

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: July 15, 2024

Time: 7:00 p.m. (doors open at 6:45)

Location: Emergency Operations Center - Government Center, 501 S. Minnesota Avenue, St. Peter

Copies of the meeting agenda and packet are available on the Nicollet County website at:
co.nicollet.mn.us/AgendaCenter

Questions or comments regarding the meeting can be directed to the Nicollet County Property Services Department by calling 507-934-7070, or by emailing niccopermitapps@co.nicollet.mn.us.

1. Call to Order
2. Roll Call
3. Silence Your Cell Phone
4. Review of Cancellations and Additions
5. Approval of Minutes: [June 10, 2024](#)
6. Approval of Findings of Fact: 6/10/2024
 - **PLN 24-09:** Zimmerman
7. Public Appearances
8. **PUBLIC HEARING: PLN24-10**
 - Applicant: Darv Turbes with United Farmers Cooperative
 - Landowner: United Farmers Cooperative
 - Request: Reduction of the front yard setback in the Limited Industry Zoning District from 100 feet to 73 feet for a bulk storage tank, and placement of a bulk storage tank without a berm
 - Location: Southeast ¼ of the Northwest ¼, Section 3-110-30, in Lafayette Township
 - Parcel Number: 06.541.0020
 - Zoning Specialist: Spencer Crawford
9. **PUBLIC HEARING: PLN24-13**
 - Applicant: Zachary Miller
 - Landowner: Zachary Miller
 - Request: Reduction of the Bluff setback in the Conservancy Zoning District from 30 feet to 0 feet for the purpose of constructing a home addition
 - Location: Northwest ¼ of the Southeast ¼ of Section 31-111-26, Lake Prairie Township
 - Parcel Number: 07.131.0900
 - Zoning Specialist: Spencer Crawford
10. Old Business
11. Other Business
12. Communications
13. Adjourn

Mission Statement

Providing efficient
services with innovation
and accountability.

Vision Statement

Setting the standard for providing superior and efficient county
government services through leadership, accountability and
innovation to a growing and diverse society.

Core Values

Leadership. Integrity.
Accountability.
Efficiency. Innovation.

BOARD OF ADJUSTMENT & APPEALS REGULAR MONTHLY MEETING MINUTES

JUNE 10, 2024	7:00 PM	E.O.C. CONFERENCE ROOM
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ROLL CALL	COMMISSIONERS PRESENT	COMMISSIONERS ABSENT EXCUSED	NICOLLET COUNTY STAFF PRESENT
	☒ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Justin Laven ☒ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☒ Jon Thoreson ☐ Dave Ubel	☒ Spencer Crawford, Zoning Specialist (ZS) ☒ John Zehnder, Zoning Specialist (ZS) ☒ Michelle Zehnder Fischer, County Attorney (CA) ☒ Other Staff: Crystal Madden, Recording Secretary ☐ Other Staff:

REVIEW OF CANCELLATIONS & ADDITIONS	None.
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APPROVAL OF APRIL 15, 2024 MINUTES	MOTION	SECOND
APPROVE WITH REVISIONS	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☐ Dave Ubel	☒ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☐ Dave Ubel
VOTE TO APPROVE MINUTES	☒ PASS ☐ FAIL	VOTE: 4 - 0

FINDINGS OF FACT PLN24-06, DORN	MOTION	SECOND
APPROVE	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel	☒ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☐ Dave Ubel
VOTE TO APPROVE THE FINDINGS OF FACT	☒ PASS ☐ FAIL	VOTE: 4 - 0

PUBLIC APPEARANCES	None.
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VARIANCE PUBLIC HEARINGS	
PLN24-09	APPLICANT/LANDOWNER: Travis Zimmerman
DESCRIPTION OF REQUEST	An after-the-fact variance to reduce the County Road front yard setback for a storage shed in the Agricultural Preservation Zoning District. PID: 08.028.0205
CONFLICT OF INTEREST	None.
SITE VISIT & PUBLIC CONTACT	Board Member Laven visited the site. There was no contact with Board Members from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford
APPLICANT TESTIMONY	Present to represent the application was Travis Zimmerman located at 46255 380th Street, Nicollet. Mr. Zimmerman submitted nine (9) photographs of the site into the record during the hearing.
PUBLIC TESTIMONY	No one was present to provide public testimony. No other correspondence was received.

BOARD DISCUSSION	Further discussion between the Applicant, Board, and Staff took place. Mr. Zimmerman stated that he understood and agreed to abide by the listed conditions of the variance.		
BOARD ACTION - MOTION	MOTION		SECOND
APPROVE VARIANCE with conditions, as recommended by Staff	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☐ Dave Ubel		☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel
VOTE TO APPROVE REQUEST	☒ PASS	☐ FAIL	VOTE: 4 - 0

ADDITIONAL ITEMS			
OLD BUSINESS	None.		
OTHER BUSINESS	Member Laven and Ubel requested that Staff communicate a reminder to the rural community that zoning permits are required. CA Zehnder-Fischer stated she will follow up with County Administrator Landkamer and Property & Public Services Director Kopet concerning this request. CA Zehnder-Fischer suggested detailing activities where a permit is required, as well as, the consequences of not obtaining a zoning permit before construction.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
07:29 PM	☐ Lloyd Hoffmann, <i>Vice Chair</i> ☒ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☐ Dave Ubel		☐ Lloyd Hoffmann, <i>Vice Chair</i> ☐ Justin Laven ☐ Randy Schwab, <i>Chair</i> ☐ Jon Thoreson ☒ Dave Ubel
VOTE TO ADJOURN MEETING	☒ CARRIED	☐ FAILED	VOTE: 4 – 0

SPENCER CRAWFORD, ZONING SPECIALIST		DATE	
RANDY SCHWAB, CHAIR		DATE	



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING AN AFTER-THE-FACT VARIANCE

Name of Applicant Travis Zimmerman
Property Owner Travis Zimmerman
File PLN24-09

Hearing 6/10/2024
Continuation N/A
Parcel ID 08.028.0205

Variance Request Reduce the County Road front yard setback for a storage shed

FINDINGS OF FACT

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The general purpose of the official control is to provide a buffer between transportation and residential, and the variance serves that purpose as the shed is accessed on the side away from the road. Nicollet County Public Works did not comment on the variance, and there are other structures closer to the road right-of-way.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

2. The variance is consistent with the intent of the Comprehensive Plan.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	There will be minimal impact to the road right-of-way. Right-of-ways are a valuable asset to be maintained, however, there is a pre-existing structure which is closer to the road than this structure.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

3. The variance establishes a practical difficulty in complying with the official controls.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	Yes: Nicollet County Public Works has no comment. The Applicant claims this is the most feasible location for the building, and all other locations are taken by a septic drain field or low-lying ground. No: There are other buildable areas on the property.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☐	☒	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The road setback was expanded after the farm site was originally built and operational. The property's contour makes it difficult to put the shed elsewhere, and other areas on the property are too low-lying, steep and wet in the Spring.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

5. The variance will not alter the essential character of the locality.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The farm site is already used for agricultural production, and there is already another non-conforming structure located on the property which is closer to the road right-of-way.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

6. The practical difficulty includes more than economic considerations alone.

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The property owner believes the location of the shed is the most practical location due to the contour of the land and the low-lying areas on the property. There also seem to be concerns with congestion of the yard and safety if the shed is relocated.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

ADDITIONAL AFTER-THE-FACT CRITERIA FOR USE ONLY AFTER THE FIRST SIX CRITERIA ARE MET

7. Did the applicant make a good faith effort to obtain a zoning permit prior to completion of the construction?

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☐	☒	☐	☐	Yes: Although the Applicant did not obtain a permit before starting the work; the Applicant worked with the County afterwards.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☐	☒	☐	☐	No: The Applicant claims they did not know that a permit was needed for the shed. A permit was not obtained for the dwelling on the property.
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☐	☒	☐	☐	

8. In relation to the subject variance, are there similar structures in the area?

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	There is already a legal non-conforming structure on the property, and there are
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	

Jon Thoreson	☐	☐	☐	☒	other farm buildings located on the
Dave Ubel	☒	☐	☐	☐	property.

9. Does the burden on the applicant of compliance outweigh the benefit to the County?

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	There will be minimal impact to the road right-of-way, and Nicollet County Public Works has no comment. There is no benefit to the County for the building to be moved, and the Applicant will have the expense to move the structure.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

10. Was the act of the violation by the applicant unintentional?

BOARD MEMBER	YES	NO	ABSTAIN	ABSENT	REASON
Lloyd Hoffmann	☒	☐	☐	☐	The Applicant seems to have based their decision on a legal non-conforming preexisting structure located near the shed, and claims not to have known that a permit or variance was required.
Justin Laven	☒	☐	☐	☐	
Randy Schwab	☒	☐	☐	☐	
Jon Thoreson	☐	☐	☐	☒	
Dave Ubel	☒	☐	☐	☐	

THE NICOLLET COUNTY BOARD OF ADJUSTMENT AND APPEALS

☒ APPROVES THE REQUESTED VARIANCE ☐ DENIES THE REQUESTED VARIANCE

THIS DECISION WAS BASED UPON

☒ Application
 ☒ Site visit
 ☒ Staff Report
 ☒ Photographs
☐ Information received at public hearing

SPECIAL CONDITIONS ARE LISTED ON THE RECORDED VARIANCE AND IN THE RECORD.

FACTS SUPPORTING THE ANSWER TO EACH QUESTION ABOVE ARE HEREBY CERTIFIED AS THE FINDINGS OF THE NICOLLET COUNTY BOARD OF ADJUSTMENT & APPEALS.

Date: _____ Chair: _____



VARIANCE

REDUCTION OF THE FRONT YARD SETBACK & INSTALLATION OF A BULK STORAGE TANK WITHOUT A BERM

United Farmers Cooperative

PLN24-10

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN24-10
APPLICANT:	Darv Turbes with United Farmers Cooperative
LANDOWNER:	United Farmers Cooperative
LOCATION:	Southeast ¼ of the Northwest ¼, Section 3-110-30, in Lafayette Township
PARCEL NO:	06.541.0020
EXISTING ZONING:	Limited Industry
HEARING DATE:	07/15/24
60 DAYS FROM REQUEST:	08/20/24

REQUEST

United Farmers Cooperative is requesting the following variances:

- Reduction of the front yard setback in the Limited Industry Zoning District from 100 feet to 73 feet.
- Installation of a bulk storage container without a berm.

ORDINANCE

- Nicollet County Zoning Ordinance Section 608.5 *Dimensional Standards (2) Front Yard*: Required setback from road right-of-way, State Highway, 100 feet.
- Nicollet County Zoning Ordinance Section 708 *Bulk Storage (Liquid) (5)*: The County Board shall require the development of berming around bulk storage containers. Berming shall be suitably sealed and shall hold a leakage capacity equal to one hundred fifteen (115) percent of the largest container capacity.

PROJECT DESCRIPTION

UFC is seeking to consolidate their operations by moving a 30,000-gallon propane tank from their Lafayette location to Klossner. It would sit alongside an existing tank, bringing the propane capacity at the site up to 60,000 gallons. The propane would be sold locally for both home and agricultural use. Per the Applicant, the additional tank will help to meet increased demand in the area. Both tanks will have bollards on the west side facing the road. See the associated Conditional Use Permit request PLN24-11 for additional information.

UFC believes the proposed location of the tank is the only possible area for it to be placed. They cite two primary reasons for this:

- The location of the other buildings and structures prohibit the placement of the tank elsewhere.
- The width of the right of way makes compliance with the 100-foot setback difficult.

There are four large sheds, twelve liquid storage containers, multiple buried tanks, and a service station on the property. Given the 40-foot setback from structures as allowed by the New Ulm Fire Department and 100-foot right of way setback required by the Zoning Ordinance, there are limited locations in which the new tank could be placed. There appears to be other locations which could meet these requirements (particularly in the southwest of the property), but the Applicant has stated that placing a tank there would interfere with the loading and unloading of trucks. This is plausible as the south half of the property has several above and below ground storage tanks.

In regard to the second claim, the size of the right of way is not atypical for a State Highway. Moreover, it does not protrude into the UFC property any more so than the neighboring parcels. The right of way is a shared burden between all properties located along this part of Highway 15.

UFC has provided a letter from Arrow Tank and Engineering Company stating that there is no practical reason to construct a berm. The letter explains that propane has a boiling point of -44 F, meaning it would vaporize if spilled from the tank. Berming is not an industry practice for propane tanks.

MNDOT STATEMENT

MnDOT is reviewing the request, but preliminarily shared concerns about the proximity of the landscaping to the right of way. Staff have recommended a condition on the associated Conditional Use Permit request that the Applicant work with MNDOT in regard to landscaping. Any future MNDOT comment will be available for review at the hearing or Property Services Office before the hearing.

EXISTING LAND USE

The approximately three-acre property contains a variety of structures centered around energy, including: a service station, existing propane tank, fuel storage tanks, and several sheds that hold vehicles and liquid petroleum related equipment. The service station is not manned and the property may be unattended during some parts of the day.

SURROUNDING LAND USE

The property sits on the southern edge of the unincorporated community of Klossner. There are several homes to the north and northwest of the property, with the closest being about 280 feet from the tank. There is farmland to the east and south, and a Nicollet County Public Works Station to the northeast.

SITE REVIEW

Property Services Staff visited the site and took pictures of the request on June 28, 2024.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

VARIANCE CRITERIA

Nicollet County Zoning Ordinance Section 503.1: A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the official control creates practical difficulties for the property owner in the use of their land. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. No variance shall permit standards lower than those required by state law. A variance may be granted only in the event that the following circumstances exist:

1. The variance is in harmony with the general purposes and intent of the official control?

- The intent of the berming requirement is to keep dangerous liquids contained in the event of tank failure.
- Propane has a boiling point around -44 Fahrenheit, and would vaporize if spilled from the tank. A berm would not contain the gas in the event of a failure.
- The intent of the 100-foot right of way setback is to separate incompatible land uses. The land uses being separated in this case are transportation & light industrial.
- Meeting the required setback may help to prevent transportation related incidents, such as a vehicle running into the tank. However, the Applicant is proposing to install bollards facing the road. The bollards may help to prevent or reduce the severity of any transportation related incidents.

2. The variance is consistent with the intent of the Comprehensive Plan?

- The Comprehensive Plan emphasizes the importance of public safety in land use decisions.
- Propane has a boiling point around -44 Fahrenheit, and would vaporize if spilled from the tank. A berm does not appear to improve public safety.
- Meeting the required setback may help to prevent transportation related incidents, such as a vehicle running into the tank. However, the Applicant is proposing to install

bollards between the tanks and the road. The Bollards may help to prevent or reduce the severity of any transportation related incidents.

3. The variance establishes a practical difficulty in complying with the official controls?

- Without a variance, the Applicant is not denied reasonable use of the property.
- Placing a storage tank of this size without a berm is reasonable as it does not appear to impact public safety.
- Meeting the 100 foot right of way setback may be difficult due to existing structures and infrastructure.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?

- In regard to the setback reduction, the Applicant's plight is due to the location of the existing structures, tanks, and equipment on the property.
- The landowner claims the width of State Highway 15 is also part of their plight, but this is not unique to the property.
- In regard to the berm, the Applicant's plight is related to it having no practical purpose.

5. The variance will not alter the essential character of the locality?

- The request will not alter the essential character of the locality. There is an existing 30,000 propane tank on site without a berm. The new tank would be no closer to the right of way than the existing tank.

6. The practical difficulty includes more than economic considerations alone?

- In regard to the setback reduction, the practical difficulty (if one exists) is related to existing structures, tanks, and equipment making it difficult to place the tank within the required setbacks.
- In regard to the berm, the practical difficulty (if one exists) is related to the uselessness of the berm.

RECOMMENDED CONDITIONS

Staff recommends the attachment of the following conditions if the variance request is approved:

1. The Applicant undertakes the project according to the plans and specifications submitted to the County with the application.
2. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
3. The Applicant must obtain the appropriate zoning permits prior to construction.

