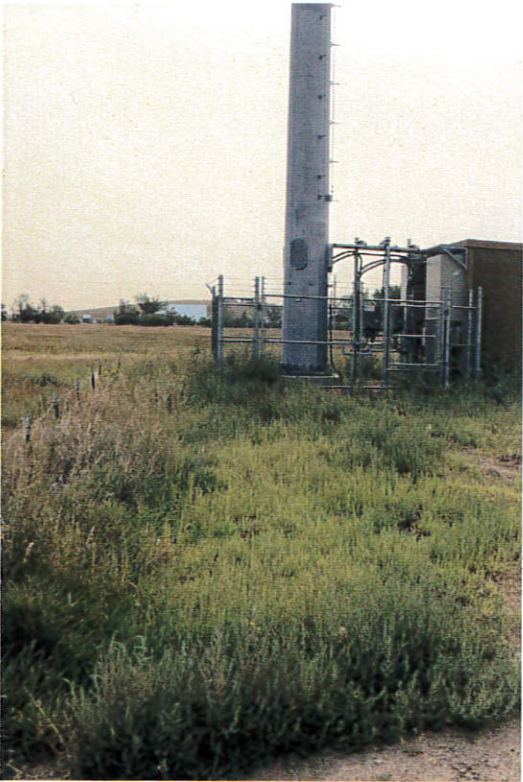
August 21, 2018

1:12,037

- StreetCenterlines
-  Watford City Limits
-  Extra-Territorial Area (ETA)
-  Cherry Creek
-  Parcels from McKenzie County



GIS, Watford City, AE2S





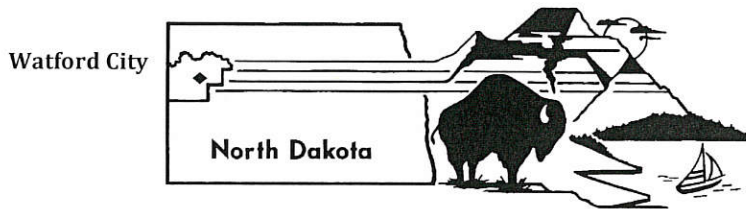
3.

Land Use Applications

Conditional Use Permit- Annual Review

Badlands Cellular on behalf of Verizon Wireless

409 12th St NE



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

August 15, 2018

STAFF REPORT
12-2018 ANNUAL REVIEW for Conditional Use Permit

APPLICANT:

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

PROPERTY OWNERS:

MBY15, LLC
2290 Dry Creek Road
Afton, WY 83110

PROPERTY LOCATION:

Parcel ID: 82-20-10700, .37 acres. Address: 409 12th St SE, 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:

At this time, current zoning is C1-General Commercial.

CURRENT USE:

Commercial business, storage units.

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 12th St. SE
- Sewer: The property does have access to City sanitary sewer service.
- Water: The property does have access to City water service.

SURROUNDING LAND USE:

- North: Zoning – C-1 General Commercial
Use - Country Cross Ranch
- East: Zoning – C-1 General Commercial
Use – Softball complex; Airport
- South: Zoning – C-1 General Commercial
Use - Richard Beane Enterprises
- West: Zoning – R2M- Mobile Park District
Use - Single Family Homes / Single family Mobile homes

DISCUSSION:

The original Land Use Application for Conditional Use Permit was submitted in 2014 for the consideration of installing a wireless telecommunications transmission facility including a monopole style antenna structure and a 12x30 utility building in order for Verizon Wireless to improve wireless communications capacity to this area. The application was approved by City Council on October 6, 2014. The Conditional Use Permit has been reviewed and approved annually since 2014.

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 as well as zoning ordinances and standard site maintenance.

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 2020. 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 Conditional Use Permit Annual Review. The next review will be scheduled for February 2020 given that the following contingencies are met and maintained during this time frame.

