

BOARD OF ADJUSTMENT & APPEALS AGENDA

Date: August 19, 2024

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

Location: County Board Room - Government Center, 501 S. Minnesota Avenue, St. Peter

Copies of the meeting agenda and packet are available on Nicollet County's website: www.co.nicollet.mn.us/Agendas
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: *July 15, 2024*
6. Approval of Findings of Fact: 7/15/2024
 - **PLN 24-13:** Miller
7. Public Appearances
8. **PUBLIC HEARING: PLN24-10 (continued from 7/15/24)**
 - 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 one hundred feet to seventy-three 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: PLN24-14**
 - Applicant: Angela Honstad
 - Landowner: Angela & Ryan Honstad
 - Request: After-the-fact reduction of bluff setback and construction in bluff for a home addition
 - Location: Part of Northwest ¼ of Southwest ¼ and Government Lot 1, Section 22-110-30, in Courtland Township
 - Parcel Number: 04.022.1015
 - Zoning Specialist: John Zehnder
10. Old Business

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.

11. Other Business
12. Communications
13. Adjourn



BOARD OF ADJUSTMENT & APPEALS REGULAR MONTHLY MEETING MINUTES

JULY 15, 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) ☒ Justin Hughes, Assistant County Attorney (ACA) ☒ Crystal Madden, Recording Secretary

REVIEW OF CANCELLATIONS & ADDITIONS	PLN24-10, Turbes/United Farmers Cooperative is being continued until August 19, 2024 due to lack of quorum. The applicant has consented to the continuance. A motion was made by Member Laven, and seconded by Member Ubel for the continuance, and the motion passed by vote 3-0.
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APPROVAL OF JUNE 10, 2024 MINUTES	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 MINUTES	☒ PASS ☐ FAIL	VOTE: 3 - 0

FINDINGS OF FACT PLN24-10, ZIMMERMAN	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: 3 - 0

PUBLIC APPEARANCES	None.
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VARIANCE PUBLIC HEARINGS	
PLN24-13	APPLICANT/LANDOWNER: Zachary Miller
DESCRIPTION OF REQUEST	Reduction of the Bluff setback in the Conservancy Zoning District from thirty (30) feet to zero (0) feet for the purpose of constructing a home addition. PID: 07.131.0900
CONFLICT OF INTEREST	None.
SITE VISIT & PUBLIC CONTACT	Board Member Schwab Thoreson & Ubel visited the site. There was no contact with Board Members from members of the public.
STAFF REPORT PRESENTED BY	ZS Crawford An engineering report made by Brent Krohn, Structural Engineer with Midwest Engineering, was submitted into the Record, and read to the Board during the meeting.

APPLICANT TESTIMONY	Present to represent the application was Gary Miller, located at 40415 State Highway 22, St. Peter. Mr. Miller updated the Board that the second survey showing the thirty (30) by thirty-three (33) foot home addition is the current plan.		
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.		
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: 3 - 0

ADDITIONAL ITEMS			
OLD BUSINESS	None.		
OTHER BUSINESS	None.		
COMMUNICATIONS	None.		
ADJOURN MEETING	MOTION		SECOND
07:34 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: 3 – 0

SPENCER CRAWFORD, ZONING SPECIALIST		DATE	8/19/2024
RANDY SCHWAB, CHAIR		DATE	8/19/2024



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

Applicant	Zachary Miller	Hearing	7/15/2024
Property Owner	Zachary Miller	Continuation	N/A
File	PLN24-13	Parcel ID	07.131.0900
Request	A reduction of the bluffline setback from thirty (30) feet to zero (0) feet for the purpose of constructing a dwelling addition		

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 intent of the official control in regard to the proposal is to maintain slope stability. An engineering study was completed by a licensed engineer, which reported the ground suitable for construction.
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	☐	☐	☐	☒	The intention of the Comprehensive Plan is to maintain slope stability. An engineering study was done with the recommendation to stabilize the slope during and after construction. Following the engineer's recommendation - the ground should remain stable.
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	☐	☐	☐	☒	The Applicant would like to construct the building with a walkout basement for use as an emergency egress. The age and location of the home make it difficult to modify to meet their needs. The ground is not greater than a 12% slope.
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 plight is due to the location of the house in relation to the slope, and not created by the landowner. The dwelling was built before current zoning ordinances.
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 use of the property is not changing. There is currently a house on location with a walkout basement. All slopes will be restored and maintained during, and after, construction. The request is screened from the neighboring properties, and will have minimal impact on the bluff.
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 Applicant wishes to replace the aging foundation and square up the house. The practical difficulty is due to the slope in relation to where the house was built.
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 provided the following statement in regard to the landscaping:

The main concern we have about the landscaping for the Cenex station propane tank is keeping it out of MnDOT R/W and the clear zone for this portion of the road. Traffic indicated it would be advisable to plant something that would grow to have a stem/trunk diameter less than 4 inches. That way it should act in more of a breakaway manner if it got hit.

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. Public comment was received but not in regard to the variance request; see PLN24-11.

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.
4. All planted landscaping shall be located outside of the MNDOT right of way and have a stem/trunk diameter of less than 4 inches.

**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)

Jun 21, 2024

APPLICANT SIGNATURE

DATE

Spencer Crawford

06/21/24

PROPERTY SERVICES

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:	CBJCHBCAABAAHzBTWSaCxRj6CdUxYfuKb7MQRBjMAfi

"App (unsigned)" History

-  Document created by Spencer Crawford (Spencer.Crawford@co.nicollet.mn.us)
2024-06-21 - 1:47:17 PM GMT- IP address: 151.111.52.1
-  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 allows 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

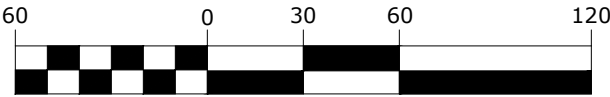
~for~ United Farmers Cooperative
~of~ Lots B, C, & J, of the plat E. KOTTKE
GAREIS SUBD. NO. 3, SEC.3, T.110,
R.30, Lafayette Twp., Nicollet Co., MN

