City of La Crescent

Planning Commission

Meeting Notice

October 7th, 2025 - 5:30 P.M.

LA CRESCENT COMMUNITY BUILDING

336 SOUTH FIRST STREET

Agenda

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of July 1st, 2025, Meeting Minutes
5. Public Hearing-
    A. PC-2025-02 CUP “Kulasiewicz Accessory Structure”
    B. PC-2025-03 CUP “Carbon MN”
6. November 2025 Meeting Date Change
7. Future agenda items- Commission Members
8. Adjourn

MINUTES, REGULAR MEETING
PLANNING COMMISSION, CITY OF LA CRESCENT, MINNESOTA
July 1st, 2025

The Planning Commission met at 5:30 p.m., on July 1st, 2025, in the City's Community Building located at 336 S. 1st Street.

Item 1. Call to Order

Chair Jerry Steffes called the meeting to order at 5:30 p.m.

Item 2. Pledge of Allegiance

Members recited the Pledge of Allegiance.

Item 3. Roll Call

Upon a roll call taken and tallied by Josh Tarrence, Building Inspector, the following members were present: Don Hogan, Mike Welch, Jerry Steffes, Greg Husmann, Judy Enright and Gina Schneider. Dave Hanifl and Ex-Officio City Council Representative Chris Langen were absent. Community Development Director Larry Kirch, City Attorney Skip Wieser and Building Inspector Josh Tarrence were also present.

Item 4. Approval of the May 6th, 2025 Planning Commission Minutes

After reviewing the minutes from the May 6th, 2025 meeting, a motion to accept the minutes, was made by Commissioner Welch and seconded by Vice Chair Husmann. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Mike Welch	Yes
Greg Husmann	Yes
Don Hogan	Yes
Jerry Steffes	Yes
Judy Enright	Yes
Gina Schneider	Yes

and none voted against the same. The motion was declared duly carried.

Item 5. Public Hearing- Rezoning properties in section 10,87, and part of 86 from C-1 Highway Commercial to CBD Central Business District

A public hearing was held in regards to the Planning Commission's suggestion to re-zone properties in section 10, 87 and part of 86 of the City of La Crescent Zoning map, from C-1 Highway Commercial to CBD

Central Business District. Community members present for the public hearing were as follows:

Dean and Jean Kastenschmidt	316 S 3rd St
Allen and Mary Erickson	321 S. 2nd St
George and Jackie Horihan	215 S. Oak St
Mike and Charmaine Smith	325 S. 2nd St
Don Thesing	La Crescent Historical Society, 328 S. 3rd St

The Planning Commission explained what their recommendation was and why they suggested it. After questions from the community were answered by the Planning Commission, City Staff and City Attorney Wieser, a motion was made, to recommend to the City Council, changing the zoning of section 10, 87 and part of 86 as depicted in the draft City of La Crescent Zoning Map, from C-1 Highway Commercial to CBD Central Business District. The recommendation is to go to the City Council at the July 14th City Council meeting. The motion was made by Vice Chair Husmann and seconded by Commissioner Welch. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Greg Husmann	Yes
Mike Welch	Yes
Don Hogan	Yes
Jerry Steffes	Yes
Judy Enright	Yes
Gina Schneider	Yes

and none voted against the same. The motion was declared duly carried.

Item 6. Request for Waiver of Master Plan and Planned Unit Development Requirements for property located at 350 Strupp Ave., La Crescent, MN (PID251287001) – Mango Cannabis

Justin Dunaskiss, from Dunaskiss Consulting and Development Inc., was present and representing Mango Cannabis. Mr. Dunaskiss gave a brief overview of what they're proposing to build and that they're requesting the waiver from the Commercial Planned Unit Development Overlay district of the City Zoning Ordinance, reverting the property back to C-1 Highway Commercial standards. Discussion was held between Planning Commission members, City Attorney Wieser and Mr. Dunaskiss. After discussion, a motion was made, to recommend to the City Council the approval of the waiver request for 350 Strupp Ave., with the following conditions of approval;

1. Developer or Owner will apply for MN DOT Development Review and comply with all recommendations at Developer or Owner expense.
2. Developer or Owner will submit a stormwater plan in compliance with City's MS4 permit.

3. Developer or Owner will submit a grading plan to be approved by City Engineer or City Building Official.
4. Developer or Owner will be bound by the terms of the development agreement by lessees of 350 Strupp Avenue, La Crescent, Minnesota
5. Developer or Owner will comply with other conditions reasonably determined by the City Engineer or City Building Official related to proposed use of the property located at 350 Strupp Avenue, La Crescent, Minnesota.
6. Said location to be utilized for a singular dispensary.
7. The City of La Crescent issuing a Cannabis Retail License for this location.
8. Developer or Owner will resurface the road adjacent to the property to the City specifications approved by the City Engineer at Developer or Owner sole expense.