**Applicant/Property Owner:
United Farmers Cooperative**

PLN24-10

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Aerial Map
ATTACHMENT D	Location Map
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for a Variance



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

ZONING PERMIT

TOTAL FEES: \$496.00

Parcel#: 06.541.0020
Permit#: PLN24-10
Date: 6/21/2024

Applicant: DARV TURBES- UFC
Telephone: 507-647-6606
Owner: UNITED FARMERS COOPERATIVE
Property Address: 40339 STATE HIGHWAY 15, NEW ULM, MN 55396
Abbreviated Legal Description: SENW 3-110-30
Township: Lafayette Township
Zoning District(s): LIMITED INDUSTRY
Hearing Date: Monday, July 15, 2024

Record Type: Variance
Subtype: New
Category: Commercial
Description: FRONT YARD SETBACK REDUCTION FORGO BERMING AROUND TANK

Copies of the meeting agenda and packet are available on the Nicollet County website: co.nicollet.mn.us/AgendaCenter
Questions regarding the hearing can be directed to: **Spencer Crawford**
Phone: 507-934-7071
Email: Spencer.Crawford@co.nicollet.mn.us

Darv Turbes
Darv Turbes (Jun 21, 2024 09:53 CDT)

APPLICANT SIGNATURE

Jun 21, 2024

DATE

Spencer Crawford

PROPERTY SERVICES

06/21/24

DATE

ATTACHMENT A
Application

App (unsigned)

Final Audit Report

2024-06-21

Created:	2024-06-21
By:	Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAHzBTWSaCxRj6CdUxYfuKb7MQRBjrMAfi

"App (unsigned)" History

-  Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
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-  Document emailed to darv.turbes@ufcmn.com for signature
2024-06-21 - 1:48:01 PM GMT
-  Email viewed by darv.turbes@ufcmn.com
2024-06-21 - 1:48:54 PM GMT - IP address: 40.94.20.126
-  Signer darv.turbes@ufcmn.com entered name at signing as Darv Turbes
2024-06-21 - 2:53:02 PM GMT - IP address: 140.190.7.4
-  Document e-signed by Darv Turbes (darv.turbes@ufcmn.com)
Signature Date: 2024-06-21 - 2:53:04 PM GMT - Time Source: server - IP address: 140.190.7.4
-  Agreement completed.
2024-06-21 - 2:53:04 PM GMT



VARIANCE
APPLICANT QUESTIONNAIRE
PROJECT DESCRIPTION

APPLICANT NAME: United Farmers Cooperative DATE: June 13, 2024
REQUEST: 30,000 Gallon LP Tank Installation - Klossner

Please describe the specific details related to your request, including but not limited to:

- why you feel the project is a *need* rather than a *want*;
- what alternatives you explored and the reasons they were not reasonable for you; and

United Farmers Cooperative (“UFC”) is a full-service agricultural cooperative that provides agronomy products and services that include fuel and energy sales. As a cooperative, United Farmers Cooperative is a business that is owned and controlled by the farmers that patrons of the cooperative. Those patrons are called members. Cooperatives differ from other businesses because they are essentially owned by their members and operate for the benefit of members. As a cooperative, United Farmers Cooperative provides benefits to its members with improved bargaining power, reduced costs, expansion opportunities, improved products and services, and increased income.

UFC seeks to install a 30,000 gallon liquid petroleum tank (“LP Tank”) at its facility located at 40339 State Highway 15, Klossner, MN 56073 (“Location”) near its existing tank. UFC seeks a variance so that the LP Tank can be placed with a setback from the road right of way less than 100 feet, a setback from the side property line less than 75 feet, without berming. The project is needed as there is increased demand for LP in the immediate area. Installation of the LP Tank will provide greater and quicker access to LP by UFC’s members and customers. Access to LP is essential to farmers and home heating customers in the fall and winter to meet their needs in a timely manner. Alternatives to installation of the LP Tank at the Location include leaving the LP Tank at its current location and continuing to operate the just existing LP tank on the Location. These alternatives were dismissed as they would not allow UFC to meet the increasing needs of its members and customers in the immediate area. Installing the LP Tank at the Location will streamline UFC’s LP sales and deliveries in the area with reduced traffic and increased access to LP gas. It will also allow UFC to use existing facilities at the Location in a more efficient manner by consolidating LP tank operations in a central location.

ATTACHMENT B
Submitted by Applicant



VARIANCE APPLICANT QUESTIONNAIRE

APPLICANT NAME: United Farmers Cooperative DATE: June 13, 2024
REQUEST: 30,000 Gallon LP Tank Installation - Klossner

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a practical difficulty. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute §394.27, Subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

WHY DO YOU FEEL THE REQUESTS MEETS THE FOLLOWING CRITERIA?

1. The variance is in harmony with the general purposes and intent of the official control.

The Location is zoned as Limited Industry District. Zoning and land use restrictions allow governmental entities to ensure land gets used in a way that promotes both the best use of the land and the prosperity, health, and welfare of residents. The official controls at issue for the Limited Industry District allow for use of the property for bulk storage as a conditional use. The Location has been used as a bulk storage facility for over forty years without incident. The Limited Industry District is intended to preclude the operation of "industries that pose problems of air pollution, noise, vibrations, etc." The use of the Location for the installation of a second LP Tank is not contrary to the official control and is in harmony with the general purpose of the official control. First, the proposed use is allowed by the zoning ordinance. Also, the Location has already been used as a bulk facility for many years without complaint. The installation of the LP will not increase pollution, noise, vibrations or any other problem. The proposed use will be beneficial in many respects. The proposed project will provide additional access to LP fuel for UFC's members and customers in the area, reduce traffic, and improve the appearance of the Location with landscaping.

2. The variance is consistent with the intent of the Comprehensive Plan.

The Comprehensive Plan recognizes the agricultural heritage of Nicollet County and seeks to preserve agricultural land and encourage sustainable agricultural practices. The proposed installation of the proposed LP Tank will allow UFC to better service its agronomy customers in the area that will in turn assist in preserving agricultural land and encourage sustainable agricultural practices. LP is essential

to sustainable agriculture in that it provides farmers with a cost-effective energy source with fewer emissions than other fuels, such as diesel or gasoline. Additionally, the location will have an additional LP Tank and increase the total capacity of the location, traffic will be reduced as the tanks will require fewer deliveries to refill the LP Tanks.

3. The variance establishes a practical difficulty in complying with the official controls.

The use proposed by UFC is reasonable. The proposed use is allowed by the zoning ordinance and the Location has already been used as a bulk facility for many years without any issues. The size and shape of the property at issue, along with existing improvements make installation of the LP Tank in compliance with all setbacks impossible. Furthermore, the berming requirement around bulk storage tanks is nonsensical when applied to LP tanks. Berming is often required when dealing with liquid fuels so that in the event the tank leaks, the fuel will be contained by the berming. While LP is liquid while it is under pressure inside a tank, in the event of a leak, the liquified petroleum will return to a gas and will dissipate in the atmosphere. Berming will not do anything to contain a leak of LP gas.

4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.

The uniqueness of the Location makes installation of the LP Tank on another portion of the land impossible. The various buildings and tanks located on the property prohibit installation on other portions impractical. Also, the width of the right of way for Highway 15 makes compliance with setbacks from the right of way difficult as the right of way extends 112 feet beyond the actual lanes of the highway. While the proposal will result in the LP Tank only setback 73 feet from the Highway 15 right of way, the LP Tank will be more than 100 feet from the lanes of Highway 15 that are actually used by vehicles. The LP Tank will be setback 53 feet from the side property line, which is only 22 feet short of the requirement. However, the nearest resident on the adjacent property is approximately 270 feet away from where the LP Tank will be located.

5. The variance will not alter the essential character of the locality.

The proposed project will not alter the essential character of the Location. The Location is already used, in part, as a bulk facility. The proposed use will not change that. Also, the installation of the LP Tank will not be inconsistent with the area or cause any issues with neighbors. The property to the north is screened by a line of trees and the landscaping will be installed to screen the LP Tank from Highway 15.

6. The practical difficulty includes more than economic considerations alone.

The non-economic considerations outweigh any economic considerations with respect to the practical difficulties in complying with official controls as written. The main purpose of the proposal is to allow UFC to meet the increasing needs of its members and customers in the immediate area and allow UFC to meet those needs quickly and efficiently. There are times of the year when farmers require substantial amounts of LP gas, such as during the harvest season. Running out of LP gas or not having adequate access to LP gas can disrupt farm operations and the production of crops. With respect to home heating customers, access to adequate sources of LP gas can be an issue of life and death. Installation of the LP Tank at the Location will ensure that those members and customers that rely on UFC for LP gas will have an adequate supply that can be delivered quickly and efficiently. Ensuring that crops are grown and processed to provide food and that residents have heated homes during cold winters goes beyond economic considerations

ALL SIX VARIANCE CRITERIA MUST BE MET IN ORDER FOR THE REQUEST TO BE APPROVED.



PROPERTY SERVICES DEPARTMENT

NICOLLET COUNTY GOVERNMENT CENTER

501 S. MINNESOTA AVENUE

ST PETER, MN 56082

DIRECT (507) 934-7070 FAX (507) 931-0856

CONCEPT PLAN

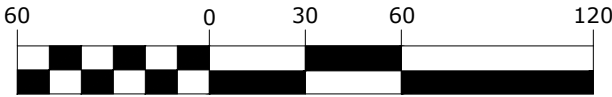
~for~ United Farmers Cooperative
~of~ Lots B, C, & J, of the plat E. KOTTKE
GAREIS SUBD. NO. 3, SEC.3, T.110,
R.30, Lafayette Twp., Nicollet Co., MN

LEGEND

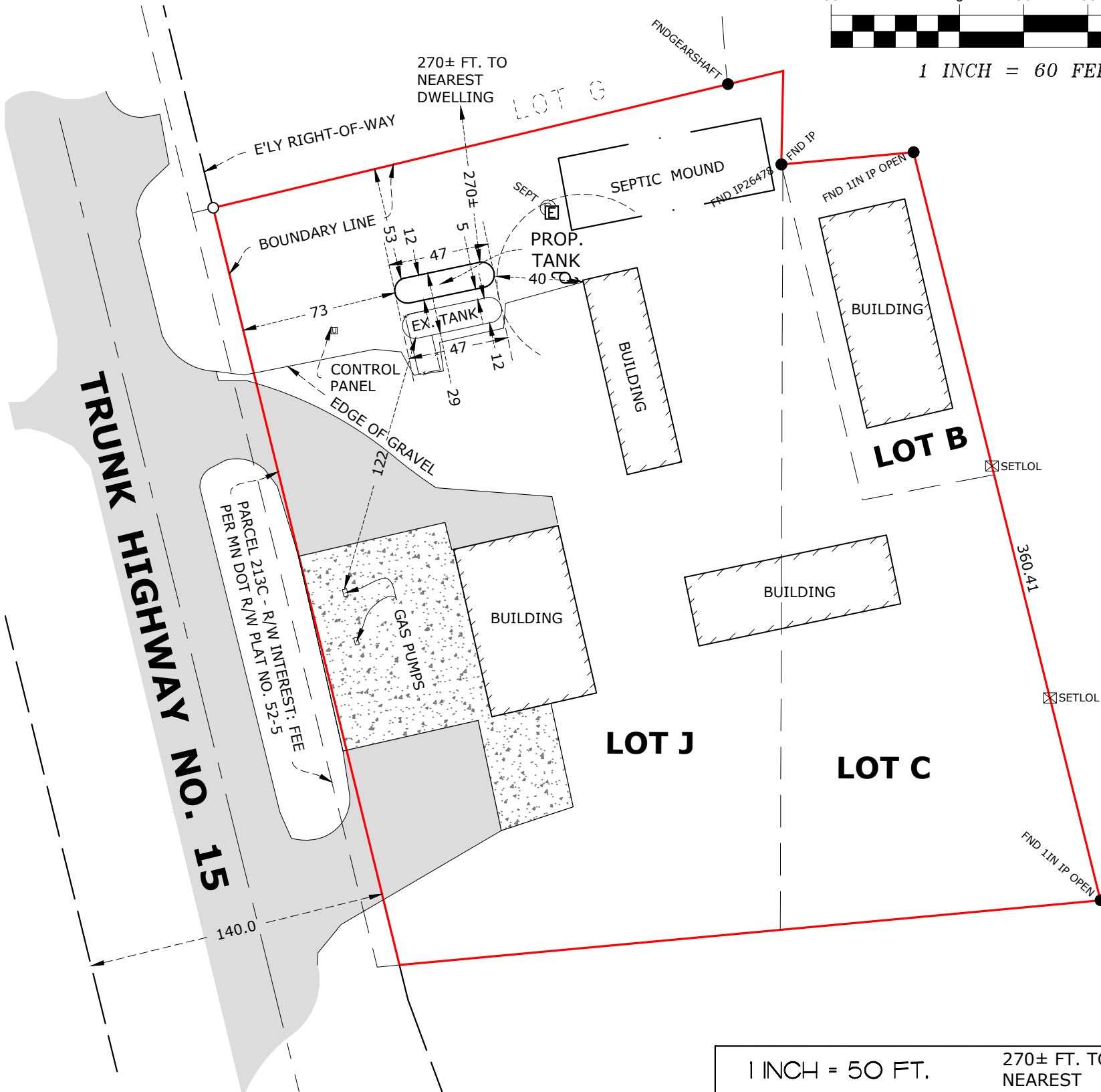
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET
- ⌚ DENOTES ELECTRICAL BOX
- ⚡ DENOTES POWER POLE
- DENOTES FENCE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE

NORTH

GRAPHIC SCALE

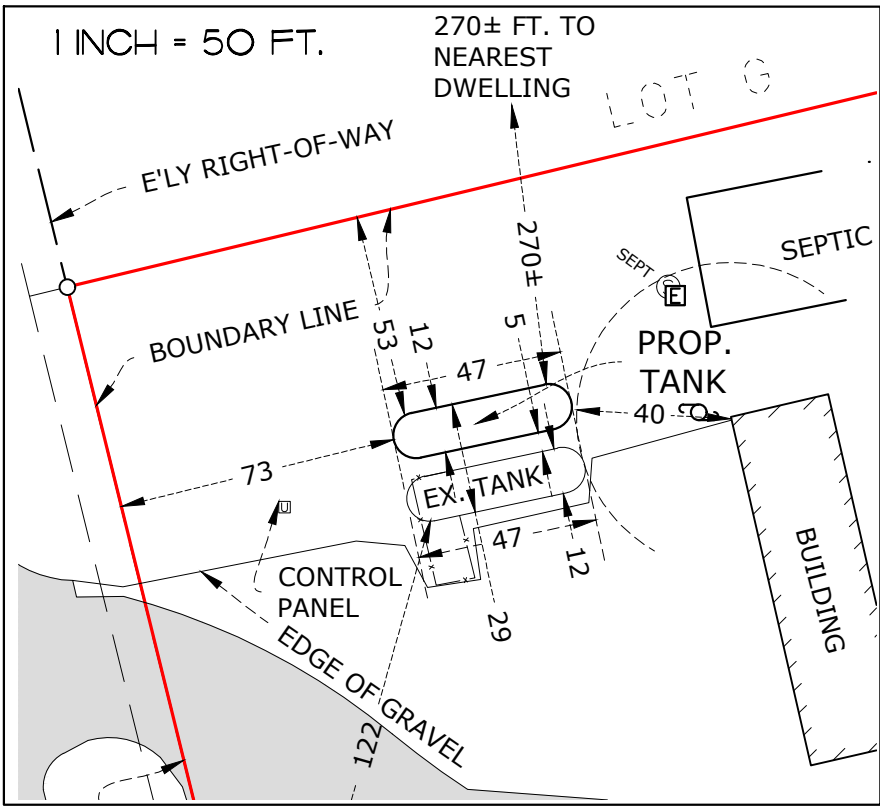


1 INCH = 60 FEET



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 20MAR24.
- Bearings shown are based on the Nicollet Co., Coord. Sys. NAD 83 (96 adj.).
- Parcel ID Number: 06.541.0020.
- Property Address: 40339 State Hwy 15 New Ulm, MN
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.



I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

By: KAM
Minnesota License No. 45356

Dated 30th day of March, 2024.

DATUM: CO. COORD.