LEGEND

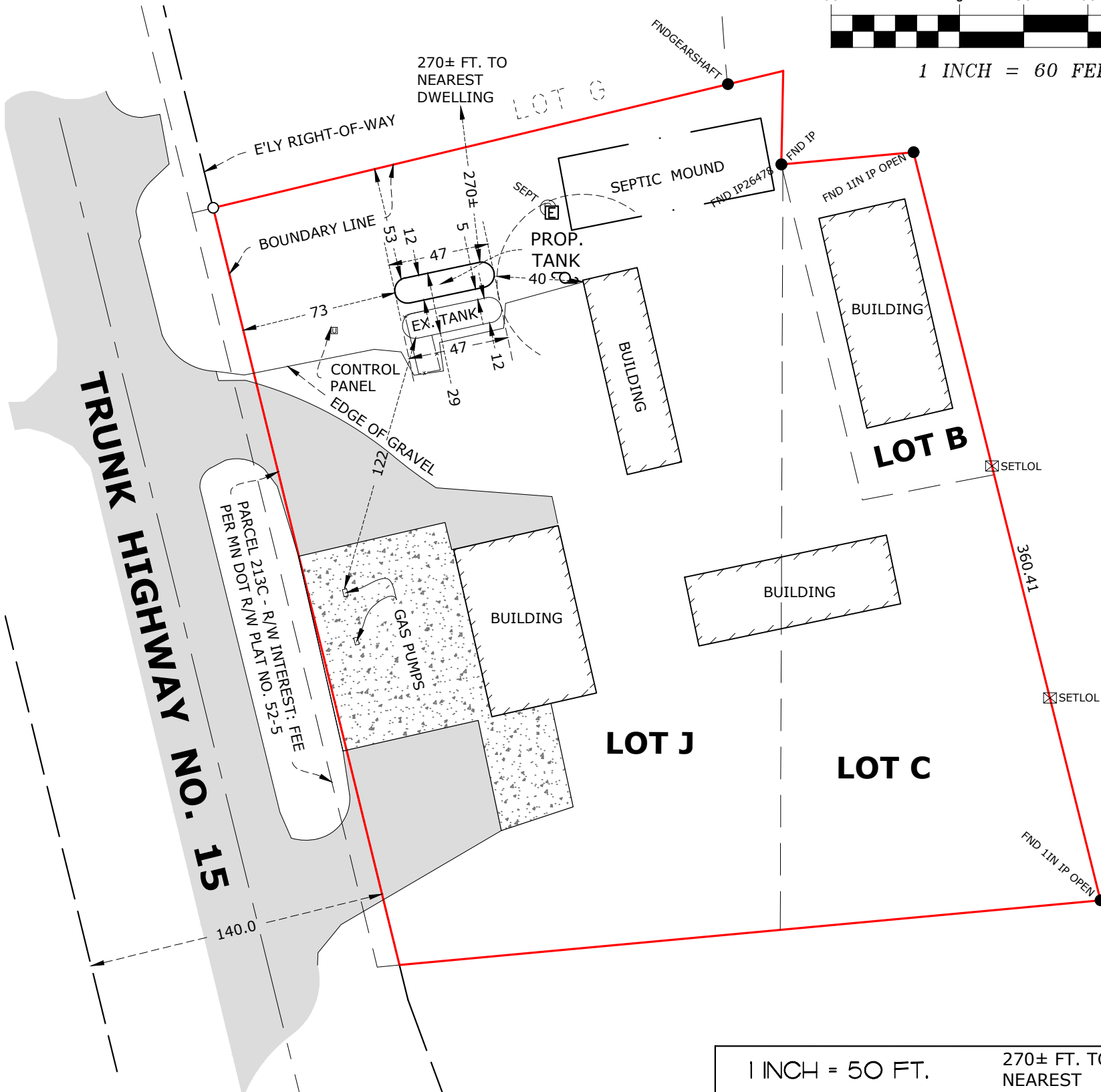
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET
- ⌚ DENOTES ELECTRICAL BOX
- ⚡ DENOTES POWER POLE
- DENOTES FENCE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE

NORTH

GRAPHIC SCALE

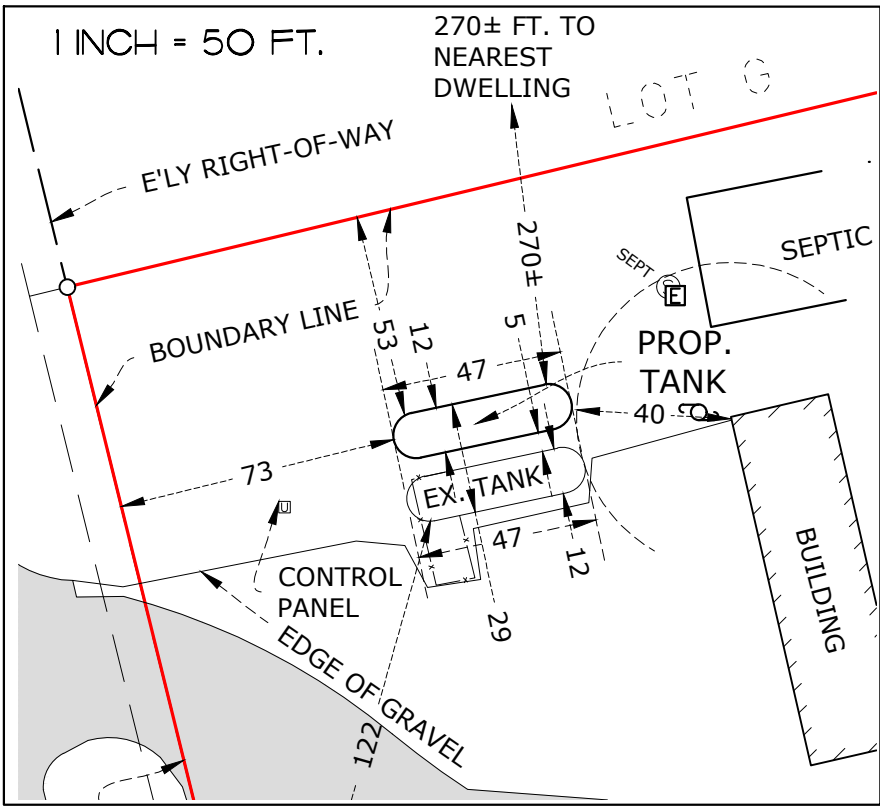


1 INCH = 60 FEET



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				DATE: <u>3/30/2024</u>
1				DRAWN BY: <u>KDN</u>
2				CREW: <u>JWM</u>
3				
NO.	DATE	DESCRIPTION	BY	



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

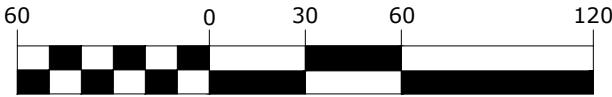
~for~ United Farmers Cooperative
~of~ Lots B, C, & J, of the plat E. KOTTKE
GAREIS SUBD. NO. 3, SEC.3, T.110,
R.30, Lafayette Twp., Nicollet Co., MN