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:

Becky Smith
basmith@nd.gov
(701)444-8402

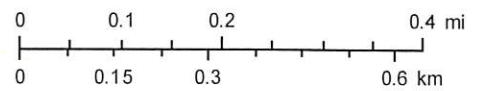
LaRissa Bertram
lbertram@nd.gov
(701) 444-8406





409 12 st. SE



August 21, 2018

1:12,037



- StreetCenterlines
-  Watford City Limits
-  Extra-Territorial Area (ETA)
-  Cherry Creek
-  Parcels from McKenzie County

GIS, Watford City, AE2S





4.

Land Use Application

Conditional Use Permit- Annual Review

QEP

13112 4th Ave. NE

ORIGINAL

LAND USE APPLICATION

Watford City Planning Department
See Reverse for Submittal Requirements
AREA BETWEEN DOUBLE LINES FOR STAFF USE ONLY

Table with 3 columns: Application Type, Date Filed, Application Number, Processes By, Meeting Dates, Fee, Advertise Date, Receipt #, Section/Township/Range, Related Case Nos, Final Action Memorandum Issued, Does this use conform to the Master Plan.

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: QEP Resources
APPLICANT: Gabe Holt

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Connie Ridl
ADDRESS: 3780 72nd Ave, P.O. Box 130
CITY: Marshall STATE: ND ZIP CODE: 58770
TELEPHONE: 701.421.8467 EMAIL: Connie.Ridl@qepres.com
LEGAL DESCRIPTION: SW 1/4 SE 1/4 Section 16 Township 150N Range 98W
PROPERTY ADDRESS AND NEAREST CROSS STREETS: 3112 4th Ave NE Watford City ND
GROSS/NET ACREAGE: 10 acres PRESENT ZONE CLASSIFICATION: A1 A9
DESIRED ZONE CLASSIFICATION: C1 CURRENT LAST USE:

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

QEP is requesting permission to place mobile homes housing at its property. The homes will house QEP personnel during oil and gas drilling and development

DESCRIBE THE SOURCE OF WATER/SEWER: Rural Water Do you have a will serve letter [] YES [] NO

LAND USE APPLICATION pg. 2

Watford City Planning Department


(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.

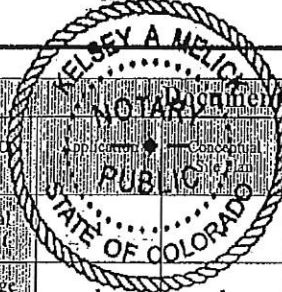

 Property Owner Signature

 Connie Ridd / DEP
 Print of Type Owner Name

NOTARY

State of Colorado
 County of Denver
 This instrument was acknowledged before me on 3/21/2013 by Connie Ridd
Date Name of Person


 Signature of Notarial Officer

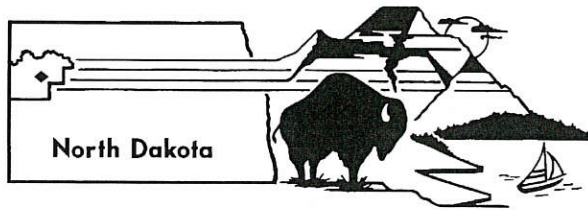


Required for Submitting Land Use Applications										
APPLICATION TYPE	Application	Conditions	Site Plan	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	Straight Line Drawing	Supplemental Info	Application Fees
Conditional Use Permit	2	1 ^p				1 ⁱⁱ	1 ⁱⁱ	1 ⁱⁱ	1 ⁱⁱ	\$350.00
Zone Change	1	1	2	1 ^p	1 ^a	1 ⁱⁱ	1 ⁱⁱ		1 ⁱⁱ	\$200.00
Variance	1	1	2			1 ⁱⁱ				\$200.00
Vacation and Abandonment	1		2	1 ^p	1 ^a	1 ⁱⁱ				Refer to Fee Schedule
Street Name Change	1					1 ⁱⁱ				Refer to Fee Schedule

Superscript notes on this table refer to the same item number on the Explanation of the Document Submittal Requirements for Planning Applications
 *Plus all sign costs

- Procedures for Filing Land Use Applications:**
- A. After assembling the required materials as outlined above, only completed applications shall be accepted for filing.
 - B. Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS MANDATORY, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
 - C. Staff Report: To discuss a report or recommendation, contact the Planning Department to resolve concerns prior to the hearing.
 - D. A letter indicating the Commission'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.
 - E. 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.
 - F. The Planning Commission 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.
 - G. Site Development Plan Application is required on all Conditional Use Applications.