JOB NO. 23.0984

REVISIONS			
1			
2			
3			
NO.	DATE	DESCRIPTION	BY

DATE: 3/30/2024
DRAWN BY: KDN
CREW: JWM



E. G. RUD & SONS, INC.
Professional Land Surveyors
990 5th Ave SE, Suite 2
Hutchinson, MN 55350
Tel. (320) 587-2025
www.egrud.com

CONCEPT PLAN

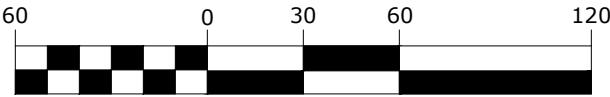
~for~ United Farmers Cooperative
~of~ Lots B, C, & J, of the plat E. KOTTKE
GAREIS SUBD. NO. 3, SEC.3, T.110,
R.30, Lafayette Twp., Nicollet Co., MN

LEGEND

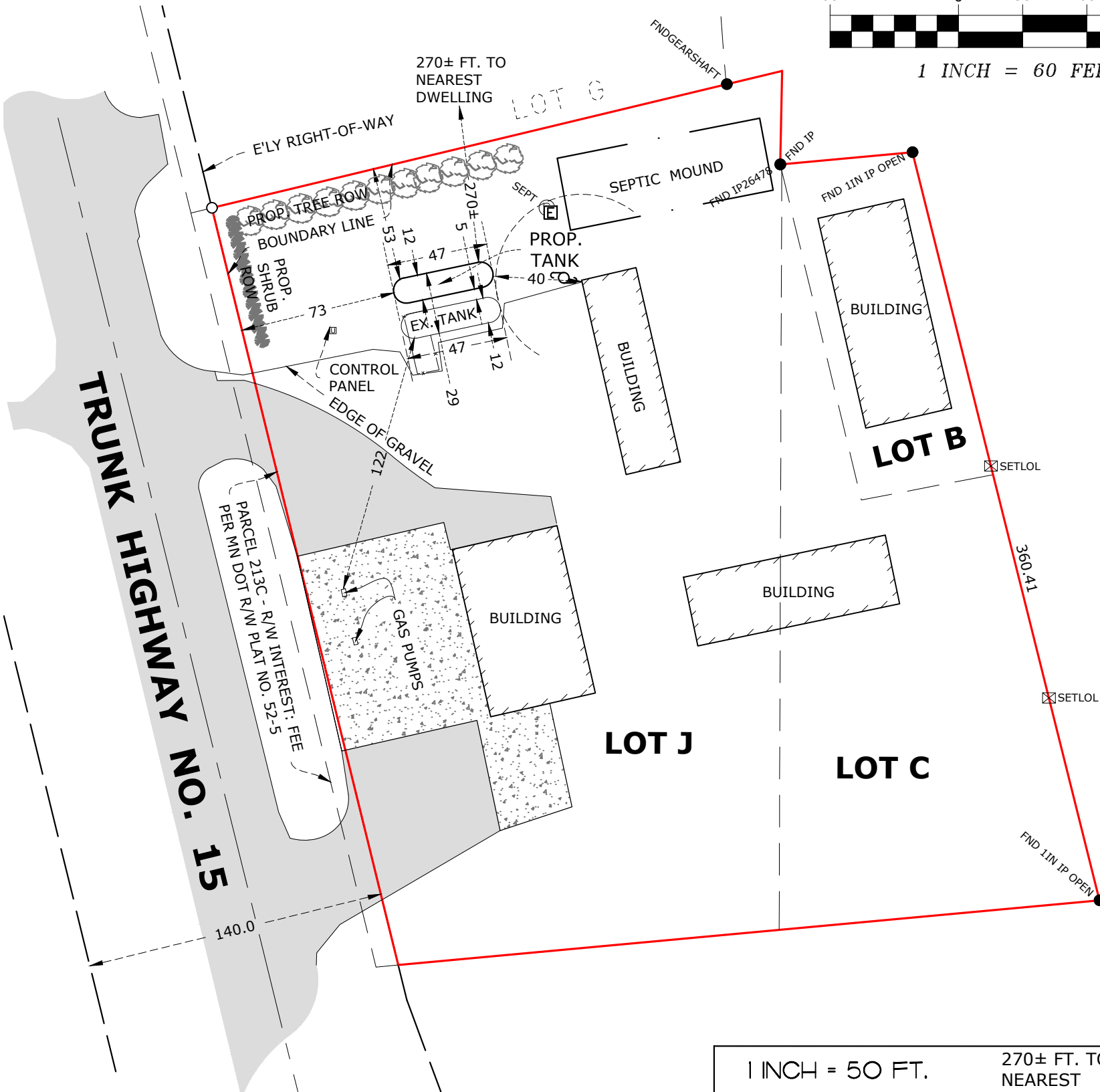
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET
- ⌚ DENOTES ELECTRICAL BOX
- ⚡ DENOTES POWER POLE
- DENOTES FENCE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE

NORTH

GRAPHIC SCALE

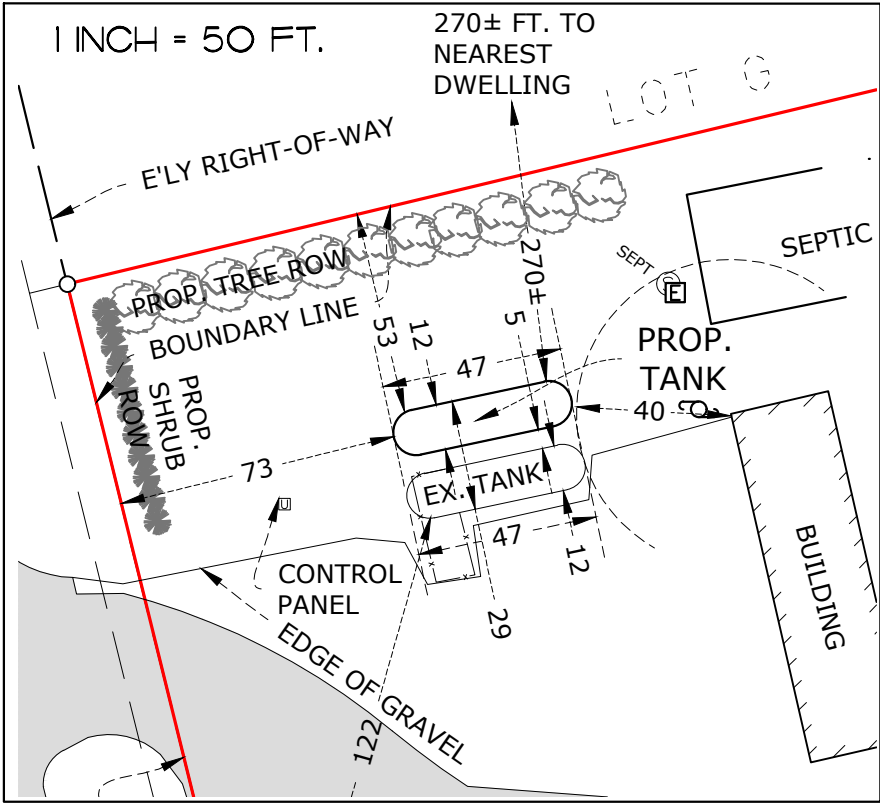


1 INCH = 60 FEET



NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 20MAR24.
- Bearings shown are based on the Nicollet Co., Coord. Sys. NAD 83 (96 adj.).
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- Due to field work being completed during the winter season there may be improvements in addition to those shown that were not visible due to snow and ice conditions characteristic of Minnesota winters.



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1				DRAWN BY: KDN
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3				
NO.	DATE	DESCRIPTION	BY	



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FORM U-1A MANUFACTURERS' DATA REPORT FOR UNFIRED PRESSURE VESSELS

Alternate Form for Single Chamber Completely Shop-Fabricated Vessels Only

1. Manufactured by THE J. B. BEARD COMPANY, INC. SHREVEPORT, LOUISIANA
(Name and address of Manufacturer)

2. Manufactured for CITIES SERVICE OIL COMPANY, PARTLESVILLE, OKLAHOMA
(Name and address of Purchaser)

3. Type Horizontal Vessel No. (80587-18) (Mfrs. Serial) (State & State No) Natl. Bd. No. 66287 Yr. Built 1959

4. SHELL: Matl. A-212-B-Flg. T.S. 70,000# Nom. 987 In. Allow. 0 In. Diam. 10 Ft. 10 In. Lgth. 36 Ft. 12 In.
(Kind and Spec. No.) (Fig. or F.B. & Spec. Min. T.S.)

5. SEAMS: Long Dbl. Butt S.R. Yes X.R. Complete Sectioned No Efficiency 95 %
(Welded, Dbl., Single, Lap, Butt) (Yes or No) (Spot or Complete) (Yes or No)
Girth Dbl. Butt S.R. Yes X.R. Complete Sectioned No No. of Courses 5

6. HEADS: (a) Material ASME Case 1056 T.S. 73,000# (b) Material T.S. See Note

Location (Top, bottom, ends)	Thickness	Crown Radius	Knuckle Radius	Elliptical Ratio	Conical Apex angle	Hemispherical Radius	Flat Diameter	Side to Pressure (Convex or Concave)
(a) <u>Ends</u>	<u>5.29"</u>					<u>65.458"</u>		<u>Concave</u>
(b)								

If removable, bolts used _____ (Material, Spec. No., T.S., Size, Number) Other fastening _____ (Describe or Attach Sketch)

7. Constructed for Int. pressure of 250 psi. Max. Temp. 100 °F. Subzero _____ °F. Hydrostatic Test 375 psi.

8. SAFETY OR RELIEF VALVE OUTLETS: Number 2 Size 4" Location Top of Tank

9. NOZZLES:

Purpose (Inlet, Outlet, Drain)	Number	Diam. or Size	Type	Material	Thickness	Reinforcement Material	How Attached
<u>(1) 1 1/4" 6000# Cplg. W/Plug F.S.</u>	<u>(1)</u>	<u>1"</u>	<u>Sch. 80 Pipe</u>	<u>A-106-B</u>	<u>Thermowall</u>	<u>Welded</u>	
<u>(1) 2" Special Adaptor</u>	<u>(2)</u>	<u>4" 300#</u>	<u>Lg. Weld Neck Flg.</u>	<u>A-181-1</u>		<u>Welded</u>	
<u>(5) 2" (1) 6" 300# Slip-on Flg.</u>	<u>A-181-1</u>	<u>(1) 1"</u>	<u>Tapped Opening in Manway Cover</u>			<u>Welded</u>	

10. INSPECTION Manholes, No. 1 Size 18" 300# A-181-1 Location Bottom of Tank

OPENINGS Handholes, No. _____ Size _____ Location _____

Threaded, No. _____ Size _____ Location _____

11. SUPPORTS: Skirt _____ Lugs _____ Legs _____ Other _____ Attached _____
(Yes or No) (Number) (Number) (Describe) (Where & How)

12. REMARKS: This report covers one 130" I.D. x 47' 1 1/2" O.A. Length Propane Storage Tank, Construction ASME Code 1956 Edition, Per Beard Dwg. Order 80587.

* Head & Head to Shell Seams Spot X-Rayed Joint Eff. 85%

(Brief description of purpose of the vessel, as Air Tank, Water Tank, L.P.G., Etc.—State Contents.)

We certify that the statements made in this report are correct and that all details of material, construction, and workmanship of this vessel conform to the ASME Code for Unfired Pressure Vessels.

Date 3-25 19 59 Signed THE J. B. BEARD COMPANY, INC. By L. S. Storer
(Manufacturer)

Certificate of Authorization Expires DECEMBER 31, 1961

CERTIFICATE OF SHOP INSPECTION

Inspection Agency's Serial No. OCCAN 80587-18

VESSEL MADE BY THE J. B. BEARD COMPANY, INC. at SHREVEPORT, LOUISIANA

I, the undersigned, holding a Certificate of Competency as an Inspector of Boilers and Unfired Pressure Vessels in THE STATE OF LA. and employed by THE OCEAN ACCIDENT & GUARANTEE CORP. LTD. of NEW YORK, inspected internally and externally, the vessel described in this report on 3-25 19 59, and certify that the statements made in this report are correct corresponding with mill test reports of materials furnished by the builders, and measurements made of the vessel and that this vessel is constructed in accordance with the ASME Code for Unfired Pressure Vessels.

Date 3-25 19 59

A. R. Prince
Inspector's Signature
A. R. PRINCE

Commissions _____

N. B. COMM. 4278

State or Natl. Bd. & Number

Prepared For:

United Farmers Coop
Darv Turbes
705 E 4th Street
Winthrop, MN 55396
866-998-3266



Date:
4/28/2024

To Whom it may concern:

Topic in Question:

Township requires any "bulk storage to have containment area / berm to capture spills"

Liquified Petroleum Gas (LPG) or more commonly called Propane is stored in a closed loop system consisting of a Storage tank and interconnecting piping with manual and auto -shutoffs.

The reason Propane is in a closed loop system is because the boiling point is negative 44°F and below.

Any temperature **above** -44°F, Propane naturally vaporizes.

When disconnecting after loading operations, the industry standard is to vent the connection space to atmosphere.

This happens instantly and the vapor are directed upward similar to the PRV's installed on the storage tank.

If, in the unlikely event a Propane tank were to "spill", the Propane would vaporize and naturally disburse into the atmosphere.

Therefore a berm or any containment area would be useless and not an industry practice

Sincerely

Dylan Sumner

Arrow Tank & Engineering
8950 Evergreen Blvd
Minneapolis, MN 55433
C 715-558-6397
dylans@arrows tank.com



New Ulm Fire Department

526 8th North Street, New Ulm, MN 56073

Phone: (507) 359-8225 Fax: (507) 359-8345 Email: paulm@newulmmn.gov

June 11, 2024

UFC / Klossner Facility
Merle Bohlin
Darv Turbes
40339 State Highway 15
Klossner, MN 56073

Merle & Darv,

In reference to our conversation on January 23, 2024 regarding placement of an additional propane tank at the Klossner UFC facility, please adhere to the following instructions. I will allow the installation of a second propane tank closer to the building than code allows, as long as all fire codes, setbacks or county variances are followed.

If you have further questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Macho".

Paul Macho
Fire Chief

LEGAL DESCRIPTION

Lot J of the East Half of the Northwest Quarter and Lot C of the West Half of the Northeast Quarter, both in Section 3, Township 110, Range 30 West, Nicollet County, Minnesota.

Except for that part of Lot J of the East Half of the Northwest Quarter of Section 3, Township 110, Range 30 West show as Parcel 213C on the plat designated as Minnesota Department of Transportation Right of Way Plat Numbered 52-5 on file and of record in the office of the County Recorder in and for Nicollet County, Minnesota, together with all hereditaments and appurtenances belonging thereto.

And

Lot B of the Southwest Quarter of the Northeast Quarter, Section 3, Township 110, Range 30 West, Nicollet County, Minnesota.

Interactive Appendix A Fill-in Forms (2014 Edition of NFPA 58)

This Appendix contains a set of forms copied from the different chapters in this manual. The form number corresponds to the respective forms in chapters 4 through 9; the first number digit represents the chapter number. Where the forms refer to a figure, it is understood that they refer to the figures shown in the main body of the manual.

How to Use the Forms in this Section

This document contains tables with fill-in blanks, or form fields, in which you enter information. These tables are made of cells, and the ones in which you may enter information contain gray shading.

The following types of form fields are included in this Appendix:

Regular Text: Accepts text, numbers, symbols, or spaces.

Number: Allows a number only. If you enter a letter into this field, it will change to a zero after you leave the field.

Calculation: Uses a formula to calculate numbers, such as the sum of two columns, which automatically appears in another column. Users cannot fill in or change this field, even though it contains gray shading. **Users must click in another number field to activate the calculations.**

Checkbox: Shows the selection state of an item. When the box is empty, or unchecked, click it to make an X appear. When the box is checked and contains an X, click the box to remove it. Examples: Unchecked: ☐ Checked: ☒

The form fields are already set up to accept only a certain type of input (numbers only or numbers and letters) and contain the formulas needed for automatically performing calculations. Users are not permitted to use the other fields in the forms (for example, change Item #s or values already in the form).

Form 4.1

Initial Data on the LP-Gas Facility

A	B	C
Item #	Information Item	Data
1	Name of the LP-Gas Facility Owner or Operator	United Farmers Cooperative
2	Contact Name	Merle Bohlin
3	Contact Telephone & Fax Numbers	507-232-1048
4	Contact Email Address	
5	Mailing Address	Street 1: 705 east 4th st
		Street 2:
		City, State, Zip: Winthrop, MN 55396

Form 4.2

Facility Storage Capacity ^{1,2,3,5}

A	B	C	D
Item #	Individual Container Water Capacity (w.c.) (gallons)	Number of containers	Total Water Capacity (w.c.) of each container size (gallons)
1	500		
	1,000		
	2,000		
	4,000		
	10,000		
	18,000		
	30,000	2	60,000
	60,000		
	Other:		
	Other:		
	Other:		
	Other:		
2	Aggregate Water Capacity ⁴		60,000

- Notes:
- (1) Column D = Column B x Column C.
 - (2) Parked bobtails, transports and tank cars should not be considered for aggregate capacity calculations.
 - (3) Do not consider containers that are not connected for use.
 - (4) For the purpose of this manual, "Aggregate Water Capacity" means any group of single ASME storage containers separated from each other by distances less than those stated in the aboveground containers column of Table 6.3.1.
 - (5) This form contains formulas that will automatically calculate results based on the values entered in the related cells. To activate the calculations, click in another number field, such as one in Column C.

If the aggregate water capacity (w.c.) of the LP-Gas facility is less than or equal to 4,000 gallons, no further assessment is required.

YOU CAN STOP HERE.