LEGEND

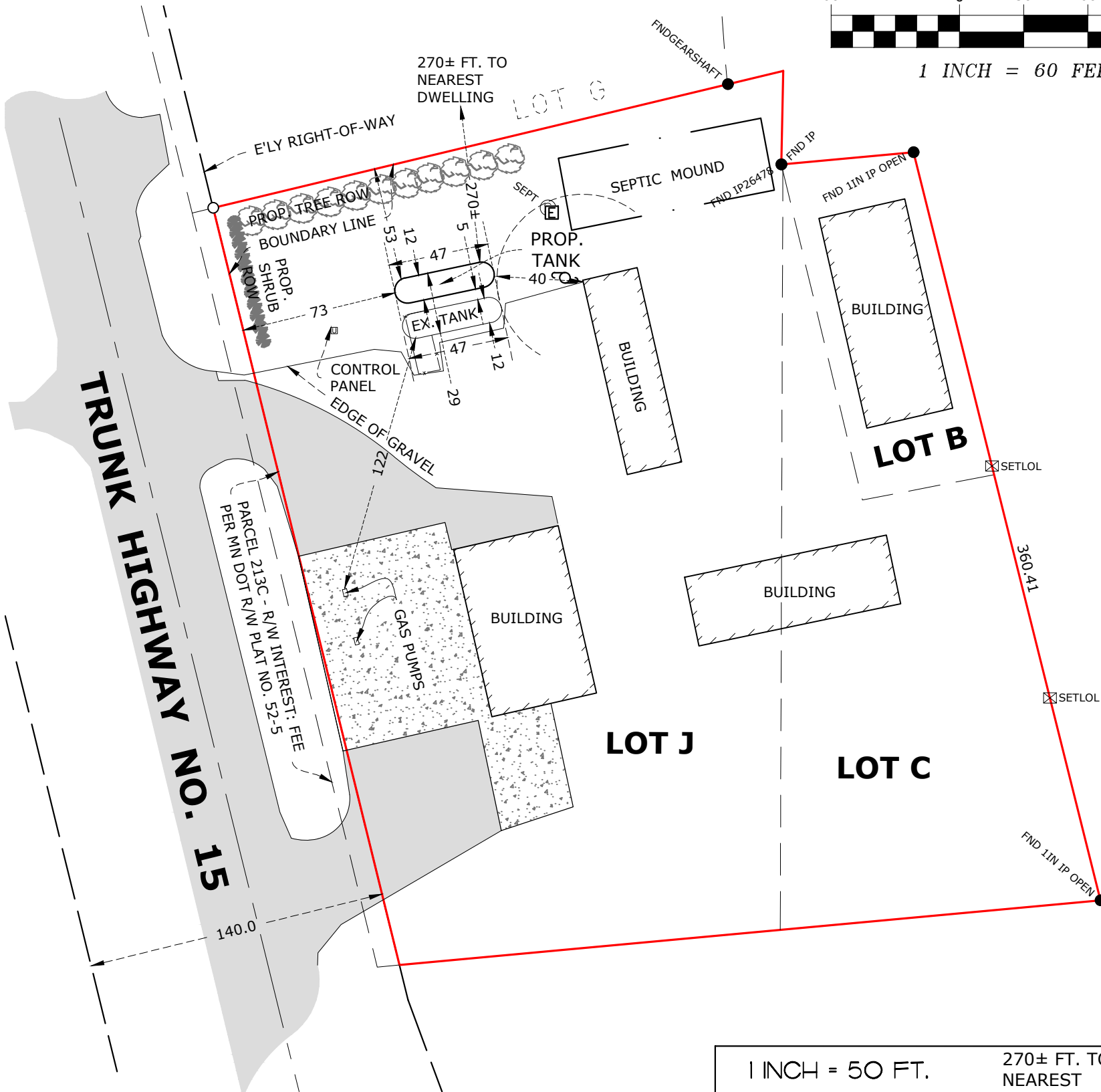
- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET
- ⌚ DENOTES ELECTRICAL BOX
- ⚡ DENOTES POWER POLE
- DENOTES FENCE
- ▨ DENOTES BITUMINOUS SURFACE
- ▩ DENOTES CONCRETE SURFACE

NORTH

GRAPHIC SCALE

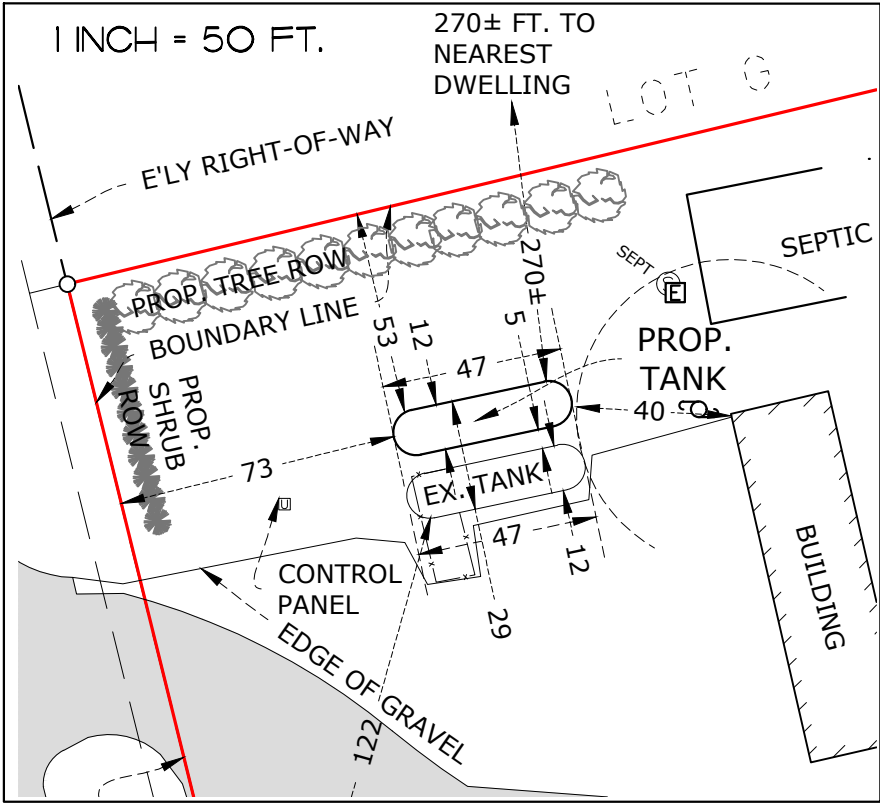


1 INCH = 60 FEET



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.).
- Parcel ID Number: 06.541.0020.
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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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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
(1) <u>1 1/4" 6000# Cplg. W/Plug F.S.</u>	(1)	<u>1"</u>	<u>Sch. 80 Pipe</u>	<u>A-106-B</u>	<u>Thermowall</u>	<u>Welded</u>	
(1) <u>2" Special Adaptor</u>	(2)	<u>4" 300#</u>	<u>Lg. Weld Neck Flg.</u>	<u>A-181-1</u>		<u>Welded</u>	
(5) <u>2" (1) 6" 300# Slip-on Flg.</u>	(1)	<u>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@arrowtank.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 2020 ☐ Proposed Facility

a) Name of the Facility (if applicable): United Farmers Cooperative

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: 40339 State Hwy 15
New Ulm, MN 56073

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:
None

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 Installed in the facility?		F 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	☐	☒	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.

Handwritten notes:
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	C	D		E
#	Special Protection Option	Question	Is the Facility compliant?		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



Klossner

Proposed Tank

MN-15

ATTACHMENT D
Location Map



0 250 500 1,000 Feet



Disclaimer: The information herein is intended to be a true representation of available records. However, there is no guarantee to the user as to the accuracy, suitability, or reliability of this data for any purpose. Nicollet County assumes no responsibility for actual or consequential damages incurred as a result of any user's reliance on this data. The user accepts the data "as is", and assumes all risks associated with its use. By acceptance of this data, the user agrees not to transmit this data or provide access to it or any part of it to another party.



06 28 2024



06 28 2024



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



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 8/19/2024

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: _____

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%

Angela Honstad

PLN24-14

**NICOLLET COUNTY
BOARD OF ADJUSTMENT AND APPEALS**

SUBJECT:	Variance PLN24-14
APPLICANT:	Angela Honstad
LANDOWNER:	Angela Honstad & Ryan Honstad
LOCATION:	Northwest ¼ of the Southwest ¼ and Government Lot 1, Section 22-110-30, in Courtland Township
PARCEL NO:	04.022.1015
EXISTING ZONING:	Conservancy
HEARING DATE:	08/19/24
60 DAYS FROM REQUEST:	09/12/24

REQUEST

Angela Honstad is requesting an after-the-fact variance to develop a bluff and reduce the bluffline setback for the purpose of construction:

Type	Size	Bluff Setback Requested
Home addition with basement	420.7 sq. ft.	0 feet
10-ft. wide wrap-around deck	496.2 sq ft.	0 feet

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 1999 and is built into an area of bluff that drops about 6 feet toward the southwest. This lets on to a flatter area of approximately 54 feet that subsequently drops down toward the US 14 Right of Way and the Minnesota River. The areas of bluff to the northwest and southwest of the house are above 12% in grade, but not exceptionally steep, with Property Services staff measuring a slope of approximately 14%. The original topography of the site cannot be accurately determined. However, the survey does indicate areas

of the bluff that experienced structural grading during the original 1999 construction. These areas likely experienced significant alterations from their original form.