The motion was made by Commissioner Enright and seconded by Vice Chair Husmann. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Judy Enright	Yes
Greg Husmann	Yes
Mike Welch	Yes
Jerry Steffes	Yes
Don Hogan	Yes
Gina Schneider	Yes

and none voted against the same. The motion was declared duly carried.

Item 7. Webinar- Land Use Decision Making/League of Minnesota Cities

This item was an informational item notifying the Planning Commission members of an educational opportunity through the League of Minnesota Cities. A webinar is scheduled for July 15th, 2025 at 10:00AM. The topic of the webinar is Land Use Decision Making. The Planning Commission requested watching the webinar as a group at City Hall. City Attorney Wieser advised that the members could meet as a group to watch the webinar, but that a Notice of a Quorum would need to be posted. Commissioner Enright volunteered to register for the webinar for the group.

Item 8. Future Agenda Items- Commission Members

Chair Steffes made the recommendation to move the August meeting date as the regularly scheduled date conflicts with National Night Out. After discussion, a motion was made, to move the August Planning Commission meeting to Wednesday, August 6th, 2025 at 5:00PM and if the Community Room isn't available

that day, then move it to Thursday, August 7th, 2025 at 5:00PM. The motion was made by Commissioner Welch and seconded by Commissioner Enright. Upon a roll call vote taken and tallied by Josh Tarrence, Building Inspector, the following Members voted in favor thereof, viz;

Mike Welch	Yes
Judy Enright	Yes
Gina Schneider	Yes
Greg Husmann	Yes
Jerry Steffes	Yes
Don Hogan	Yes

and none voted against the same. The motion was declared duly carried.

Item 9. Adjourn

A motion was made to adjourn the meeting by Vice Chair Welch. The motion was seconded by Commissioner Welch.

The Planning Commission meeting was adjourned at 6:46PM.

City of La Crescent
Building and Zoning Department

PLANNING COMMISSION
CUP PUBLIC HEARING
STAFF REPORT

MEETING DATE:	October 7th, 2025
CASE NUMBER:	PC-25-02 CUP "Kulasiewicz Accessory Structure"
OWNER:	David Kulasiewicz 408 Shore Acres Road La Crescent, MN 55947
PARCEL IDs:	250688000
APPLICANT:	Same as owner
REQUEST:	Proposed Conditional Use Permit ("CUP") to allow an accessory structure to be constructed in the flood fringe district at ground level, below the Regulatory Flood Protection Elevation with internal flood protection. The applicant is also proposing the structure to exceed 576 square feet.
LOCATION:	The property is located 408 Shore Acres Road.
GENERAL PLAN/ ZONING DESIGNATION:	Residential / R1-A Low Density Residential District, Shoreland Management, Floodplain
SURROUNDING USES:	North: Residential; South: Residential; East: Waterway; West: Agricultural

BACKGROUND

The property has a single-family dwelling with tuck under garage, located in the flood fringe on Shore Acres Road.

PROPOSAL

PC-25-02 CUP is a request for a Conditional Use Permit to allow for an accessory structure to be constructed in the flood fringe at ground level, using internal flood protection. They are proposing that the structure will exceed 576 square feet.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The property is designated by the City's General Plan as "Neighborhood Residential."

This property is zoned R-1A Low Density Residential with Shoreland Management and Floodplain overlays.

The property is governed by 12.32 Flood Fringe District, of the La Crescent Zoning Ordinance.

12.32 FLOOD FRINGE DISTRICT (FF)

Subd. 1. PERMITTED USES. Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" and the standards for all Flood Fringe "Permitted and Conditional Uses" listed.

Subd. 2. STANDARDS FOR FLOOD FRINGE PERMITTED USES.

A. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures must be no lower than two (2) foot below the Regulatory Flood Protection Elevation and the fill must extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.

B. Accessory Structures. As an alternative to fill, accessory structures that constitute a minimal investment and that do not exceed 576 square feet for the outside dimension at ground level may be internally flood proofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

1. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

2. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to

above the regulatory flood protection elevation

3. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

    i. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

    ii. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

Exceeding the maximum size of 576 square feet using alternative methods is not a conditional use per 12.32 Subd. 3.