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

August 20, 2018

STAFF REPORT 16-2018 ANNUAL REVIEW for Conditional Use Permit

APPLICANT:

QEP Resources

PROPERTY OWNERS:

QEP Resources
P.O. Box 130
3780 72nd Ave.
Parshall, ND 58770

PROPERTY LOCATION:

Parcel ID: 821700100; 821701000 SW ¼ SE ¼ Section 16, Township 150, Range 98W, Country Club Acres Subdivision, 10 Acres, Address: 3112 4th NE Watford City, McKenzie County, North Dakota.

REQUEST:

A Land Use Application for Conditional Use Permit was originally submitted for temporary employee housing.

ZONING:

At this time, current zoning is C-1.

CURRENT USE:

QEP Resources Employee Housing

REFERENCES:

Watford City Municipal Code of Ordinances Chapter XV Zoning Ordinances, Article XXV, Conditional Uses; Article XXII- General Commercial District.

The commission should carefully consider all of the possible implications associated with approving this Conditional Use. Chapter XV, Article XX of the City of Watford City ordinances require that "All

required off-street parking areas, including access drives, shall be improved with asphalt, concrete or similar dust-free surface and all parking spaces shall be clearly marked.”

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 of community.*
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 i. 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.*
7. *The Property Owner will have 1 year (12 Months) to come into compliance with current City Jurisdiction or will be asked to remove units from the property.*

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 accessible from 4th Ave NE.
- Sewer: The property does NOT have City sanitary sewer service.
- Water: The property does Not have City water service.

SURROUNDING LAND USE:

- North: Zoning – R-1: Single Family Home District
Use - Undeveloped
- East: Zoning – AG, Agriculture District
Use – Fox Hills Golf Course
- South: Zoning – AG: Agriculture District
Use - Undeveloped
- West: Zoning – R4- High Density Residential/ C2- Commercial Service District
Use - Hunters Run Apartments/ Undeveloped C2 Property

DISCUSSION:

The original Land Use Application for Conditional Use Permit was submitted in 2013 for the consideration of allowing temporary workforce housing within a C-1, General Commercial Zoning District. The application proposed placing mobile home housing units within the property's 10 acres to be used by QEP personnel.

Upon a recent site visit from City Staff, the property appears to be well kept and manicured. Gravel drive aisles and parking spaces are provided at each mobile home. There are 6 mobile homes with 5 living quarters per unit. The area in which the living units are located is fenced in. There are 2 additional single wide mobile homes at the front of the property, outside of the fenced area that are used for office space only.

City Staff spoke with QEP Administrative Assistant, Eva and she explained that they were still in need of their on-site housing for their staff at this time and that they would like to request one more year of their Conditional Use Permit to allow the housing. Eva also noted that their current lease is set to terminate in August of 2019 and QEP is not expecting to renew. After August 2019, the housing may no longer be needed.

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 Conditional Use Permit Annual Review for Temporary Workforce Housing.

Approval will be contingent upon the following items:

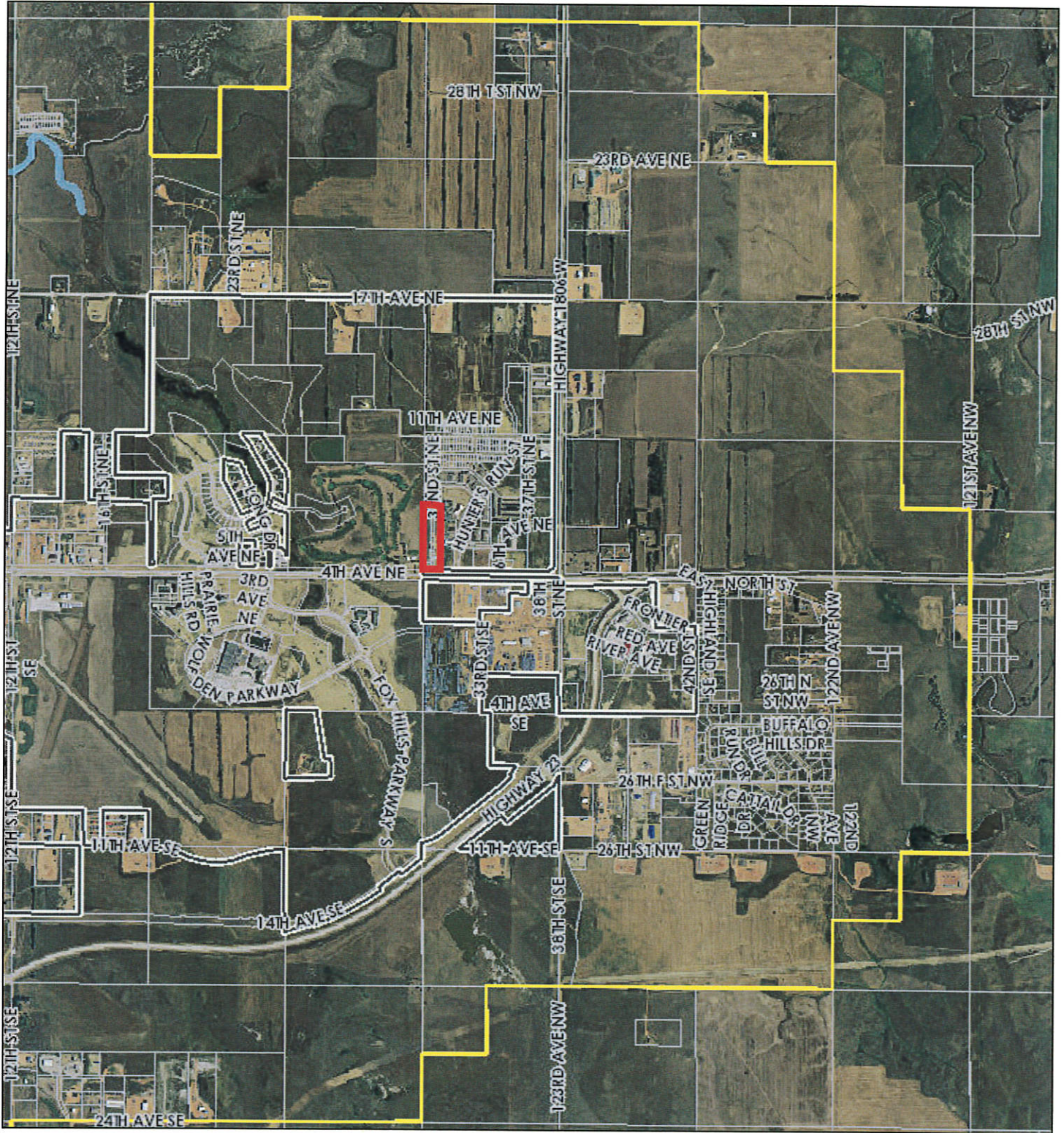
1. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
2. The conditional use shall conform to all special provisions of the district in which it is located.
3. Two parking spaces shall be provided per dwelling unit.
4. A dust palliative shall be required on unpaved parking areas and drive aisles May through October.
5. Approval will be for a period of 1 year (12 months). During this time, the Property Owner must work to bring the property into compliance with current City Zoning Ordinances and standards otherwise, the Conditional Use Permit will not be renewed and the units must be removed from the property.

PLANNING DEPARTMENT STAFF CONTACT:

Becky Smith
basmith@nd.gov
(701)444-8402

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

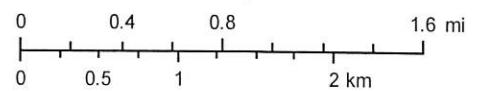
QEP Resources



August 21, 2018

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-  StreetCenterlines
-  Watford City Limits
-  Extra-Territorial Area (ETA)
-  Cherry Creek
-  Parcels from McKenzie County



GIS, Watford City, AE2S