The applicant's addition replaces an existing deck located on the site. The applicant has stated that her primary goal was to free up space elsewhere for her growing family by adding a family room. Her secondary goal was to eliminate the safety hazard of the former deck, which she states was rotting and harboring vermin. The addition's basement would be used for personal storage. The addition would also include a 10-foot wide wrap-around deck with a tuck-under staircase to reach the flat part of the backyard. The applicant has stated that she contacted the Property Services department to inquire about permitting last fall. However, we were not able to locate a record of this. Construction began in April and the concrete basement had been poured when staff from the County Assessor's office took photos on May 14th. The applicant stopped construction after receiving our letter. However, she stated that they had significant water infiltration and basement flooding after the June 20-22 rainfall event and subsequently completed the walls and roof to prevent further leakage. They have since paused further construction.

EXISTING LAND USE

The 14.5-acre lot includes a dwelling with a shed near the northern property line. The western half of the property is forested, with meadow and orchard making up the areas east of the dwelling.

SURROUNDING LAND USE

The surrounding area includes farmland to the east and forested bluffs to the west, with adjacent homesites along Spruce Haven Lane. The nearest of these dwellings is about 300 feet to the south.

ENGINEERING REPORT

Bolton & Menk performed an analysis that took into account slope before and after construction, as well as site soil material. Their team found that the project has changed the immediate slope from 12% to 21%. However, it also decreased the soil load at the site by 68%. This means that despite the change in slope, the site's safety factor is still 5.9, which is well above the minimum threshold of 1.5. Their report concluded that the project did not pose a risk to the overall stability of the area.

SITE REVIEW

The Property Services Department first visited the site on May 30th to measure slopes and subsequently on July 23rd to take photographs.

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 engineering analysis finds that project has not reduced the slope factor of safety to an unsafe level.

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 area of bluff altered by this project already experienced structural grading during the existing dwelling's 1999 construction.
- This project does not involve the clearing of any trees or other areas of natural vegetation.
- The engineering report states that project has not posed a risk to overall soil stability in the area.

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

- The existing dwelling's location within the bluff means that nearly all potential addition sites would fall within the bluff setback
- The only part of the home outside of the bluff setback is the southeast corner of the garage which is not conducive to a room addition
- Expansion on the eastern side of the home is further limited by the location of an existing septic pipe as shown in the property's septic as-built drawing

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 within the bluff and the location of the septic pipe. 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
- The area of construction is well-screened from neighboring properties by existing forest
- Homes built into the bluff or bluff setback are quite common in this area, with at least 17 existing between State Highway 15 to the north and the Highway 37 Bridge to the south.

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

- The practical difficulty, if any, arises from the existing home's location within the bluff and the location of the existing septic pipe

In consideration of an after-the-fact variance request, and in addition to the criteria listed in Section 503.1, the Board shall take into consideration the following:

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

- The Applicant states they had received the impression that they would not need to obtain a zoning permit.

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

- Homes built into the bluff or bluff setback are quite common in this area, with at least 17 existing between State Highway 15 to the north and the Highway 37 Bridge to the south.
- The county has granted two variances to the bluff setback in this area within the last two decades

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

- Regarding nearby road infrastructure, MnDOT District 7 did not have any comments.

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

- The act may be unintentional as the Applicant states they were unaware that a variance would be required to replace their former deck with a home addition.

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 addition.
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 shall utilize erosion and siltation control measures during construction, such as a silt fence beneath areas of disturbed soil until vegetative cover can be established
4. The applicant shall establish a vegetative cover to prevent slope erosion where soil has been disturbed
5. If new vegetation proves difficult to establish, a landscape or erosion control specialist shall be engaged.
6. Construction equipment shall not drive on slopes greater than 12% when wet.

**Applicant/Property Owner:
Angela Honstad**

PLN24-14

ATTACHMENT A	Application
ATTACHMENT B	Submitted by Applicant
ATTACHMENT C	Aerial Map
ATTACHMENT D	Location Map
ATTACHMENT E	Buildable Area Map
ATTACHMENT F	Septic Drawing
ATTACHMENT G	Engineering Report
ATTACHMENT H	Site Photographs
ATTACHMENT I	Neighbor Notification List
ATTACHMENT J	Criteria for a Variance



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

BOARD OF ADJUSTMENT & APPEALS APPLICATION

TOTAL FEES: \$1,296.00

Parcel#: 04.022.1015
Permit#: PLN24-14
Date: 7/17/2024

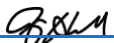
Applicant: ANGELA HONSTAD
Telephone: 507-276-6804
Owner: HONSTAD ANGELA & RYAN HONSTAD
Property Address: 43778 SPRUCE HAVEN LN, NEW ULM MN 56073
Abbreviated Legal Description: PT OF NW 1/4 OF SW 1/4 AND G.L. 1 IN 22-110-30
Township: Courtland Township
Zoning District(s): CONSERVANCY
Hearing Date: **Monday, August 19, 2024**

Record Type: Variance
Subtype: Addition
Category: Residential
Description: VARIANCE TO BLUFF SETBACK AND BUILDING IN BLUFF

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:

John Zehnder
Phone: 507-934-7076
Email: John.Zehnder@co.nicollet.mn.us

ATTACHMENT A
Application


[Angie Honstad \(Jul 23, 2024 16:30 CDT\)](#)

APPLICANT SIGNATURE

Jul 23, 2024

DATE



PROPERTY SERVICES

7/17/24

DATE

PLN24-14 App Invoice Receipt

Final Audit Report

2024-07-23

Created:	2024-07-17
By:	John Zehnder (John.Zehnder@co.nicollet.mn.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAW1KsmwRQLn5IfCakHU0KgZ2N8l0SEdsP

"PLN24-14 App Invoice Receipt" History

-  Document created by John Zehnder (John.Zehnder@co.nicollet.mn.us)
2024-07-17 - 9:50:59 PM GMT- IP address: 151.111.52.1
-  Document emailed to angiehonstad@gmail.com for signature
2024-07-17 - 9:51:44 PM GMT
-  Email viewed by angiehonstad@gmail.com
2024-07-17 - 10:00:31 PM GMT- IP address: 66.102.6.233
-  Signer angiehonstad@gmail.com entered name at signing as Angie Honstad
2024-07-23 - 9:34:33 PM GMT- IP address: 66.60.210.89
-  Document e-signed by Angie Honstad (angiehonstad@gmail.com)
Signature Date: 2024-07-23 - 9:34:35 PM GMT - Time Source: server- IP address: 66.60.210.89
-  Agreement completed.
2024-07-23 - 9:34:35 PM GMT



APPLICANT QUESTIONNAIRE: AFTER-THE-FACT VARIANCE CRITERIA & PROJECT DESCRIPTION

APPLICANT NAME: Angela Honstad DATE: 8/4/2024
REQUEST: Family room addition

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.