Form 4.3
Additional Information on the LP-Gas Facility

☒ Existing Facility; Built to NFPA 58 Edition <u>2020</u>	☐ Proposed Facility
a) Name of the Facility (if applicable): <u>United Farmers Cooperative</u>	
b) Type of LP-Gas Facility: ☐ Commercial ☐ Industrial ☒ Bulk Plant	
c) Facility is located in: ☐ City Industrial Zone ☐ Suburban Area ☐ Rural Area ☒ City Commercial Zone	
d) Facility neighbors [§] : ☒ Agri Fields ☒ Commercial Bldgs. ☐ Flammable Liquids Storage (Check all that apply) ☐ Industrial Activity (metal fabrication, cutting and welding, etc.) ☐ Manufacturing ☐ Others (explain) _____	
e) Geographic Location of Facility/Address: <u>40339 State Hwy 15</u> <u>New Ulm, MN 56073</u>	
f) Landmarks, if any: _____ _____	
g) LP-Gas liquid supply by: ☐ Bobtail ☒ Truck Transport ☐ Rail Tank Car (Check all that apply) ☐ Pipeline	
h) LP-Gas Distribution by: ☐ Liquid Piping ☐ Truck Transport ☐ Vapor Piping Plant (Check all that apply): ☒ Bobtail ☐ Dispensing or Vehicle Liquid Fueling	
i) Number of Vehicle Entrances: ☐ One ☒ Two ☐ More than two	
j) Type of Access Roads to the Facility: ☐ Rural ☐ City or Town ☒ Highway (One check per line) Entrance 1: ☐ Dirt road ☐ Gravel road ☒ Paved (One check per line) Entrance 2: ☐ Dirt road ☐ Gravel road ☒ Paved	
k) Staff presence: ☐ Not staffed ☒ Only during transfer operations ☐ Staffed always (24/7) ☒ Only during business hours ☐ Other (Explain) _____	
l) Location and distances to Assembly, Educational or Institutional Occupancies surrounding the facility, if any, within 250 feet from the facility boundary in the direction of the assets: <u>None</u>	
m) Overview plot plan of the facility attached? ☒ Yes ☐ No	

§ All properties either abutting the LP-Gas facility or within 250 feet of the container or transfer point nearest to facility boundary.

Form 5.1
Compliance with Code Requirements for Appurtenances on Containers of
4,000 Gallons Water Capacity or Less

A	B	C	D	E
Container #	Service Configuration Subfigure (in Figure 5-1)	Number of Product Control Appurtenances		NFPA 58 Section Reference (2014 edition)
		Required by NFPA 58 (applicable edition)	Installed on the Container	
1				5.7.4.1, Table 5.7.4.1 (B) and 5.7.4.4
2				
3				
4				
5				
6				
7				

If, in Form 5.1, any one of the numbers in column D is less than the number in Column C of the corresponding row, then these items must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

Form 5.2
Compliance with Code Requirements for Appurtenances on Containers
Having a Water Capacity Greater Than 4,000 Gallons

A	B	C	D		E	F	G
Container #	LP-Gas inlet to and outlet from the container**		Enter Configuration Number		Total Number of Product Control Appurtenances		NFPA 58 Section Reference (2014 edition)
					Required by NFPA 58 (applicable edition)	Installed on the container	
1	Vapor	Inlet	5-2				5.7.4.2, Table 5.7.4.2 and 5.7.4.3
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				
2	Vapor	Inlet	5-2				
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				
3	Vapor	Inlet	5-2				
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				
4	Vapor	Inlet	5-2				
		Outlet	5-3				
	Liquid	Inlet	5-6				
		Outlet	5-7				

** If the container does not provide an opening for the specific function listed, enter 0 (zero) in columns E and F corresponding to that row.

If in Form 5.2 any one of the numbers in column F is less than the number in Column E of the corresponding row, these items must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

Form 5.3
Requirements for Transfer Lines of 1½-inch Diameter or Larger,
Liquid-into-Containers

A	B	C	D	E	F
Item #	Appurtenance (Either No. 1 or No. 2)**	Appurtenance Provided with the Feature	Installed in the facility?		NFPA 58 Section Reference (2014 edition)
			Yes	No	
1	Emergency shutoff valve (ESV) (Ref § 6.12)	Installed within 20 ft. of lineal pipe from the nearest end of the hose or swivel-type connections.	☒	☐	6.12.2
		Automatic shutoff through thermal (fire) actuation element with maximum melting point of 250 °F.	☒	☐	6.12.6
		Temperature-sensitive element (fusible link) installed within 5 ft. from the nearest end of the hose or swivel-type piping connected to liquid transfer line.	☒	☐	6.12.6
		Manually operated remote shutoff feature provided for ESV.	☒	☐	6.12.12.1
		Manual shutoff device provided at a remote location, not less than 25 ft., and not more than 100 ft. from the ESV in the path of egress.	☒	☐	6.12.12.2
		An ESV is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1½ inch in diameter or larger on the other side.	☒	☐	6.12.5 and 6.19.2.6 (1)
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
2	Backflow check valve (BCK)**	Installed downstream of the hose or swivel-type connection.	☒	☐	6.12.3
		BCK is designed for this specific application.	☒	☐	6.12.4
		A BCK is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel type connection on one side and to a header of 1½ inch in diameter or larger on the other side.	☒	☐	6.12.5
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
3	Debris protection ++	Liquid inlet piping is designed or equipped to prevent debris and foreign material from entering the system.	☒	☐	6.19.2.5
4	Emergency discharge control	Flow-through facility hose used to transfer LP-Gas from non-metered cargo tank vehicle into containers will stop within 20 seconds of a complete hose separation without human intervention.	☒	☐	6.19.2.6 (3)

** In lieu of an emergency shutoff valve, the backflow check valve (BCK) is only permitted when flow is only into the container and shall have a metal-to-metal seat or a primary resilient seat with metal backup, not hinged with a combustible material (6.12.3, 6.12.4).

++ Retrofit required for existing facilities by July 1, 2011.

Form 5.4
Requirements for Transfer Lines of 1½-inch Diameter or Larger,
Liquid Withdrawal from Containers

A	B	C	D	E	F
Item #	Appurtenance	Appurtenance Provided with the Feature	Installed in the facility?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Emergency shutoff valve (ESV) (Ref § 6.12)	Installed within 20 ft. of lineal pipe from the nearest end of the hose or swivel-type connections.	☒	☐	6.12.2
		Automatic shutoff through thermal (fire) actuation element with maximum melting point of 250 °F.	☒	☐	6.12.6
		Temperature-sensitive element installed within 5 ft. from the nearest end of the hose or swivel-type piping connected to liquid transfer line.	☒	☐	6.12.6
		Manually operated remote shutoff feature provided for ESV.	☒	☐	6.12.12.1
		Manual shutoff device provided at a remote location, not less than 25 ft., and not more than 100 ft. from the ESV in the path of egress.	☒	☐	6.12.12.2
		An ESV is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1½ inch in diameter or larger on the other side.	☒	☐	6.12.5 and 6.19.2.6 (1)
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
		Number of ESV's in liquid withdrawal service			

Note: If more than one ESV is installed in the facility, use one Form 5.4 for each ESV.

Form 5.5
Requirements for Vapor Transfer Lines 1¼-inch Diameter or Larger

A	B	C	D	E	F
Item #	Appurtenance	Appurtenance Provided with the Feature	Installed in the facility?		NFPA 58 Section Reference (2014 edition)
			Yes	No	
1	Emergency shutoff valve (ESV) (Ref § 6.12)	Installed within 20 ft. of lineal pipe from the nearest end of the hose or swivel-type connections.	☒	☐	6.12.2
		Automatic shutoff through thermal (fire) actuation element with maximum melting point of 250 °F.	☒	☐	6.12.6
		Temperature-sensitive element installed within 5 ft. from the nearest end of the hose or swivel-type piping connected to liquid transfer line.	☒	☐	6.12.6
		Manually operated remote shutoff feature provided for ESV.	☒	☐	6.12.12.1
		Manual shutoff device provided at a remote location, not less than 25 ft., and not more than 100 ft. from the ESV in the path of egress.	☒	☐	6.12.12.2
		An ESV is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1-1/4 inch in diameter or larger on the other side.	☒	☐	6.12.5 and 6.19.2.6 (1)
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8
2	Backflow check valve (BCK)**	Installed downstream of the hose or swivel-type connection.	☒	☐	6.12.3
		BCK is designed for this specific application.	☒	☐	6.12.4
		A BCK is installed on each leg of a multi-leg piping each of which is connected to a hose or a swivel-type connection on one side and to a header of 1-1/4 inch in diameter or larger on the other side.	☒	☐	6.12.5
		Breakaway protection is provided such that in any pull-away break will occur on the hose or swivel-type connection side while retaining intact the valves and piping on the plant side.	☒	☐	6.12.8

** In lieu of an emergency shutoff valve, the backflow check valve (BCK) is only permitted when flow is only into the container and it shall have a metal-to-metal seat or a primary resilient seat with metal backup, not hinged with a combustible material (6.12.3, 6.12.4).

If a check mark is made in the "No" column of any one of Form 5.3, Form 5.4 or Form 5.5, then these items must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

If the LP-Gas facility is designed using ALTERNATE PROVISIONS for the installation of ASME CONTAINERS, then continue the analysis below. Otherwise skip Section 5.3 and go to Chapter 6.

Form 5.6 **Evaluation of Redundant Fail-Safe Design**

A	B		C	D	E	F
Item #	Description		Features	Installed in the facility?		NFPA 58 Section Reference (2014 edition)
				Yes	No	
1	Container sizes for which the appurtenances are provided		Appurtenances and redundant fail-safe equipment are provided for <u>each</u> container of water capacity 2,001 gal. through 30,000 gal.	☒	☐	6.28.3 and 6.28.4
2	Liquid or vapor withdrawal (1-1/4 in. or larger)		Internal valve having internal excess-flow valve	☒	☐	6.28.3.1 and 6.28.3.2
			Positive shutoff valve installed as close as practical to the internal valve	☒	☐	6.28.3.4
3	Liquid or vapor inlet		Internal valve having internal excess-flow valve or backflow check valve (BCK)	☒	☐	6.28.3.5
			Positive shutoff valve installed as close as possible to the internal valve or the backflow check valve (BCK)	☒	☐	6.28.3.5
4	Railcar transfer	Flow into or out of railroad tank car	Approved emergency shutoff valves installed in the transfer hose or the swivel-type piping at the tank car end	☐	☒	6.19.2.6 (1) and 6.28.4
		Flow only into railroad tank car	Approved emergency shutoff valve or back-flow check valve (BCK) installed in the transfer hose or the swivel-type piping at the tank car end	☐	☒	6.19.2.6 (2) and 6.28.4
5	Cargo tank transfer		Protection provided in accordance with 6.12	☐	☒	6.28.4.1
6	Automatic closure of all primary valves (IV & ESV) in an emergency		By thermal (fire) actuation	☒	☐	6.28.4.2
			Actuated by a hose pull-away due to vehicle motion	☒	☐	6.28.4.2
7	Manually operated remote shutdown of IV and ESV		Remote shutdown station within 15 ft. of the point of transfer	☒	☐	6.28.4.3 (A)
			Another remote shutdown station between 25 ft. and 100 ft. of the transfer point	☒	☐	6.28.4.3 (B)
			Shutdown stations will shut down electrical power supply to the transfer equipment and shut down all primary valves (internal & emergency valves).	☐	☒	6.28.4.3
			Signs complying with the requirements of 6.28.4.3 (C) provided	☒	☐	6.28.4.3 (C)

Note: If the facility does not have a rail terminal, write "NA" in both the "Yes" column and the "No" column in item 4 of this Form in the railroad tank car row. Similar option is also available if there is no cargo tank vehicle transfer station.

If the LP-Gas facility is provided with LOW EMISSION TRANSFER EQUIPMENT, then continue the analysis below. Otherwise skip section 5.3.2 and go to Chapter 6.

Form 5.7
Evaluation of Low Emission Transfer Equipment

A I t e m #	B Description	C Features		D		F NFPA 58 Section Reference (2014 Edition)	
				Installed in the facility?			
				Yes	No		
1	Transfer into permanently mounted ASME containers on vehicles	Delivery nozzle and filler valve - Max. liquid release after transfer of 4 cm ³ (0.24 in ³)	Fixed maximum liquid level gauge not used during transfer operations	☒	☐	6.28.5.3 (A) and (B)	
2	Transfer into stationary ASME containers delivery valve and nozzle combination	During product transfer or post transfer uncoupling of the hose, liquid product volume released to the atmosphere	Does not exceed 4 cm ³ (0.24 in ³) from a hose of nominal size 1 inch or smaller	☐	☒	6.28.5.4 (A)	
			Does not exceed 15 cm ³ (0.91 in ³) from a hose of nominal size larger than 1 inch	☐	☒	6.28.5.4 (B)	
3	Transfer into stationary ASME containers maximum filling limit	Do containers of less than 2,001 gal (w.c.) have an overfilling prevention device or another approved device?		☐	☒	6.28.5.4 (F)	
		Do containers 2,001 gal (w.c.) or greater have a float gauge or other non-venting device?		☐	☒	6.28.5.4 (E)	
4	Transfer into stationary ASME containers fixed maximum liquid level gauge	Not used during routine transfer operations but used to calibrate other non-venting liquid level gauges in the container		☐	☒	6.28.5.4 (C) and (D)	

Note: 1) If the facility does not have a particular feature described in items 2 or 3, write "NA" in both the "Yes" and "No" columns corresponding to its row.

If separation distance reductions are intended, check marks made in the "No" column of either Form 5.6 or Form 5.7 must be addressed and brought into compliance with the specific edition of NFPA 58 that the facility was constructed to.

*T
N/A*
*Don't
Fill
TANKS
ONLY
FULL
ASME
ON
TRUCK*

Form 6.1

Evaluation of Physical Protection and Other Measures

A	B	C	D	E	F
#	Item	Features	Installed in the facility?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Lighting†	Provide lighting for nighttime operations to illuminate storage containers, container being loaded, control valves, and other equipment	☒	☐	6.19.5
2	Vehicle impact protection	Protection against vehicular (traffic) impacts on containers, transfer piping and other appurtenances is designed and provided commensurate with the size of vehicles and type of traffic in the facility. Example protection systems include but not limited to (1) Guard rails, (2) Steel bollards or crash posts, (3) Raised sidewalks.	☒	☐	6.6.1.2 and 6.9.3.10
3	Protection against corrosion	Provide protection against corrosion where piping is in contact with supports or corrosion-causing substances.	☒	☐	6.9.3.11, 6.9.3.14 and 6.17
Complete only 4A or 4B					
4A	Perimeter Fence	Is an industrial type or chain link fence of at least 6 ft. high or equivalent protection provided to enclose (all around) container appurtenances, pumping equipment, loading and unloading and container filling facilities?	☒	☐	6.19.4.2
		Are at least two means of emergency accesses (gates) from the enclosure provided? NOTE: Write "NA" (not applicable) if: (i) The area enclosed is less than 100 ft ² , or (ii) The point of transfer is within 3 ft. of the gate, or containers are not filled within the enclosure	☐	☐	6.19.4.2 (A)
		Is a clearance of at least 3 ft. all around to allow emergency access to the required means of egress provided?	☒	☐	6.19.4.2 (B)
	Guard Service	If a guard service is provided, does this service cover the LP-Gas plant and are the guard personnel provided with appropriate LP-Gas related training, per section 4.4 of NFPA 58?	☐	☐	6.19.4.3
4B	Lock-in-Place devices	Are Lock-in-Place devices provided to prevent unauthorized use or operation of any container appurtenance, system valves, or equipment in lieu of the fence requirements above?	☐	☒	6.19.4.2 (C)

Note: Fill only items 1, 2, 3, and 4A or 4B. Indicate with "NA" when not filling the "Yes" or "No" column.

† Indicate with "NA" if the facility is not operated at night.

Form 6.2

Assessment of Sources of Ignition and Adjacent Combustible Materials

A	B	C	D	E
#	Sources of Ignition and Requirements Pertaining to Adjacent Combustible Materials	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
		Yes	No	
1	Are combustible materials not closer than 10 ft. from each container?	☒	☐	6.4.4.3
2	Is a distance at least 20 ft. provided between containers and tanks containing flammable liquids with flash point less than 200 °F (e.g., gasoline, diesel)?	☒	☐	6.4.4.6
3	Are electrical equipment and wiring installed per Code requirements?	☒	☐	6.23.2
4	Is open flame equipment located and used according to Code?	☒	☐	6.23.3.1
5	Are ignition control procedures and requirements during liquid transfer operations complied with?	☒	☐	7.2.3.2
6	Is an approved, portable, dry chemical fire extinguisher of minimum capacity 18 lbs. and having a B:C rating provided in the facility?	☒	☐	6.27.4.2
7	Is an approved, portable, dry chemical fire extinguisher of minimum capacity 18 lbs. and having a B:C rating provided on each truck or trailer used to transport portable containers?	☒	☐	9.3.5 and 9.4.7
8	Is the prohibition on smoking within the facility premises strictly enforced?	☒	☐	7.2.3.2 (B) and 9.4.10

Note: Insert "NA" in both "Yes" and "No" columns of any items that are not applicable.