This request is in harmony with the general purposes of the zoning controls as it would allow an additional space for our growing family that extends into current space in our backyard. It would not encroach on the wooded hillside, neighbors, or have a negative impact on the environment. This area was previously a tiered flower garden with an arbor and an overgrown small decorative pond (less than 10 inches deep, more of a safety hazard for kids and nonfunctional).

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

This variance request is consistent with the intent of the comprehensive plan, chapter 4 is specifically relevant in respect to the intention of preserving natural resources which is what led to the Nicollet County bluff set back requirement and definition. This addition does not encroach on the river valley, natural resources or what would generally be considered a bluff. It is a grassy, sloped area of our yard between a flat front yard/garage/driveway and a lower but flat backyard area where our walk out basement is located.

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

There is a practical difficulty due to the location of the house. There is a broad, flat area with a gradual slope down to another flat area in the backyard. Please see more details on the application but there was not another good option for placement of the addition due to layout of the home and placement of the septic system.

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

The layout of the property and placement of the existing house relative to the hillside led to the need for a variance as there is a small section of the hillside adjacent to the house with a higher slope (14%) leading this to fall into Nicollet County's bluff category.

ATTACHMENT B
Submitted by Applicant

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

The construction and presence of the addition will not alter the character of the area which is our backyard (this space was previously flower beds/landscaped area). It will not alter or impact the wooded hillside, native plants or wildlife.

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

The practical difficulty is related to the physical layout of the property. Please see included survey.

ADDITIONAL AFTER-THE-FACT CRITERIA FOR USE ONLY WHEN 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?

- I did contact the county prior to beginning any work, when we were in the early planning stages. I was instructed at that time that a building permit was not necessary for what we planned but we would need an electrical permit. I am not sure if this was a misunderstanding on my part or from the official that I spoke with but it was not intentional to proceed without necessary permits. In the past we have always sought out and followed permit requirements (redoing out septic in 2018, contacting the county when installing windows in 2019, etc).
- In April we had received notice that assessors would be coming out this year to evaluate properties. Early construction had begun at this time.
- In May the assessors came out and were allowed to look around without any issues, they did not say anything about the construction other than that they would come back in the fall when it was finished. We were not notified at the time that there was an issue so construction proceeded until we received a letter in the mail in late May from the Nicollet County Property Services Department stating that there was a violation.
- At that point concrete was already poured, walls were framed in above the concrete. We stopped construction at that time. Unfortunately the concrete seams leaked significantly with all the rain in the spring/early summer. We tried several mitigating strategies – sealants/sprays, plastic wrap. In spite of that we had to have 2 sump pumps running with a hose out of our basement window to keep the water at bay and a dehumidifier. As this was now open to our basement and we couldn't keep up with the leaking we did resume some construction to close up/seal the exterior (windows, roof, etc) to protect the interior of our home.

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

- Yes, in our development of homes off of the adjacent area of County Road 21 and Spruce Haven Lane nearly all of the homes are built on the hillside.

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

- Yes, we believe it does.

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

- Yes, see above.

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
- what use, or uses, the project will provide for you;

I am requesting a variance to add a family room/sunroom to the corner of our home. This is located where there was a deck previously and extends a few feet beyond the prior deck foot print (where there were some tiered flower beds, arbor, and small nonfunctional decorative pond). The original deck was rotted, for the past several years we have reinforced the boards from underneath to keep it safe. Now with a growing family and children getting to an age to be playing in the yard we needed to replace the deck. Wild animals have nested under the deck in the past also leading to safety concerns so after much thought and a need for a separate seating area (most of our home is very open floor plan) we decided to add a family room there. This would address both safety concerns and space needs. Planning started over the winter and we had Puhlman Lumber evaluate the house (roof line, location, etc) to see what was possible. Due to the layout of the home and the septic system location in the front yard it was determined that this was the best location for the family room addition and again, it solved the 2 prior safety issues with our deck. In the initial planning stages I did contact Nicollet County to ask about permits, now months later I cannot recall all details of the conversation whether I did not explain well or the official misunderstood but I was led to believe that we did not need a separate permit, only an electrical permit (which we have). In April/May of this year when construction was starting the county assessors came out for routine inspections and noted the construction. We openly let them look around not aware there was an issue and they did not say anything of the sort so we continued the project until we received a letter from John Zehnder notifying us we were not in compliance with a permit. At this point excavation, concrete, walls, etc had been completed. Please see more details above about the construction completed to date and when/why.

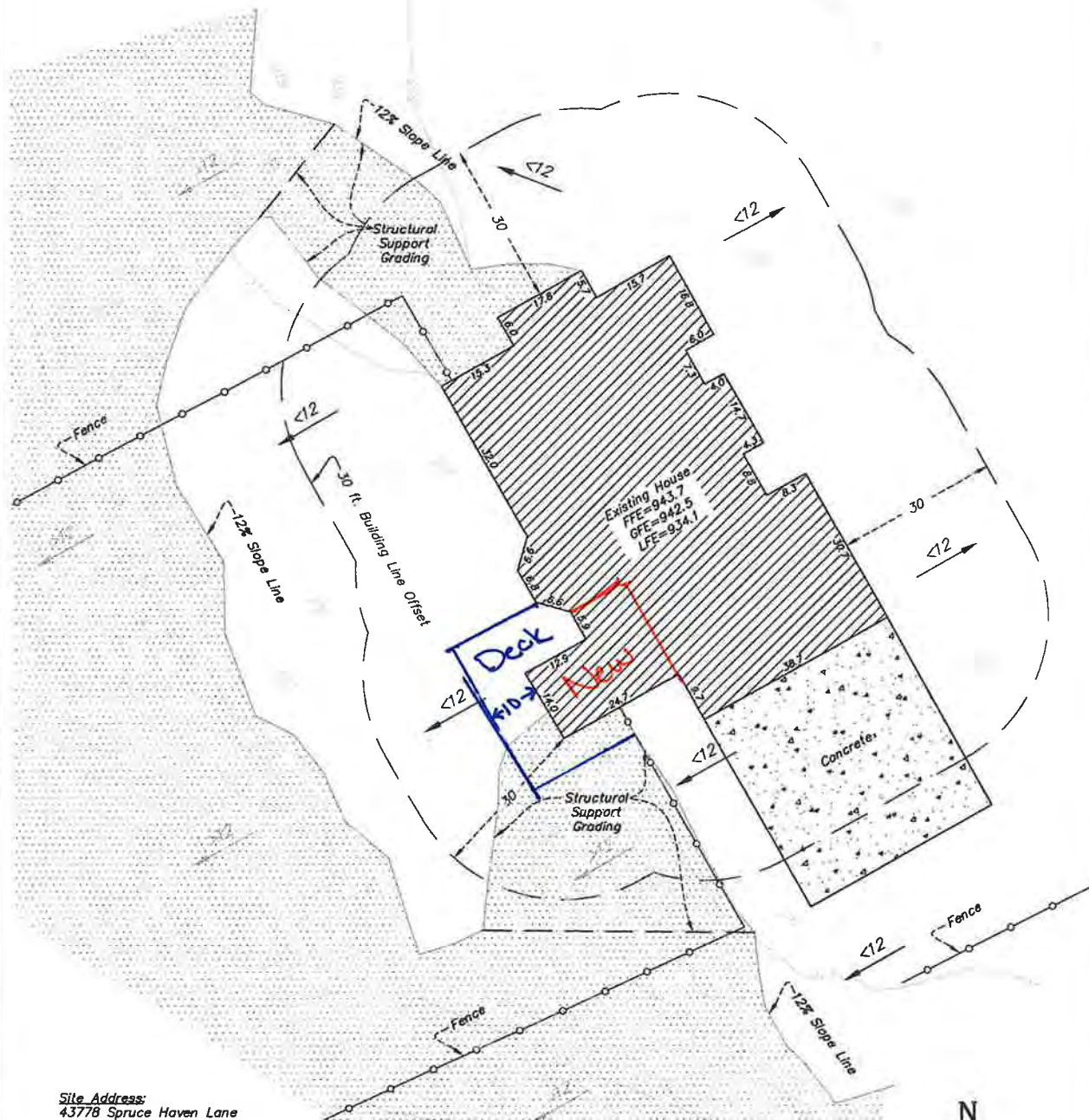
Prior to starting the project we explored other locations for the addition but due to bathroom placements, location of the septic system and the roof line this was the best and most reasonable option. This addition extends into our backyard which has a gradual slope down to a flat backyard before the wooded hillside extends down to highway 14. The project will allow space for our

growing family and allow use of a different room in our home to be used as a home office as I frequently have to do work from home and need a private/secure space for this.

We have had a landscaper evaluate the area and they did not see a need for retaining wall/issues with the slope but I have also been in contact with an engineer as well because while we do not believe this will impact the hillside at all we are very willing to take measures to mitigate impact if needed, this is our home and backyard and we are more invested than anyone else in making sure there are no negative impacts on the land.

Topographic Survey

Prepared for:
Ryan Honstad

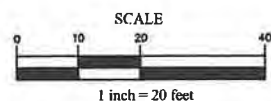


Site Address:
43778 Spruce Haven Lane
New Ulm, MN 56073

PID No.:
Nicollet County 04.022.1015

Benchmark:
MnDOT Geodetic Monument: 5202 C 1
Elevation = 970.08 NAVD88

Note:
Areas of dotted hatch pattern are
greater than 12% slope.



Whitetail Land Surveying
Silver Lake, MN
320-535-5194 WhitetailSurveying.com

I hereby certify that this survey, plan 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.

Douglas M. Smith
Douglas M. Smith

Date: July 9, 2024 Registration No. 59130

Job Number: 24178

Field Date: 7/3/24

Drawing Name: Honstad.dwg

Drawn by: DMS

Revisions:

ELEVATIONS

CEILING HEIGHT: 9'-11/8"
SCALE: 1/4" = 1'-0"

PRELIMINARY DATE

2.27.2024

REVISION DATE

3.8.2024

REVISION DATE

4.23.2024

REVISION DATE

PUHLMANN-LUMBER
& DESIGN

301 1st STREET S. NEW ULM, MN
PH: (507) 354-4914
FAX: (507) 354-5105

HONSTAD ADDN
43778 SPRUCE HAVEN LN - NEW ULM, MN

PUHLMANN LUMBER & DESIGN ASSUMES NO RESPONSIBILITY FOR ANY ERRORS OR OMISSIONS ON THE DESIGN WHETHER IT BE STRUCTURAL OR MECHANICAL. THE DESIGNER WILL CORRECT ANY ERRORS AND/OR OMISSIONS ON THE DESIGN THAT ARE DISCOVERED BEFORE CONSTRUCTION BEGINS. GREAT CARE AND PRIDE WERE PUT INTO THE DESIGN. THIS IT IS TO BE USED FOR THE COMPLETION OF ONE PROJECT ONLY. ANY DUPLICATION OF THE DESIGN MUST BE DONE AT PUHLMANN LUMBER & DESIGN OR PERMISSION MUST BE GRANTED FOR DUPLICATION. YOU MAY BE LIABLE FOR EXPENSES INCURRED IF FOUND OF COPYRIGHT INFRINGEMENT OR UNAUTHORIZED USE.

EXISTING
WINDOW
CONFIRMATION

3/12

1'-4 3/4" 9'-1 1/8"

5 FT

3/12

12/4

12/6

10 FT

1'-4 3/4" 9'-1 1/8"

1'-2 3/4" 9'-1 1/8"