Form 6.3
Separation Distances from Containers to Buildings, Property Lines that can be
Built upon, Inter-container Distances, and Aboveground Flammable or
Combustible Storage Tanks

A	B	C	D	E	F	G
#	Container Size Range in gal (W.C.)	Separation between a property line, important building or other property and the <u>nearest</u> container which is	Minimum Distance (ft.)	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
				Yes	No	
1	501 through 2,000	Above Ground	25	☐	☐	6.3.1, 6.3.2 and Table 6.3.1.1
		Underground or Mounded	10	☐	☐	
		Between containers	3	☐	☐	
2	2,001 through 30,000	Above Ground	50	☐	☒	
		Underground or Mounded	50	☐	☐	
		Between containers	5	☒	☐	
3	30,001 through 70,000	Above Ground	75	☐	☐	
		Underground or Mounded	50	☐	☐	
		Between containers	¼ sum of diameters of adjacent containers	☐	☐	
4	70,001 through 90,000	Above Ground	100	☐	☐	
		Underground or Mounded	50	☐	☐	
		Between containers	¼ sum of diameters of adjacent containers	☐	☐	
5	All sizes greater than 125 gal	Separation distance between a LP-Gas container and an above ground storage tank containing flammable or combustible liquids of flash points below 200 °F.	20	☒	☐	6.4.4.6 and 6.4.4.7

Note: If any of the container sizes indicated in the above form are not present in the facility, enter "NA" in both Yes and No columns.

If the LP-Gas plant is provided with every one of the redundant and fail-safe product control-design equipment indicated in Form 5.6, then the minimum distance in column D of Form 6.3 can be reduced to 10 feet for underground and mounded containers of water capacity 2,001 gal to 30,000 gal.

SPACE
REQUIRED
2 TANKS

Form 6.4

Separation Distances between Points of Transfer and other Exposures

A	B	C	D	E	F	G	
#	Type of Exposure within or outside the facility boundary	Check if exposure is present	Minimum Distance (ft)	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)	
				Yes	No		
1	Buildings, mobile homes, recreational vehicles, and modular homes with at least 1-hour fire-rated walls	☐	10	☒	☐	6.5.2 and Table 6.5.2.1	
2	Buildings with other than at least 1-hour fire-rated walls	☐	25	☒	☐		
3	Building wall openings or pits at or below the level of the point of transfer	☐	25	☒	☐		
4	Line of adjoining property that can be built upon	☐	25	☒	☐		
5	Outdoor places of public assembly, including school yards, athletic fields, and playgrounds	☐	50	☒	☐		
6	Public ways, including public streets, highways, thoroughfares, and sidewalks	From points of transfer in LP-Gas dispensing stations and at vehicle fuel dispensers	☐	10	☒		☐
		From other points of transfer	☐	25	☒		☐
7	Driveways	☐	5	☒	☐		
8	Mainline railroad track centerlines	☐	25	☒	☐		
9	Containers other than those being filled	☐	10	☒	☐		
10	Flammable and Class II combustible liquid dispensers and the fill connections of non-stationary containers	☐	10	☒	☐		
11	Flammable and Class II combustible liquid aboveground containers and filling connections of underground containers	☐	20	☒	☐		
12	LP-Gas dispensing device located close to a Class I liquid dispensing device	☐	10	☒	☐	6.25.4.3	

NOTE: Place a check mark in column C against an exposure that is present in or around the facility. Fill columns E or F for only those rows for which there is a check mark in column C.

If the facility contains low emission transfer equipment (i.e., all equipment identified in Form 5.7 are installed and are in working order), then the minimum separation distances in column D of Form 6.4 can be reduced to one half of the indicated values.

If the containers in the LP-Gas facility are provided with SPECIAL PROTECTION MEASURES, then continue the analysis below. Otherwise skip Forms 6.5 and 6.6 and go to Form 6.7. Also see Chapter 9.

Form 6.5

Special Protection Measures – Passive Systems

A #	B Special Protection Option	C Question	D Is the Facility compliant?		E NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Container Insulation	Insulation provided on each of the containers?	NA	NA	6.27.5.1
		Insulation material complies with the requirements of NFPA 58?	NA	NA	6.27.5.1 and 6.27.5.2
2	Mounding of containers	Each container in the facility is mounded?	NA	NA	6.27.5.3
		Mounding complies with each requirement under section 6.6.6.3 of NFPA 58?	NA	NA	6.6.6.3 and 6.27.5.3
3	Burying of containers	Each container in the facility is buried?	NA	NA	6.27.5.4
		Buried containers comply with each requirement under section 6.6.6.1 of NFPA 58.	NA	NA	6.6.6.1 and 6.27.5.4

Form 6.6

Special Protection Measures – Active Systems

#	Special Protection Option	Question	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Water spray systems	Are fixed water spray systems, complying with NFPA 15 ¹ requirements, used for each container in the facility?	NA	NA	6.27.6.1
		Do fire responsive devices actuate water spray system automatically?	NA	NA	6.27.6.2
		Can the water spray systems be actuated manually also?	NA	NA	6.27.6.2
2	Monitor nozzle systems	Are the monitor nozzles located and arranged so that the water stream can wet the surfaces of all containers exposed to a fire?	NA	NA	6.27.6.3
		Can the water stream from a monitor nozzle reach and wet the entire surface of, at least, one half of a length from one end of each of the containers it is designed to protect?	NA	NA	6.27.6.3
		Do fixed monitor nozzles comply with NFPA 15 ¹ requirements?	NA	NA	6.27.6.1
		Do fire responsive devices actuate the monitor nozzles?	NA	NA	6.27.6.2
		Can the monitor nozzles be actuated manually also?	NA	NA	6.27.6.2

1. See discussion in Section 8.2.

2. Refer to Chapter 8 for a discussion on NFPA 15, *Standard for Water Spray Fixed Systems for Fire Protection*.

Form 6.7
Protection Against Vehicular Impact

#	System Protected	Is physical protection provided?		Type of physical protection installed	NFPA 58 Section Reference (2014 Edition)
		Yes	No		
1	Storage containers	☒	☐		6.6.1.2, 6.6.6.1(B), 6.6.6.1(C), 6.9.3.10 and 6.25.3.13
2	Transfer stations	☒	☐		
3	Entryway into plant	☐ NA	☐ NA		

Table 7.1
Distances to Various Types of Propane Hazards Under Different Release Models**

Model #	Details of the Propane Release Model Releases from or due to		Vapor Dispersion Distance to LFL (ft.)	Explosion Hazard Distance (ft.)	Fire Ball Radiation Distance (ft.)
1a	Bobtail hose failure. Release of the entire inventory in the hose, quickly.	1" ID x 150 ft. hose length	250	110	50
1b		1" ID x 120 ft. hose length	230	103	45
1c		1" ID x 75 ft. hose length	190	90	40
2a	Release of the inventory in a transfer piping 1" x 30 ft. + @ 20 gpm for 10 minutes, due to failed excess flow valve.		135	120	25
2b	Release of the inventory in a transfer piping 2" x 30 ft. + @ 80 gpm for 10 minutes.		230	252	48
2c	Release of the inventory in a transfer piping 2" x 80 ft. + @ 70 gpm for 10 minutes.		328	235	74
2d	Release of the inventory in a transfer piping 2.5" x 30 ft. + @ 80 gpm for 10 minutes.		269	252	59
2e	Release of the inventory in a transfer piping 3" x 30 ft. + @ 100 gpm for 10 mins.		312	287	69
2f	Release of the inventory in a transfer piping 3" x 18 ft. + @ 100 gpm for 10 minutes.		256	284	55
2g	Release of the inventory in a transfer piping 3" x 80 ft. + @ 100 gpm for 10 minutes.		455	284	106
2h	Release of the inventory in a transfer piping 4" x 30 ft. + @ 200 gpm for 10 minutes.		407	410	89
3	Release from the container pressure relief valve.		No ignitable vapor concentration at ground level.		
4	Release from a 1" ID x 150 ft. transfer piping to a vaporizer and reduced flow from a partially open excess flow valve @ 20 gpm for 10 minutes.		250	120	50
5	Leak from a corrosion hole in a transfer pipe at a back pressure of 130 psig (corresponding to 80°F) for 60 minutes. Hole size is ¼" ID.		110	120	5
6a	Release of the entire inventory in a 2" ID x 20 ft. transfer hose.		195	90	40
6b	Release of the entire inventory in a 2.5" ID x 16 ft. transfer hose.		215	98	45
6c	Release of the entire inventory in a 3" ID x 12 ft. transfer hose.		230	100	46
6d	Release of the entire inventory in a 1.25" ID x 20 ft. transfer hose.		138	66	27
7a	Transport hose blow down: Hose size 2" ID, 20 ft. length release for 3 minutes, from a transport after the tank is filled.		25	30	<5
7b	Transport hose blow down: Hose size 2.5" ID, 16 ft. length release for 3 minutes, from a transport after the tank is filled.		25	29	<5
7c	Transport hose blow down: Hose size 3" ID, 16 ft. length release for 3 minutes, from a transport after the tank is filled.		31	36	<5

** Results from models described in Appendix B.

Form 7.1 **Types of Occupancies⁽¹⁾ Near or Surrounding the LP-Gas Facility**

Type of Occupancies	Model # from Table 7.1	Hazard Distance ⁽²⁾ (feet)	Is Occupancy located within the hazard distance from the Facility?	
			Yes	No
Assembly Occupancies (Places of worship, Libraries, Theaters and Auditoriums, Food or Drink Bars, Sports Stadiums, Amusement Parks, Transportation Centers, etc., with 50 or more people).			☐	☒
Institutional Occupancies (Elderly Persons' Homes or Nursing Homes, Hospitals, Alcohol & Drug Rehabilitation Centers, Prisons).			☐	☒
Educational Occupancies (Elementary Schools, Day Care facilities, etc.).			☐	☒

- NOTES:** (1) Different types of occupancies are defined in NFPA 5000.
- (2) Table 7.1 provides a number of scenarios that can result in propane release, and the resulting area exposed, for different ignition mechanisms. Determine the scenarios that are applicable to the facility, for the quantities that can be released, and enter the greatest value from Table 7.1. Use the hose diameters and length that will be used at the facility if they differ from the ones in Table 7.1 and recalculate the hazard distances using a spreadsheet method that is available at npga.org. Some scenarios may not be applicable to an installation because of other mitigation measures implemented, such as a hose management procedure to minimize the possibility of hose failure.

Form 7.2

Exposure to LP-Gas Facility from External Hazards

A	B	C	D
Item #	Type of Neighboring Operation	Hazard exists to the LP-Gas Facility	
		Yes	No
1	Petroleum and other hazardous material storage, wholesale dispensing, etc.	☐	☒
2	Metal cutting, welding, and metal fabrication	☐	☒
3	Industrial manufacturing that can pose external hazards	☐	☒
4	Ports, rail yards and trans-shipment terminals handling flammable and explosive materials	☐	☒
5	Other operations that may pose hazards (gasoline and other hazardous material dispensing stations, fertilizer storage, etc.)	☐	☒

Note: If a particular activity indicated in column B does not exist, fill both "Yes" and "No" columns with "NA."

Where a "Yes" has been checked in either Form 7.1 or Form 7.2:

1. For an existing facility, communicate this information to local emergency responders for inclusion in their emergency planning.
2. For a proposed facility, implement the actions indicated in Chapter 9.

Form 8.1
Data on the Responding Fire Department

A	B		C
Item #	Data Item		Data Entry
1	Name of the Fire Department (FD).		New Ulm Fire Department
2A	Name of the person in the FD assisting with the data acquisition.		Paul Macho
2B	Position of the person in the FD assisting with the data acquisition.		Chief
3A	Date on which FD data was collected.		03/07/2024
3B	Name of the person collecting the data.		Merle Bohlin
4	Number of firefighters on duty at any time.		42
5	Average number of firefighters available for response.		32
6A	Number of firefighters qualified to:	"Firefighter I" level.	42
6B		"Firefighter II" level.	42
7A	Number of firefighters who would:	Respond on the first alarm to the facility.	32
7B		Respond on the first alarm and who are qualified to the operations level requirements of NFPA 472 or <u>similar</u> local requirements.	32
7C		Respond on the first alarm with specific knowledge and training on the properties of LP-Gas and LP-Gas fires.	32
8A	Number of fire apparatus that have the capability to deploy a 125 gpm hose line supplied by onboard water for at least 4 minutes, and, which:	Are in service in the department.	5
8B		Would respond on a first alarm.	2

Form 8.2
Response Time Data for the Fire Departments

A	B	C	D	E
Company or Department	Time in Minutes for			
	Alarm Receipt & Handling	Turnout	Travel	Total Time
New Ulm Fire Department	3	4	6	13

Note: Number in Column E = Sum of numbers from Columns B through D.

Form 8.3
Water Flow Rate and Total Water Volume
Required to Cool Containers Exposed to a Fire

A	B	C	D	E	F	G	H
Item #	ASME Container Size (gallons)	Total Surface Area of each Container ¹ (ft ²)	Surface Area of each container to be Cooled (ft ²)	Water flow rate required per container (gpm)	Number of containers of the size indicated [‡]	Total Water flow rate required (gpm)	Total volume of water required for 10 min (gal)
1	500	86	43	10.8		0.0	
	1,000	172	86	21.5		0.0	
	2,000	290	145	36.3		0.0	
	4,000	374	187	46.8		0.0	
	6,500	570	285	71.3		0.0	
	9,200	790	395	98.8		0.0	
	12,000	990	495	123.8		0.0	
	18,000	1,160	580	145		0.0	
	30,000	1,610	805	201.3		0.0	
	45,000	2,366	1,183	295.8		0.0	
	60,000	3,090	1,545	386.3		0.0	
	90,000	4,600	2,300	575		0.0	
	Other Size		0	0.0		0.0	
2a	Calculated water flow rate for container protection					0.0	
2b	Water flow rate rounded up to nearest multiple of 125					0	
3	Water for firefighter protection, if required ☐					0	
4	Total water flow rate and volume					0.0	

Note: Column D = (1/2) x Column C
Column E = 0.25 (gpm/ft²) x Column D;
Column G = Column F x Column E
Column H = 10 x Column G
Line 2a, Column G and Column H are the sum of numbers in each row above line 2 of each column.
Line 4, Column G and Column H are the sum of numbers in rows 2b and 3.

[‡] Consider only three containers for water supply evaluations even if the number of containers in a group is more than three. See Section 8.2.

¹ ASME container approximate dimensions.

The total water requirement for the facility is indicated in item 4, column G (water flow rate) and column H (total water volume or quantity) of Form 8.3. If multiple groups of containers are present in the facility, repeat the calculations in Form 8.3 for each group of containers. The total water requirement for the facility is the largest value for any single group of containers.

Form 8.4

Evaluation of Water Availability in or Near the LP-Gas Facility

A	B	C	D		
Item #	Water from...	Available?	Quantitative information		
1	Public supply or from another piped-in supply through one or more fire hydrants in or near the facility.	☐ Yes ☒ No	Hydrant data	Distance from Container(s) on which water will be applied (feet)	Available water flow rate from all hydrants ¹ (gpm)
			Hydrant 1		
			Hydrant 2		
			Hydrant 3		
2	A nearby static water source (stream, pond, lake, etc.).	☐ Yes ☒ No	Distance to water source = _____ feet Time to set up relay = _____ minutes Rate of delivery = _____ gpm		
3	Only through mobile water tanker shuttle.	☒ Yes ☐ No	Time to set up shuttle = _____ minutes Sustainable flow rate = _____ gpm		

¹ Obtain the available flow rate from the local municipal water authority or the entity that supplies water to the hydrant or conduct a test to determine total available flow rate.

1. For an existing facility, communicate this information to local responders for inclusion in their emergency planning.
2. For a proposed new facility, refer to Chapter 9.

Form 9.1

Analysis Summary on Product Control and Local Conditions of Hazard

A	B	C	D	E
Item #	Chapter Title	Section & Title	Reference Form #	Number of "No" checked
1	Product Control Measures in Containers & Transfer Piping	5.1 Product Control in Containers	5.1 or 5.2 [§]	0
		5.2 Product Control in Transfer Piping	5.3	0
			5.4	0
			5.5	0
			5.6	4
			5.7	5
2	Analysis of Local Conditions of Hazard	6.1 Physical Protection Measures	6.1	1
		6.2 Ignition Source Control	6.2	0
		6.3.1 Separation distances; Container and outside exposures	6.3	1
		6.3.2 Separation distances; Transfer points and outside exposures	6.4	0
		6.4 Special Protection Measures	6.5	0
			6.6	0

§ The number of "No" for Forms from Chapter 5 is the difference between the required number of appurtenances according to NFPA 58-2011, and a lesser number found to be actually installed on the container or the transfer piping.