10 FT

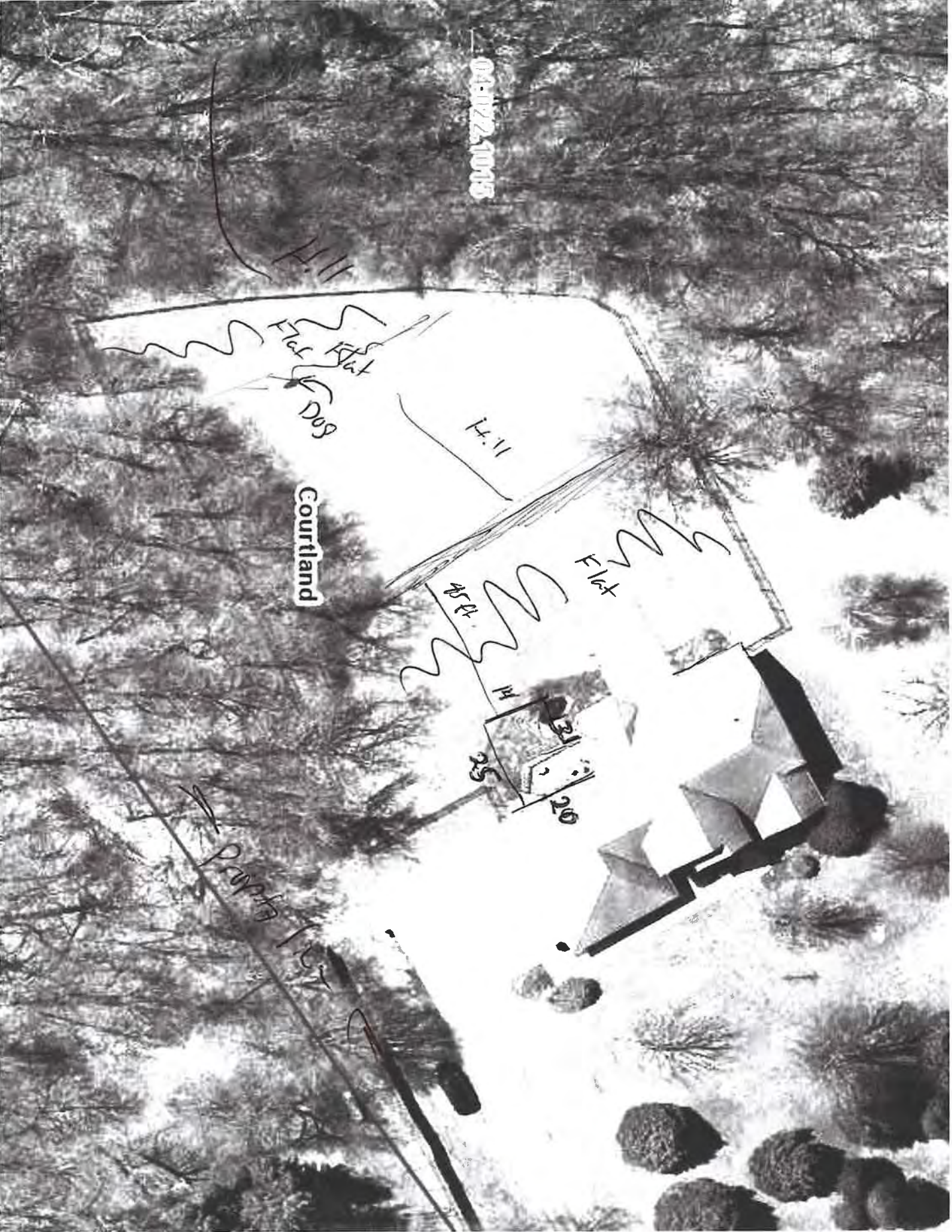


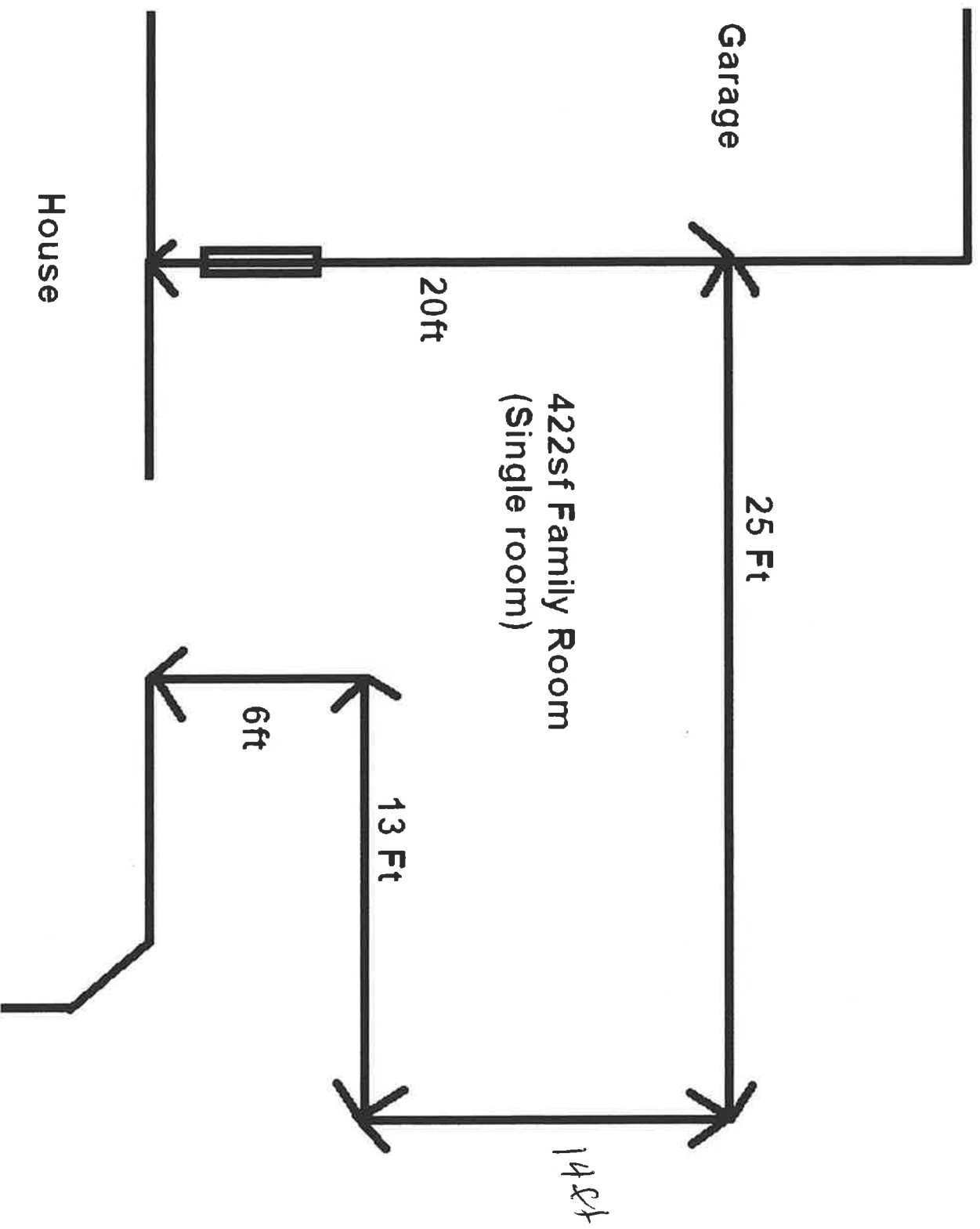
PUHLMANN LUMBER

04-022,1045

Courtland

Property Line





20' 8"

18' 8"

Concrete
walls/floor below
addition Approx
352sf unfinished.

(inside dimensions)

12' 8"

13'

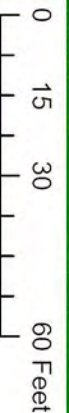
5' 3"

7' 8"

Existing Dwellings

Addition Site

Property Line



Disclaimer: The information herein is provided to the best of our knowledge and belief. It is not intended to be used for any purpose other than that for which it was provided. Nicollet County assumes no responsibility for actual or consequential damages incurred as a result of any user's reliance on this data. The user accepts the data "as is," and assumes all risks associated with its use. This disclaimer applies to all users of this information.

ATTACHMENT E
Buildable Area

Buildable Area

30-Ft Bluff Setback

Property Line





Disclaimer: The information herein is intended to be a true representation of available records. It is not intended to be a warranty or representation of any kind. The user accepts the data "as is," and assumes all risk. No warranty is made by the County. The user agrees not to sue the County for any damages or losses, including attorney's fees, arising out of or from the use of this information.