If, in any row of column E ("No") of Form 9.1, the entry number is greater than zero, the proposed LP-Gas facility is not in compliance with the requirements of NFPA 58-2014 for product control appurtenances or other safety measures. The design of the proposed facility must be modified to conform to the code requirements. In addition, the following items should be noted.

- If there are any "No" checks in Form 6.3, then the separation distance requirements for containers are not satisfied. An option that may be considered is the reduction in separation distance to 10 feet for underground and mounded containers by providing "Redundant and Fail-Safe Product Control Measures." In this case, complete Form 9.4 below to ensure that each requirement of "Redundant and Fail-Safe Product Control Measures" is provided.**
- If there are any "No" checks in Form 6.4, then the separation distance requirements for transfer points are not satisfied. In this case, relocate the transfer points so that the separation distances conform to the code requirements or provide the Low Emission Transfer Equipment. Complete Form 9.5 below and ensure that all requirements for Low Emission Transfer Equipment are fulfilled.**

Form 9.2
Analysis Summary on Exposure from and to the LP-Gas Facility

A	B	C	D	E
Item #	Chapter Title	Section & Title	Reference Form #	Number of "Yes" checked
1	Exposure to and from Other Properties	7.1 Exposure to off-site properties and persons from in-plant propane releases	7.1	0
		7.2 Exposure to propane facility from external events	7.2	0

If the entry number in column E ("Yes"), Form 9.2 corresponding to Form 7.1 is greater than zero, consider one or more of the following design alternatives:

- 1. Consider moving the container or the transfer point to a different location, if possible and space exists, so that the property or the person is beyond the hazard distance.**
- 2. Provide "Redundant and Fail-safe Product Control Measures." Complete Form 9.4 to ensure compliance.**
- 3. Institute other technical measures such as installing gas and flame detectors (connected to facility shutdown systems), sounding alarm outside facility premises, etc.**
- 4. Institute administrative controls such as additional training for personnel, more frequent inspections of hoses and transfer piping, etc.**

If the entry number in column E ("Yes"), Form 9.2 corresponding to Form 7.2 is greater than zero, consider one or more of the following design alternatives:

- 1. Implement procedures to monitor neighboring activity.**
- 2. Install means in the adjacent plant to shut down the LP-Gas plant in case of an emergency in that plant.**

Form 9.3
Analysis Summary on Fire Department Evaluations

A	B	C	D	E	F
Item #	Chapter Title	Section & Title	Reference Form #	Number "zeros" entered in Column C, Lines 6 through 8 of Form 8.1	Number of "Yes" checked in Column C of Form 8.4
1	Fire department capability, adequacy of water supply and Emergency Planning	8.1 Data on the Fire Department	8.1	0	
2		8.2 Fire response water needs and availability	8.4		1

If the entry number in row 1, Column E of Form 9.3 is greater than zero, consider one or more of the following design alternatives:

- 1. Discuss with the local Fire Department the needs of the LP-Gas facility and the evaluation results on the capability and training inadequacies of the Department.**
- 2. Consider developing a cadre of personnel within the LP-Gas facility to respond to emergencies.**
- 3. Institute container special protection system based on active protection approaches or passive approaches. Complete Form 9.6 and Form 9.7 below.**

If the entry number in row 2, Column F of Form 9.3 is equal to zero, consider one or more of the following design alternatives:

- 1. Provide special protection (other than water spray or monitor systems) to containers, satisfying the requirements of section 6.27.5 of NFPA 58, 2014 edition. Complete Form 9.6 to ensure compliance.**
- 2. Consider implementing the various options indicated in Table 9.1.**

Form 9.4

Redundant and Fail-Safe Design for Containers

A	B		C	D	E	F
Item #	Description		Features	Proposed for the facility?		NFPA 58 Section Reference (2014 Edition)
				Yes	No	
1	Container sizes for which the appurtenances are provided		Appurtenances, redundant fail-safe equipment and low emission transfer lines are provided for <u>each</u> container of water capacity 2,001 gal to 30,000 gal.	☒	☐	6.28.3 and 6.28.4
2	Liquid or vapor withdrawal (1-1/4 in. or larger)		Internal valve with internal excess-flow valve.	☒	☐	6.28.3.1 and 6.28.3.2
			Positive shutoff valve installed as close as possible to the internal valve.	☒	☐	6.28.3.4
3	Liquid or vapor inlet		Internal valve with internal excess flow valve or backflow check valve (BCK).	☒	☐	6.28.3.5
			Positive shutoff valve installed as close as possible to the internal valve or the backflow check valve (BCK).	☒	☐	6.28.3.5
4	Railcar transfer	Flow into or out of railroad tank car	Emergency shutoff valve installed in the transfer hose or the swivel-type piping at the tank car end.	NA	NA	6.19.2.6 (1) and 6.28.4.1
		Flow only into railroad tank car	Emergency shutoff valve or backflow check valve (BCK) installed in the transfer hose or the swivel-type piping at the tank car end.	NA	NA	6.19.2.6 (2) and 6.28.4.1
5	Cargo tank transfer		Protection provided in accordance with 6.28.4.1.	☒	☐	6.28.4.1
6	Automatic closure of all primary valves (IV & ESV) in an emergency		By thermal (fire) actuation.	☒	☐	6.28.4.2
			Actuated by a hose pull-away due to vehicle motion.	☒	☐	6.28.4.2
7	Manually operated remote shutdown of IV and ESV		Remote shutdown station within 15 ft. of the point of transfer?	☒	☐	6.28.4.3 (A)
			Another remote shutdown station between 25 ft. and 100 ft. of the transfer point?	☒	☐	6.28.4.3 (B)
			Shutdown stations will shut down electrical power supply to the transfer equipment and all primary valves (Internal and Emergency Valves).	☒	☐	6.28.4.3
			Signs complying with the requirements of 6.28.4.3 (C) provided?	☒	☐	6.28.4.3 (C)

Note: If your facility does not have a rail terminal, write "NA" in both the "Yes" column and the "No" column in item 4 of the form in the railroad tank car row. Similar option is also available if there is no cargo tank vehicle transfer station.

Form 9.5

Evaluation of Low Emission Transfer Equipment

A	B	C		D	E	F
Item #	Description	Features		Proposed for the facility?		NFPA 58 Section Reference (2014 Edition)
				Yes	No	
1	Transfer into permanently mounted ASME containers on vehicles	Delivery nozzle and filler valve - Max. liquid release after transfer of 4 cm ³ (0.24 in ³)	Fixed maximum liquid level gauge not used during transfer operations	☒	☐	6.28.5.3 (A) and (B)
2	Transfer into stationary ASME containers delivery valve and nozzle combination	During product transfer or post transfer uncoupling of the hose, liquid product volume released to the atmosphere	Does not exceed 4 cm ³ (0.24 in ³) from a hose of nominal size 1 inch or smaller	NA	NA	6.28.5.4 (A)
			Does not exceed 15 cm ³ (0.91 in ³) from a hose of nominal size larger than 1 inch	NA	NA	6.28.5.4 (B)
3	Transfer into stationary ASME containers maximum filling limit	Do containers less than 2,001 gal (w.c.) have an overfilling prevention device or another approved device?	NA	NA	6.28.5.4 (F)	
		Do containers greater than 2,000 gal (w.c.) have a float gauge or other non-venting device?	NA	NA	6.28.5.4 (E)	
4	Transfer into stationary ASME containers fixed maximum liquid level gauge	Not used during routine transfer operations but may be used in calibrating other non-venting liquid level gauges in the container		NA	NA	6.28.5.4 (C) and (D)

Note: If the facility does not have a particular feature described in items 2 or 3, write "NA" in both the "Yes" and "No" columns corresponding to its row.

Form 9.6 Special Protection Measures – Passive Systems

Item #	Special Protection Option	Question	Proposed for the facility?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Container insulation	Insulation provided on each of the containers?	NA	NA	6.27.5.1
		Insulation material complies with the requirements of NFPA 58?	NA	NA	6.27.5.1 and 6.27.5.2
2	Mounding of containers	Each container in the facility is mounded?	NA	NA	6.27.5.3
		Mounding complies with each requirement under section 6.6.6.3 of NFPA 58?	NA	NA	6.6.6.3 and 6.27.5.3
3	Burying of containers	Each container in the facility is buried?	NA	NA	6.27.5.4
		Buried containers comply with each requirement under section 6.6.6.1 of NFPA 58.	NA	NA	6.6.6.1 and 6.27.5.4

Form 9.7 Special Protection Measures – Active Systems

Item #	Special Protection Option	Question	Is the Facility compliant?		NFPA 58 Section Reference (2014 Edition)
			Yes	No	
1	Water spray systems	Are fixed water spray systems, complying with NFPA 15 requirements, used for each container in the facility?	NA	NA	6.27.6.1
		Do fire responsive devices actuate water spray system automatically?	NA	NA	6.27.6.2
		Can the water spray systems be actuated manually also?	NA	NA	6.27.6.2
2	Monitor nozzle systems	Are the monitor nozzles located and arranged so that the water stream can wet the surfaces of all containers exposed to a fire?	NA	NA	6.27.6.3
		Can the water stream from a monitor nozzle reach and wet the entire surface of, at least, one half of a length from one end of each of the containers it is designed to protect?	NA	NA	6.27.6.3
		Do fixed monitor nozzles comply with NFPA 15 requirements?	NA	NA	6.27.6.1
		Do fire responsive devices actuate the monitor nozzles?	NA	NA	6.27.6.2
		Can the monitor nozzles be actuated manually also?	NA	NA	6.27.6.2

Equivalent Protection to a Water Supply for Industrial and Bulk Facilities

In the case where water supply is not available in or near the LP-Gas facility, or is inadequate, or it is prohibitively expensive to connect to a public or private water supply hydrant, alternative methods for providing protection should be considered. In lieu of providing a water supply, several alternatives are indicated in Table 9.1, which can offer an equivalency to a water supply system.

The intent of the controls identified in Table 9.1 is to maintain the entire system as a gas-tight entity. These methods include reducing the service life of equipment, increasing the design pressure rating of the system beyond the requirements of NFPA 58, or providing early detection and isolation of the system to ensure product control. This list is not exhaustive and is not ranked in an order of priority.

Table 9.1
Suggested Alternative Methods for Industrial and Bulk Plants
That Do Not Pose a Hazard But Lack a Water Supply

Item #	Possible options to implement when adequate water supply is not available
1	Reduce the service life of hoses.
2	Increase frequency of equipment inspection.
3	Establish a service life program for the maintenance of the container pressure relief devices. This could include the installation of a listed multiple port valve and certifying that the relief devices are properly set and maintained every 5 to 10 years.
4	Increase the design strength of the piping and fitting systems.
5	Install emergency shutoff valves in conjunction with container internal valves.
6	Install emergency shutoff valves downstream of transfer pump outlets and upstream of the vapor and liquid valves at the bulkhead.
7	Install pneumatic tubing along the facility boundary to serve as a perimeter fire detection system. This would provide protection of the facility against exposure fires.
8	Provide optical flame detection or linear heat detection, or a gas detection system connected to an isolation valve installed downstream of every liquid and vapor nozzle on the container. This system could also be monitored to send a signal to an alarm company that notifies the fire department of an event.
9	Increase the separation distances of internal facility exposures to the container. These exposures would include a site dumpster, idle or waste pallets and combustibles, and increasing the parking distances between the bobtails and transports in relation to the container.
10	Relocate overhead power lines away from all container and cylinder storage areas to protect against ignition in the event of a line dropping due to wind or power pole impact.
11	Eliminate all combustible vegetation within 30 feet of the LP-Gas container. This can be accomplished using gravel, or paving the site yard.
12	Install tanks using the mounding or burial method.



Proposed Tank

MN-15

ATTACHMENT C
Aerial Map



0 50 100 200 Feet

This map was prepared by Nicollet County for the purpose of providing information. It is not intended to be used as a legal document. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The user accepts the data "as is" and assumes all risks. This map is not to be used for any other purpose.



Proposed Tank

MN-15

Klossner

ATTACHMENT D
Location Map



This information is intended to be a representation of available records. It is not a warranty, and the user assumes responsibility for the accuracy of the information for any purpose. Nicollet County assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data. The user accepts the data "as is," and assumes all risks. The user agrees not to hold Nicollet County liable for any damages, for use of the data or for any other purpose.





ATTACHMENT E
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
ALTMANN HOWARD M	57743 FORT RD	NEW ULM MN 56073
BEAN BEVERLY J	57731 FORT RD	NEW ULM MN 56073
EISENBACHER DAVID	57644 FORT RD	NEW ULM MN 56073
KLOSSNER WATER ASSOC INC	57832 FORT RD	NEW ULM MN 56073
KOOP COREY T	57613 FORT RD	NEW ULM MN 56073
LAFAYETTE TOWNSHIP	60054 398TH ST	NEW ULM MN 56073
MEYER JOHN F & CAROLYN T MEYER	57653 FORT RD	NEW ULM MN 56073
MOLDAN ANDREW G & KITA S MOLDAN	57759 FORT RD	NEW ULM MN 56073
OLSEN LEON	819 N FRANKLIN ST	NEW ULM MN 56073
SCHWERMANN CARL D	40511 581ST AVE	NEW ULM MN 56073
STATE OF MINNESOTA	MAIL STATION 3340	SAINT PAUL MN 55146
SWANSON-CULLEN CARLA	57773 FORT RD	NEW ULM MN 56073
UNITED FARMERS COOPERATIVE	PO BOX 461	WINTHROP MN 55396
WAIBEL MARY J	45438 541ST ST	COURTLAND MN 56021
WAYNE WELS- LAFAYETTE TOWNSHIP	60054 398TH ST	NEW ULM MN 56073
WENNINGER LESLIE & JAMI WENNINGER	57688 412TH ST	NEW ULM MN 56073
WETZEL KENNETH H & NANCY J WETZEL	40314 STATE HIGHWAY 15	NEW ULM MN 56073

ATTACHMENT F
Neighbor Notification List



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Darv Turbes, United Farmers Cooperative Hearing 7/15/2024
Property Owner United Farmers Cooperative Continuation N/A
File PLN24-10 Board Member _____
Request Reduction of the front yard setback in the Limited Industry Zoning District
from 100 feet to 73 feet for a bulk storage tank, and placement of a bulk
storage tank without a berm

CRITERIA WORKSHEET

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

YES ☐ NO ☐ REASON: _____

2. The variance is consistent with the intent of the Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

3. The variance establishes a practical difficulty in complying with the official controls.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for a Variance

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

YES ☐ NO ☐ REASON: _____

5. The variance will not alter the essential character of the locality.

YES ☐ NO ☐ REASON: _____

6. The practical difficulty includes more than economic considerations alone.

YES ☐ NO ☐ REASON: _____

ANSWERS BASED UPON

- ☐ Application ☐ Site visit ☐ Staff Report ☐ Photographs
☐ Information received at public hearing

Date: _____ Member: _____



VARIANCE

BLUFF SETBACK REDUCTION & DEVELOPMENT ON SLOPE GREATER THAN 12%

Zachary Miller

PLN24-13

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN24-13
APPLICANT:	Zachary Miller
LANDOWNER:	Zachary Miller
LOCATION:	Northwest ¼ of the Southeast ¼ of Section 31 111 26, Lake Prairie Township
PARCEL NO:	07.131.0900
EXISTING ZONING:	Conservancy
HEARING DATE:	07/15/24
60 DAYS FROM REQUEST:	08/20/24

REQUEST

Zachary Miller is requesting a reduction of the bluffline setback for the purpose of constructing the following:

Type	Size	Bluff Setback Requested
Home addition with walkout basement	10' x 16'	0 feet
Attached garage	27' x 24'	9 feet

The applicant is also proposing to construct a retaining wall and flatten the slope around the front of the home.

ORDINANCE

Nicollet County Zoning Ordinance 603.4 (5) *Bluffline*: For any structure, or excavation for a structure, but not for onsite sewage treatment systems, thirty (30) foot setback.

Nicollet County Zoning Ordinance 302 *Definitions*: Bluffline – A line along the top of a slope connecting the points at which the slope becomes less than twelve (12) percent. This applies to those slopes within the land use district(s) which are beyond the setback provisions from the ordinary high water mark.

Nicollet County Zoning Ordinance 721 *Land Preservation* (2): Slopes over twelve (12) percent in grade shall not be developed.

PROJECT DESCRIPTION

The existing home was constructed in 1880 and sits on top of a hill overlooking a meadow with scattered patches of trees. The slope on the property runs downwards in a southeasterly direction, with the rear of the home being relatively flat. All other sides having varying amounts of slope that

are generally over 12% grade but are not exceptionally steep. The original topography of the site is not known due to its age, but it is clear that it has been somewhat altered; this is especially true near the existing retaining wall on the southwestern edge of the home.

The Applicant wishes to construct the addition within an existing notch on the southeastern part of the home in order to “square it out”. This addition would have a walkout basement, which would be accomplished by excavating and flattening the earth in front of the home along with constructing a retaining wall. The retaining wall would start at the southeast edge of the addition and continue south, until the grade equalizes with the natural slope. The final elevation would be level with the other existing walkout basement.

The Applicant is also proposing to construct an attached garage on the northeastern rear of the home. This area is relatively flat and would require no major earthwork, although there is a slope over 12% grade 9 feet away.

EXISTING LAND USE

The 7.3-acre rectangular lot consists of a dwelling with several outbuildings. The northern tip of the property is being farmed; the remainder is either meadow, forested, or part of the homesite.

SURROUNDING LAND USE

The surrounding land use is varied with farmland to the north; forested bluff with a downward slope leading to a creek to the east and south; and farmland along with other homesites (the closest being about 300 feet from the property) to the west.

SITE REVIEW

The Property Services Department visited the site and took pictures of the request on June 20, 2024.

NEIGHBOR NOTIFICATION

Property owners were notified of the request per the standards of Section 503 of the Zoning Ordinance and Minnesota Statutes Section 394.26.

VARIANCE CRITERIA

Nicollet County Zoning Ordinance Section 503.1: A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the official control creates practical difficulties for the property owner in the use of their land. No variance may be granted that would allow any use that is not allowed in the zoning district in which the subject property is located. No variance shall permit standards lower than those required by state law. A variance may be granted only in the event that the following circumstances exist:

- 1. The variance is in harmony with the general purposes and intent of the official control?**
 - The intent of the official control in regard to the proposal is to prevent slumping and preserve slope stability.
 - The retaining wall was designed by a licensed engineer to preserve the stability of the slope.
- 2. The variance is consistent with the intent of the Comprehensive Plan?**
 - The Comprehensive Plan states:
 - Bluffs are a natural resource to be preserved, protected, and conserved.
 - The current bluff setback is inadequate for today's development, as slumping continues on bluffs, impacting both the structures and slope stability.
 - The retaining wall was designed by a licensed engineer to preserve the stability of the slope.
- 3. The variance establishes a practical difficulty in complying with the official controls?**
 - The location of the bluffline, along with the layout of the existing home, makes it difficult for the Applicant to construct a home addition in a location that meets their needs and/ or desires along with maintaining the 30-foot setback.
 - Given the proposed location of the walkout basement, there is no way to construct it without developing a slope greater than 12%. The Applicant claims the walk out will allow for the installation of fire escape windows.
- 4. The plight of the landowner is due to circumstances unique to the property not created by the landowner?**
 - The plight is due to the location of the dwelling in relation to the slope. It was not created by the landowner.
- 5. The variance will not alter the essential character of the locality?**
 - The use of the property is not changing, and the request is generally well screened from the neighboring properties.
- 6. The practical difficulty includes more than economic considerations alone?**
 - The practical difficulty, if any, consists of the location of the existing home in relation the slope.

RECOMMENDED CONDITIONS

Staff recommends the attachment of the following conditions if the variance request is approved:

1. The Applicant shall obtain a Zoning Permit from Nicollet County Property Services for the shed.
2. The Applicant shall submit a septic compliance inspection or obtain a Septic Permit for a new system before starting construction.
3. The County may enter onto the premises at reasonable times and in a reasonable manner to ensure the permit holder is in compliance with the conditions and all other applicable statutes, rules, and ordinances.
4. The applicant shall utilize erosion and siltation control measures during construction, such as a silt fence.
5. The Applicant shall establish a vegetative cover to prevent erosion where the slope has been disturbed.

**Applicant/Property Owner:
Zachary Miller**

PLN24-13

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Aerial Map
ATTACHMENT D	Location Map
ATTACHMENT E	Site Photographs
ATTACHMENT F	Neighbor Notification List
ATTACHMENT G	Criteria for a Variance



PROPERTY SERVICES DIVISION
501 S MINNESOTA AVENUE, SAINT PETER, MN 56082
507-934-7070

PLANNING & ZONING ADVISORY COMMISSION APPLICATION

TOTAL FEES: \$496.00

Parcel#: 07.131.0900

Permit#: PLN24-13

Date: 6/21/2024

Applicant: ZACHARY MILLER

Telephone: 507-469-5012

Owner: ZACHARY A MILLER

Property Address: 39803 365TH LN, SAINT PETER MN 56082

Abbreviated Legal Description: PT OF N 1/2 OF SE 1/4

Township: Lake Prairie Township

Zoning District(s): CONSERVANCY

Hearing Date: Monday, July 15, 2024

Record Type: Variance

Subtype: New

Category: Residential

Description: 10' X 16' ADDITION

Copies of the meeting agenda and packet are available on the Nicollet County website: co.nicollet.mn.us/AgendaCenter

Questions regarding the hearing can be directed to:

Spencer Crawford

Phone: 507-934-7071

Email: Spencer.Crawford@co.nicollet.mn.us

ATTACHMENT A
Application



APPLICANT SIGNATURE

6/21/24

DATE



PROPERTY SERVICES

6/21/24

DATE

Name Zachary Miller

6-21-24

Variance for home addition

Please describe the details

I am trying to preserve the heritage of a home that my great grandparents owned and has been in the family for 140 years.

The home is situated overlooking a meadow, my grandfather remodeled the kitchen with an addition and walkout basement 48 years ago . I need to replace the remaining 140 year old foundation and square off the home with a 10 by 16 foot addition. The addition will have a bathroom on the main floor and the basement will match the walkout to allow fire escape windows for 2 bedrooms. The engineering study shows with a retaining wall matching what is presently there , the slope will remain very stable as it has not moved in 140 plus years.

One suggestion was to move the home . That is not feasible as the home has been there 140 years , with a walkout basement for 48 years , and there have been no problems with the slope. The historical nature of the property is a home overlooking a meadow.

The property will continue to be a residential home with 4 bedrooms and 2.5 bathrooms. It will include an attached garage on the north side away from the slope. The slope is on the southeast corner of the house and there is no watershed sending water that direction. The water flows away from the house , mostly west and north , not creating a problem on the east slope.

ATTACHMENT B
Submitted by Applicant

1) the variance is in harmony with general purposes and intent of the official control

The variance to replace the 140 year old foundation , adding a 10 x 16 addition with walkout basement is in harmony with the general purpose and intent of the official control. The property continues to be a residential hobby farm with 5 goats and 15 chickens in an Ag District. The engineering study shows there is no watershed to create an erosion issue , and the extension of the walkout basement will make the slope more stable. The slope has had no issues in the 140 years the home has been here.

2) The variance is consistent with the intent of the Comprehensive Plan

This is consistent with the comprehensive plan, the property continues to be a residential hobby farm in the Ag District. The engineering study shows no issues with the slope for the past 140 years and the walkout basement will make the slope more stable.

3) The variance establishes a practical difficulty in complying with the official control.

The official control to protect the slope will be honored as the engineering study shows no risk to the slope by adding a 10 x 16 addition and extending the existing walkout basement. To move the home is not practical , and would lose the historical nature of the property.

4) The plight of the landowner is due to circumstances unique to the property.

The home was situated overlooking the meadow 140 years ago. The slope has been stable and has not shown any issue in that time as the watershed directs the water away from this slope

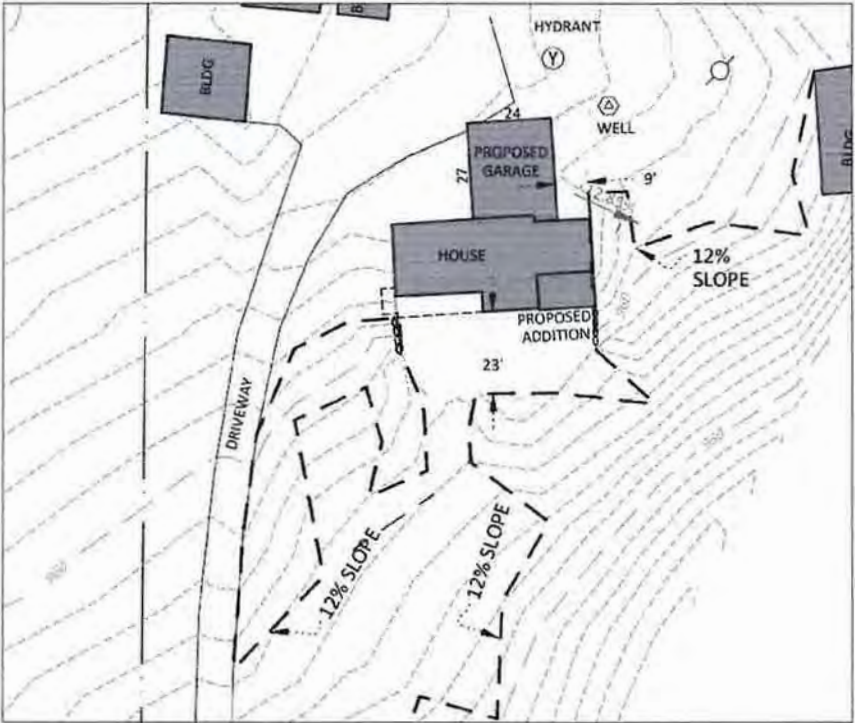
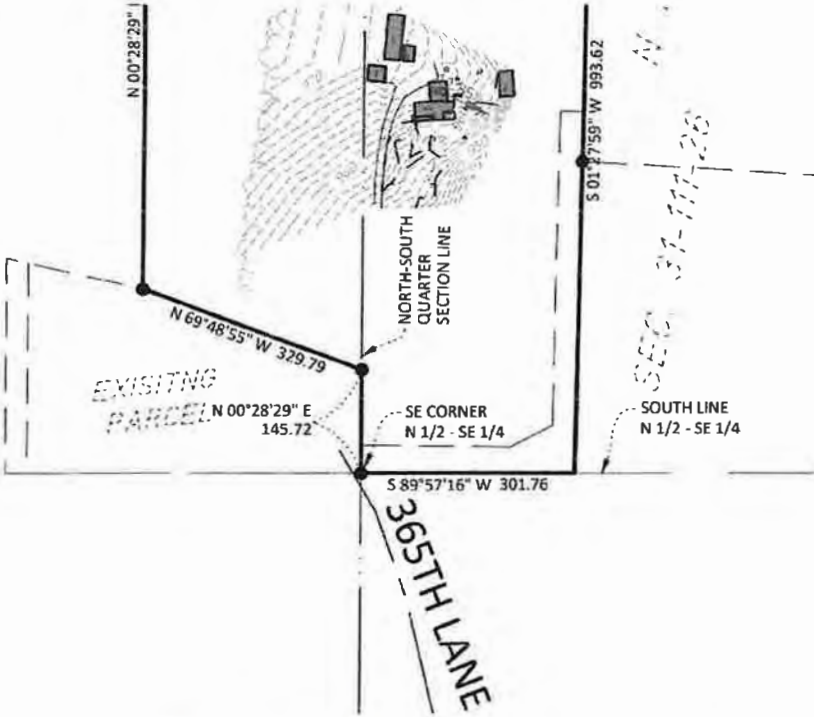
5) The variance will not alter the essential character of the locality.

The home addition will not change the character of the locality. The residential property continues to be a small hobby farm in an Ag District

6) The practical difficulty includes more than economic considerations alone.

The 140 year history of the property will be maintained. Replacing the aging foundation while adding a 10 x 16 addition to square off the home is the most reasonable solution. A walkout basement makes the bedrooms more safe.

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DETAIL
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EXHIBIT
LAKE PRAIRIE TOWNSHIP, NICOLLET COUNTY,

**BOLTON & MENK**

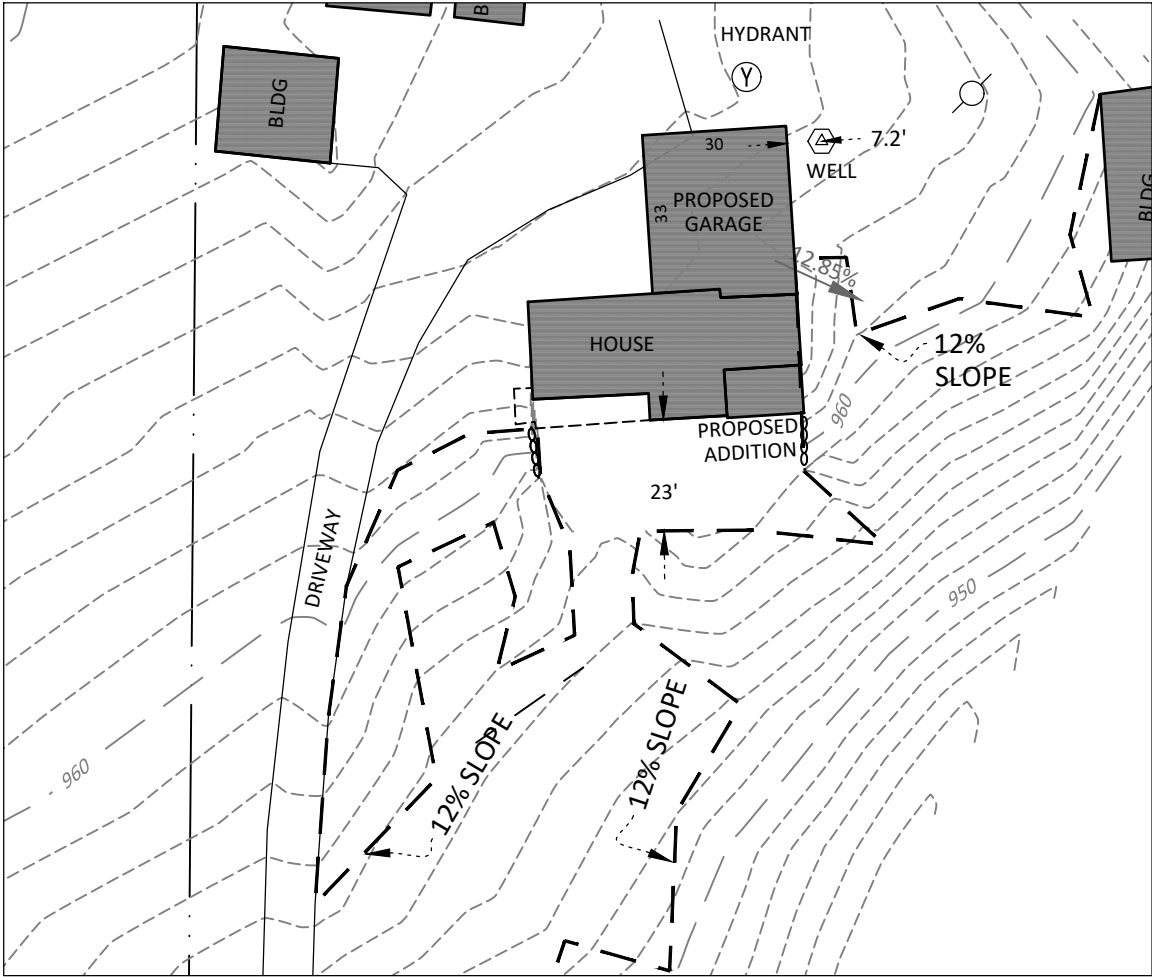
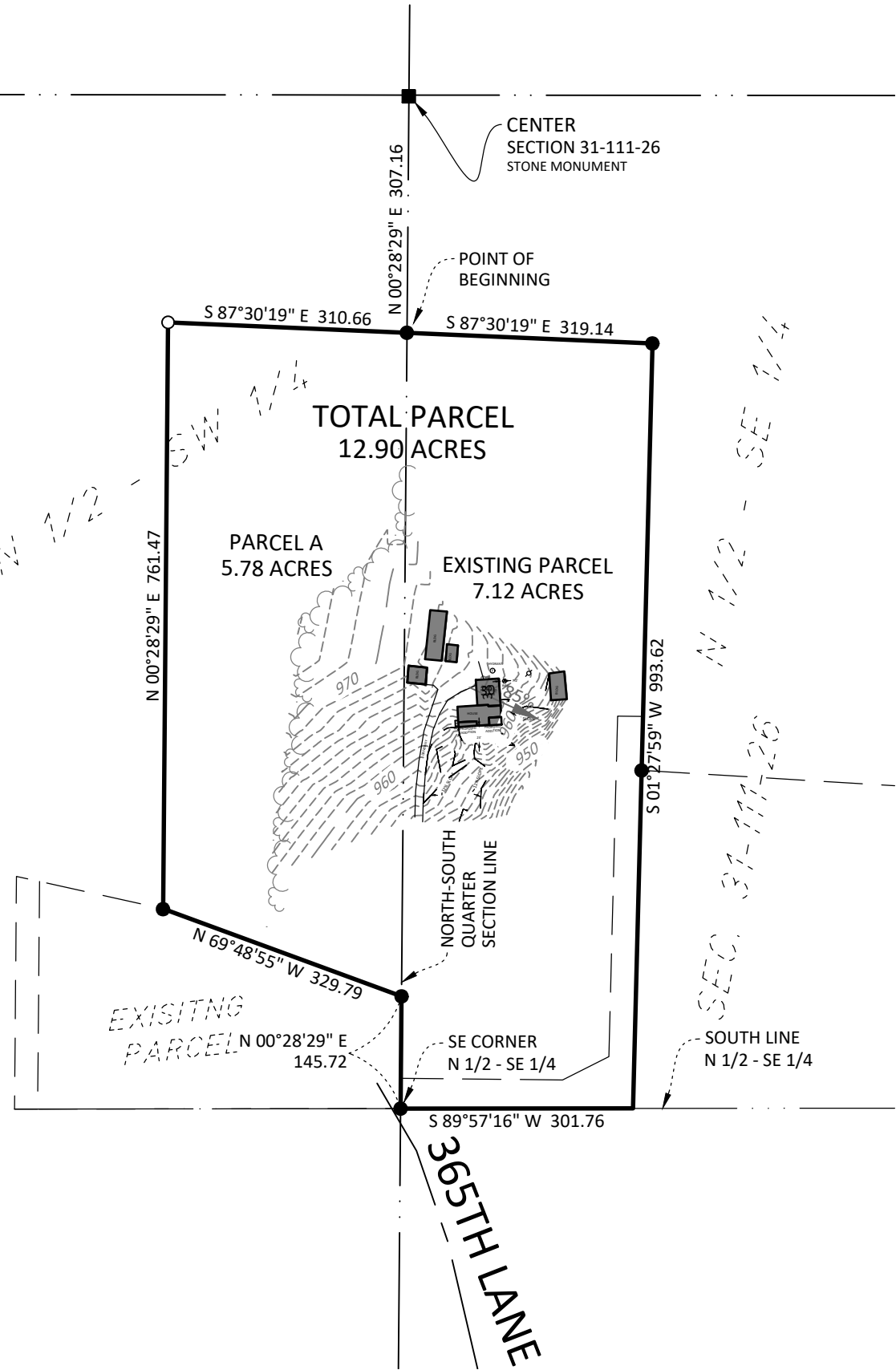
1960 PREMII
MANKATO, MN
(507) 625