Property Owner(s) Angela Honstad 43778 Spruce Haven Lane

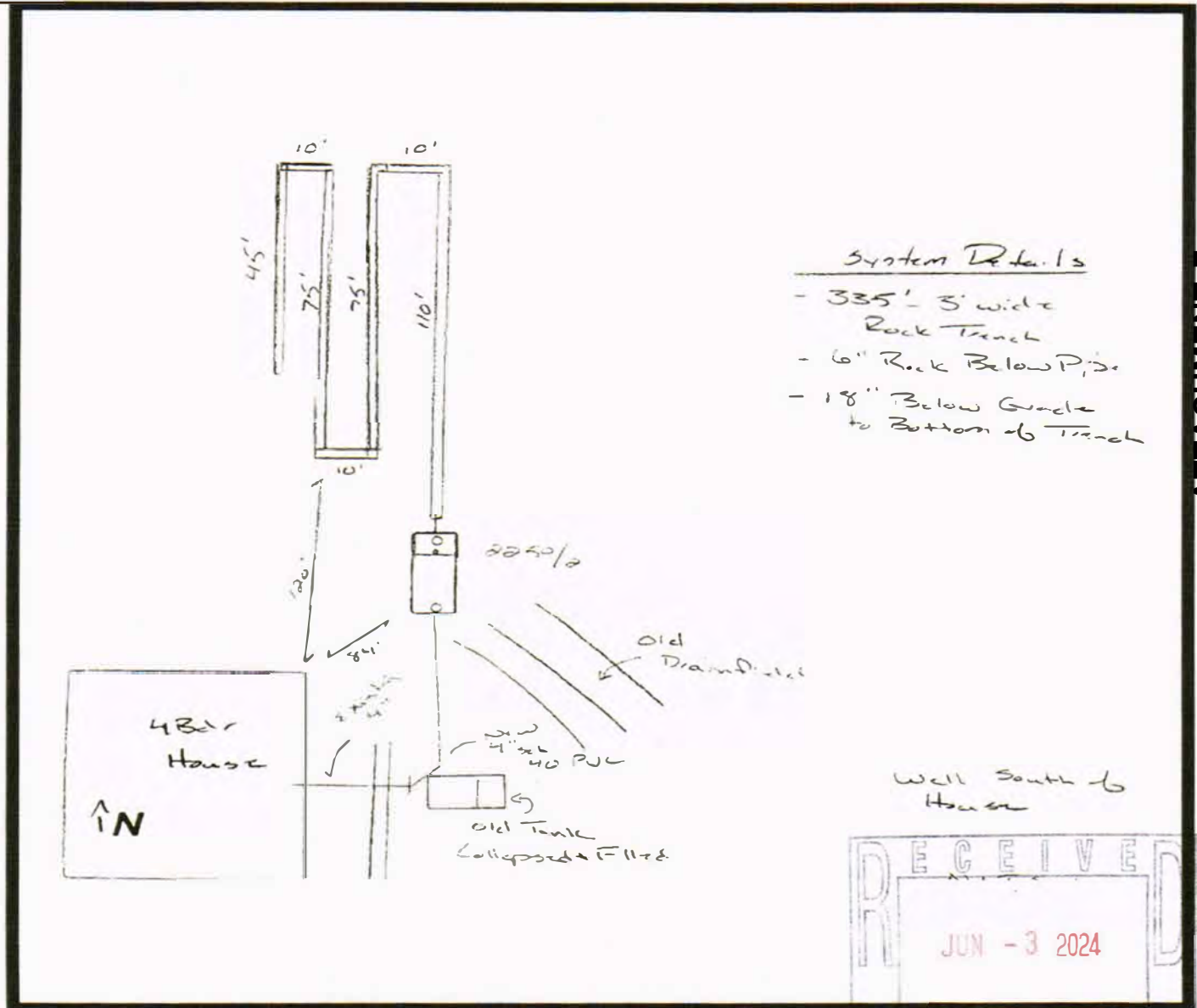
Does System Need To Be Replaced: No

How Many Years Before Septic System Needs To Be Replaced?

Comments:

Soils on File

Drawing



ATTACHMENT F
Septic Drawing

Jadd Seppmann & Sons Inc. Well Drilling & Septic System
54043 State Highway 68, Mankato, MN 56001 (507) 625-3400



Real People. Real Solutions.

3507 High Point Drive North
Bldg. 1 Suite E130
Oakdale, MN 55128

Ph: (651) 704-9970
Bolton-Menk.com

MEMORANDUM

Date: August 16, 2024
To: Angie Honstad
43778 Spruce Haven Lane
New Ulm, MN 56073
From: Marco Weidmer, PE – Bolton & Menk, Inc.
Subject: Home Addition Slope Stability Concerns
Project No.: 24X135782000

Ms. Honstad,

It was requested that Bolton & Menk, Inc. (Bolton & Menk) review the slope surrounding a home addition at 43778 Spruce Haven Lane, New Ulm, Minnesota. In accordance with the Nicollet County Comprehensive Plan, a 30-foot setback for buildings is required from all bluff lines (12% slope or greater). Based on a recent survey provided by Whitetail Land Surveying, the grades southwest of the home addition within the 30-foot setback range from 14% to 20%.

Bolton & Menk examined the slope stability concerns from two approaches: overall load on the soil near the new grade and a global slope stability analysis.

Overall Load:

Per the homeowner, only soil load existed in the area prior to the new addition. According to pictures of the area prior to the home addition and geometry provided in the survey, the previous soil load is estimated to have been approximately 87,000 pounds. Based on the size and materials of the new addition, the total new load for the same area is approximately 28,000 pounds, or 32% of the original weight on the slope

Slope Stability Analysis:

We performed a slope stability analysis to evaluate the safety and stability of the previous and current slopes by assessing factors such as soil strength, slope geometry, and external forces to predict potential failure. The standard factor of safety for a stable slope is 1.5. We made the following assumptions in our analysis:

- The previous slope was just under 12%.
- The current slope is 21% and conservative.
- The soil is homogenous poorly graded sand.
- Based on elevation and steeper slopes surrounding the property, the water table is below the area in question and not considered in the analysis.

The factor of safety for the previous 12% slope is 9.5. Although reduced, the factor of safety for a 21% slope is 5.9.

ATTACHMENT G
Engineering Report

Name: Honstad Slope Stability

Date: August 16, 2024

Page: 2

Conclusion:

The current total load on the disturbed area is significantly less than before, and the overall factor of safety of 5.9 for a 21% slope is well above the minimum 1.5 safety factor for a stable slope. Therefore, Bolton & Menk asserts that the home addition in question and increased slopes within the 30-foot setback do not pose a risk to the overall stability of the area.

Bolton & Menk is able to produce detailed calculations upon request.

Please reach out with any questions or concerns.

Thanks,

A handwritten signature in black ink, appearing to read 'Marco Weidmer', written in a cursive style.

Marco Weidmer, P.E.

Structural Engineer



ATTACHMENT H
Site Photographs



DISPLAYNAME	MAILINGADDR	MAILINGCITYSTATEZIP
JACOB J DAUER	43852 SPRUCE HAVEN LN	NEW ULM MN 56073
ALEX SCHAPEKAHM	43922 SPRUCE HAVEN LN	NEW ULM MN 56073
KEVIN M & STACEY MASRUD	43938 SPRUCE HAVEN LN	NEW ULM MN 56073
RANDALL & MARSHA REINHART REVOCABLE TRUST	57703 COUNTY ROAD 21	NEW ULM MN 56073
CARROLL H & BARBARA A NETZKE	58023 US HIGHWAY 14	NEW ULM MN 56073
JARED WACHTER & GRACE OUYANG	58131 COUNTY RD 21	NEW ULM MN 56073
TYLER M & KYLIE M BRIGGER	43462 583RD LN	NEW ULM MN 56073
JO ANN HART	20202 COUNTY ROAD 25	NEW ULM MN 56073
GREGORY C & SUSAN KRAUS	615 SO FRONT ST	NEW ULM MN 56073
GARY M & TIMOTHY L KOHN	54650 US HIGHWAY 14 - PO BOX 69	COURTLAND MN 56021
JASON P & JODY M ENTER	57108 422ND ST	NEW ULM MN 56073
MICHAEL A & JENNIFER R BREHMER	58009 COUNTY ROAD 21	NEW ULM MN 56073
DALE BUSHARD	43252 WINDHAVEN LN	NEW ULM MN 56073
TODD DANIEL BUSHARD	43544 WINDHAVEN LN	NEW ULM MN 56073
ANGELA & RYAN HONSTAD	43778 SPRUCE HAVEN LN	NEW ULM MN 56073
SHANE & RACHELLE KRAUS	1114 COTTONWOOD ST	NEW ULM MN 56073
MICHAEL E HASSE	1229 FRONT ST S	NEW ULM MN 56073
TIM HARMENING, COURTLAND TOWNSHIP CLERK	43370 541ST AVE	COURTLAND MN 56021



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 J
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: _____