DESCRIPTION OF RECORD (FROM ATTORNEY
STONE & ANTHONY DATED 12-23-71)

All that part of the north one-half of the Southeast Quarter of Section 31, Township 111 North, Range 26 West, described as: Commencing at the Center of Section 31; thence South 0 degrees, 07 minutes, 36 seconds East, (assumed bearing) along the North-South Quarter line of Section 31, a distance of 307.22 feet to the point of beginning; thence South 88 degrees 06 minutes 24 seconds East, 319.14 feet; thence South 0 degrees 51 minutes 54 seconds East, 990 feet, more or less to a point on the South line of the North one-half of the Southeast Quarter of Section 31; thence westerly along said South line, 320 feet more or less to the Southwest Corner of the North One-half of the Southeast Quarter of Section 31; thence North 0 degrees 07 minutes 36 seconds West along the North-South Quarter line of Section 31, a distance of 1008.13 feet to the point of beginning. Said tract contains 7.3 acres of land, more or less, and is subject to any all easements of record.

PROPOSED DESCRIPTION

That part of the North Half of the Southwest Quarter and that part of the North Half of the Southeast Quarter of Section 31, Township 111 North, Range 26 West, described as follows: Commencing at the Center of said Section 31; thence South 00 degrees 28 minutes 29 seconds West (bearings based on Nicollet County Coordinate System NAD83, 1996 Adjustment) on the North-South Quarter Section line, a distance of 307.16 feet to the point of beginning; thence South 87 degrees 30 minutes 19 seconds East, a distance of 319.14 feet; thence South 01 degrees 27 minutes 59 seconds West, a distance of 993.62 feet to the south line of said North Half of the Southeast Quarter; thence South 89 degrees 57 minutes 16 seconds West on said south line, a distance of 301.76 feet to the Southeast Corner of said North Half of the Southeast Quarter; thence North 00 degrees 28 minutes 29 seconds East on the North-South Quarter Section line, a distance of 145.72 feet; thence North 69 degrees 48 minutes 55 seconds West, a distance of 329.79 feet; thence North 00 degrees 28 minutes 29 seconds East, a distance of 761.47 feet; thence South 87 degrees 30 minutes 19 seconds East, a distance of 310.66 feet to the point of beginning. Said parcel contains 12.90 acres of land.



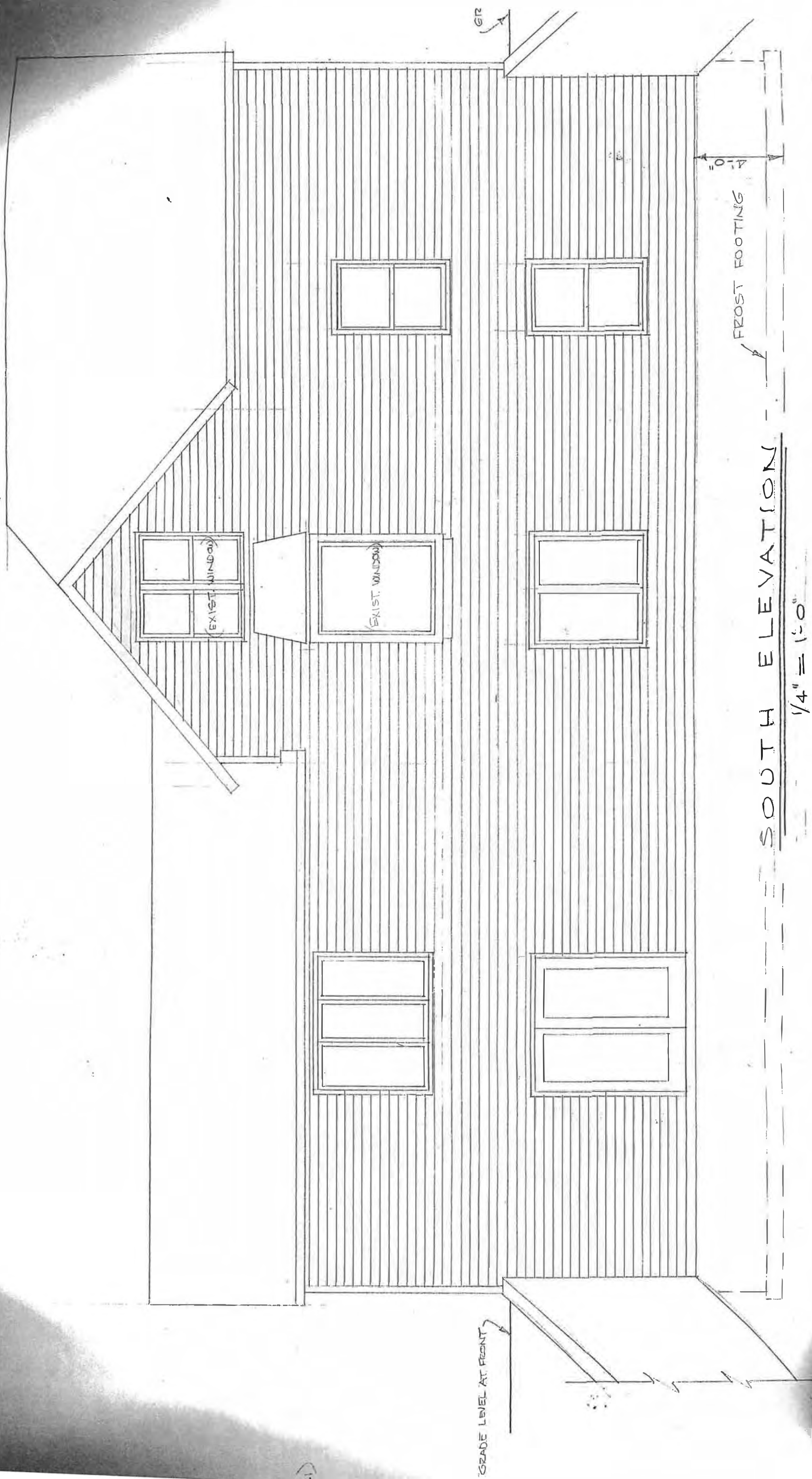
LEGEND

- 3/4" IRON PIPE MONUMENT SET MARKED BY LIC. NO. 46564
- MONUMENT FOUND

DETAIL
1" = 40'

EXHIBIT LAKE PRAIRIE TOWNSHIP, NICOLLET COUNTY, MINNESOTA		THAT PART OF THE N 1/2 OF THE SE 1/4 OF SECTION 31, TOWNSHIP 111 NORTH, RANGE 26 WEST, LAKE PRAIRIE TOWNSHIP, NICOLLET COUNTY, MINNESOTA FOR: GARY MILLER
 BOLTON & MENK	1960 PREMIER DRIVE MANKATO, MN 56001 (507) 625-4171	

1/4" = 1'-0"





Proposed Garage

Proposed Home Addition

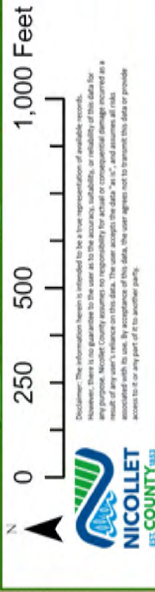
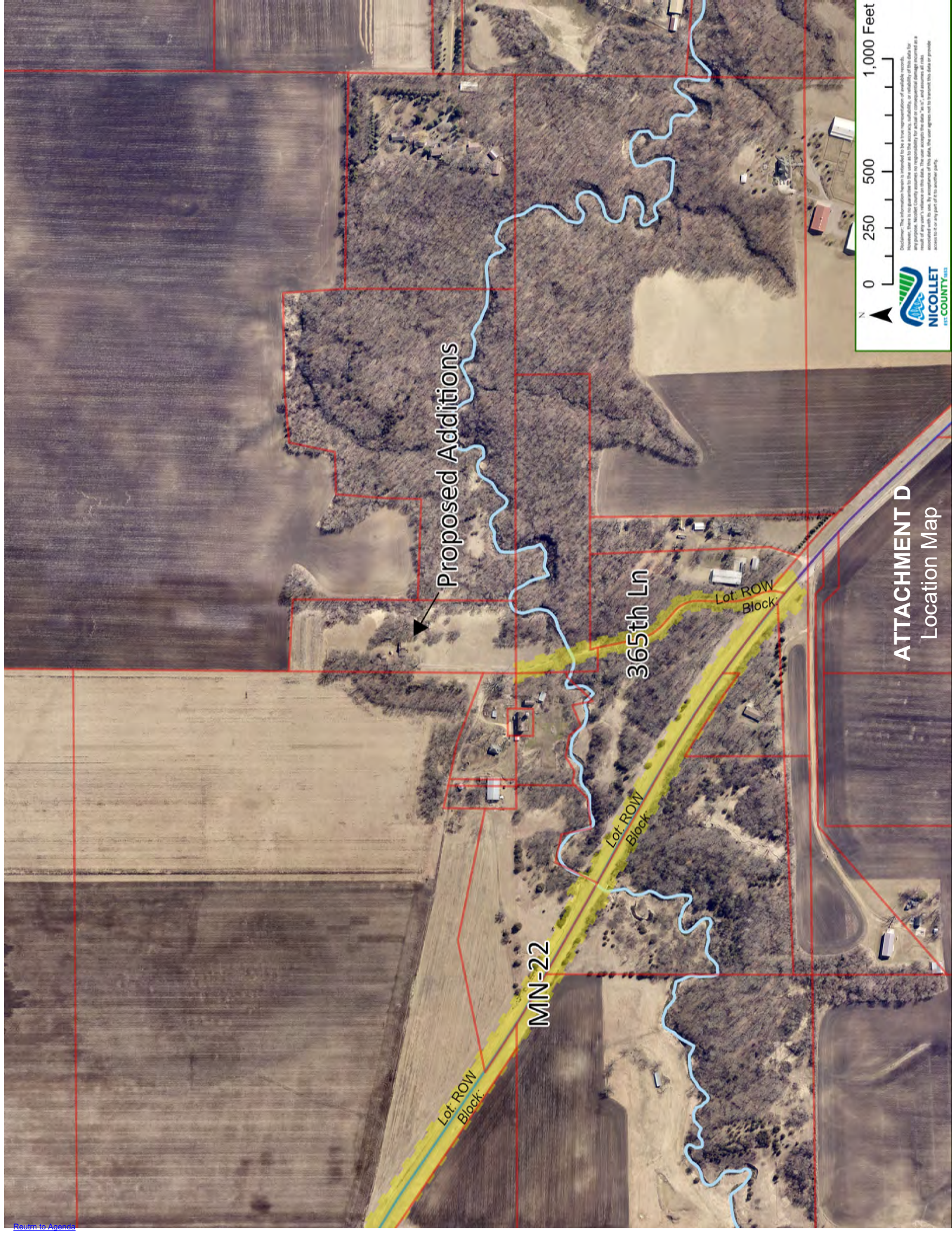
ATTACHMENT C
Aerial Map

0 40 80 160 Feet

N

 NICOLLET COUNTY
EST. 1858

Disclaimer: The information herein is intended to be a representation of available data. However, there is no guarantee to the user as to the accuracy, reliability, or validity of this data for any purpose. Nicotlet County assumes no responsibility for actual or consequential damages incurred as a result of any use of this data. By accepting this data, the user agrees to release the data or provide access to it to any party of the user's party.



ATTACHMENT D Location Map



ATTACHMENT E
Site Photographs

DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
DANIELS CHRISTOPHER D	1612 ASPEN DR	SAINT PETER MN 56082
HERBERG ANTHONY R & BRYAN L HERBERG	39342 391ST AVE	SAINT PETER MN 56082
KAREN BRANCAMP- LAKE PRAIRIE TOWNSHIP	33952 348TH ST	LE SUEUR, MN 56058
MEYER JOSEPH F & CHRISTINA R MEYER	39804 365TH LN	SAINT PETER MN 56082
MILLER GARY A	40415 STATE HIGHWAY 22	SAINT PETER MN 56082
MILLER NATHAN T & KRISTI A MILLER	40415 STATE HWY 22	SAINT PETER MN 56082
MILLER ZACHARY A	39803 365TH LN	SAINT PETER MN 56082
RIVERLAND LLC	2216 SHALOM AVE	MANKATO MN 56001
RODNING NICHOLAS P & JANET L RODNING	40027 STATE HWY 22	SAINT PETER MN 56082
RODNING PAUL E & GAYLA J RODNING	1612 WINDSOR LN	SAINT PETER MN 56082
SEITZER MERLIN H REVOCABLE TRUST	35698 398TH LN	SAINT PETER MN 56082
SODERLUND WILLIAM A JR & BETH A SODERLUND	40293 STATE HWY 22 PO BOX 492	SAINT PETER MN 56082

ATTACHMENT F
Neighbor Notification List



BOARD OF ADJUSTMENTS AND APPEALS CRITERIA FOR GRANTING A VARIANCE

Name of Applicant Zachary Miller Hearing 7/15/2024
Property Owner Zachary Miller Continuation N/A
File PLN24-13 Board Member _____
Request Reduction of the Bluff setback in the Conservancy Zoning District from 30 feet to 0 feet, development on a slope greater than 12%.

CRITERIA WORKSHEET

A variance may be granted only where the strict enforcement of the Nicollet County zoning controls results in a **practical difficulty**. A determination that a practical difficulty exists is based upon criteria defined by the Minnesota Supreme Court; Minnesota State Statute 394.27, subdivision 7; and Nicollet County Zoning Ordinance, Section 503.1.

1. The variance is in harmony with the general purpose and intent of the official control.

YES ☐ NO ☐ REASON: _____

2. The variance is consistent with the intent of the Comprehensive Plan.

YES ☐ NO ☐ REASON: _____

3. The variance establishes a practical difficulty in complying with the official controls.

YES ☐ NO ☐ REASON: _____

ATTACHMENT G
Criteria for a Variance

4. The plight of the landowner is due to circumstances unique to the property and not created by the landowner.

YES ☐ NO ☐ REASON: _____

5. The variance will not alter the essential character of the locality.

YES ☐ NO ☐ REASON: _____

6. The practical difficulty includes more than economic considerations alone.

YES ☐ NO ☐ REASON: _____

ANSWERS BASED UPON

- ☐ Application ☐ Site visit ☐ Staff Report ☐ Photographs
☐ Information received at public hearing

Date: _____ Member: _____