> Subd. 3. CONDITIONAL USES. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district or any applicable overlay district, following the procedures in this ordinance.
>
> A. Storage of any material or equipment below the regulatory flood protection elevation.
>
> B. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with the provision of this ordinance.
>
> C. The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 12.32, Subd. 4(F).

Site Context:

The approximately 16,000 square foot parcel is located in the R-1A Low Density Residential district on Shore Acres Road. The parcel is also governed by the Floodplain and Shoreland Management overlay. To the north and south are R-1A residential properties. To the east is the backwaters of the Mississippi River. To the west is wooded agricultural land.

Infrastructure Improvements:

N/A

Public Input:

At the writing of this report, the city has not received any comment on this application.

FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

As required by Chapter 12, Zoning Ordinance, the Planning Commission shall advise the council, make recommendations and findings on the effect of the proposed use on the health, safety, morals, and general welfare of occupants of surrounding lands.

The applicant in their CUP application, submitted findings which are attached as Exhibit 1.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS.

A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

   Applicant Response:
   Response (Findings): See applicant response: *It will not*

Staff comment: There are always concerns in regards to flooding when dealing with parcels in the floodplain and shoreland management overlays. Any structure constructed in flood prone areas, below the base flood elevation, can alter the flow and amount of water onto adjoining properties.

B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

   Applicant Response:
   Response (Findings): See applicant response: *It will not*

Staff comment: The proposed project will not impede any uses as the structure will be constructed off of the driveway not the roadway.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

   Applicant Response:
   Response (Findings): See applicant response: *Yes*

Staff comment: The current utilities, access roads, drainage, and facilities are sufficient to support the proposed conditional use.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Applicant Response:
Response (Findings): See applicant response: *N/A*

Staff comment: Parking is not applicable to the proposed project.

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant Response:
Response (Findings): See applicant response: *Yes*

Staff comment: The site will not generate any odors, fumes, dust, noise or vibration and the applicant will control outdoor lighting.

F. The use is not in conflict with the policies of the City of La Crescent.

Applicant Response:
Response (Findings): See applicant response: *Yes*

Staff comment: The proposed project is in conflict with the City Zoning Ordinance in regards to the floodplain overlay and more specifically the Flood Fringe District (12.32). Alternative methods are allowed for the project, but size of the structure cannot exceed 576 square feet.

G. The use will not cause traffic hazards or congestion.

Applicant Response:
Response (Findings): See applicant response: *Yes*

Staff comment: The proposed use will not cause traffic hazards or congestion.

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Applicant Response:
Response (Findings): See applicant response: *Yes*

Staff comment: Existing uses will not be adversely affected.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, reviewed the city zoning district regulations for the R1- Low Density Residential Zoning District, Shoreland Management District, and Floodplain District.

In reference to Accessory Structures, alternative methods to fill are allowable as long as the accessory structure constitutes a minimal investment and that it does not exceed 576 square feet in size. The automatic flood openings proposed for the project would be approved an approved alternative method.

There is no provision that allows the size of the structure to exceed 576 square feet, when using an alternative method to fill.

Staff finds that the proposed project of an accessory structure, using alternative methods to fill, that will exceed the total square footage of 576 square feet, is not compatible with the stated intent of the zoning district and the conditional uses found in the Flood Fringe district.

The staff finds that the proposed use does not meet all the CUP criteria in Section 12.06, Subd. 3 of the Zoning Code and recommends denial of the CUP. The Planning Commission may have their own findings, recommend changes, or additional conditions which they feel may be applicable to the proposed project.

RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (APPROVAL/**DENIAL**) case PC-25-02 CUP "Kulasiewicz Accessory Structure" a request by Mr. David Kulasiewicz to approve a Conditional Use Permit to allow the construction of an accessory structure, using an alternative method to fill, exceeding the maximum allowed 576 square feet, located on Parcel Number 250688000.

Josh Tarrence

Prepared by Josh Tarrence, Building Inspector/Fire Chief

Attachments:
Exhibit #1 – Conditional Use Permit – Applicant Request
Exhibit #2 – Aerial Map – Parcel Maps
Exhibit #3 – Zoning Map
Exhibit #4 – La Crescent Zoning Ordinance 12.32 FLOOD FRINGE DISTRICT

Exhibit #1 – Conditional Use Permit – Applicant Request

CUP APPLICATION

SUBJECT PROPERTY INFORMATION	
PROJECT NAME: Kulasiewicz Garage	LEGAL DESCRIPTION (Attach)
PROPERTY ADDRESS: 408 Shore Acres Rd	ASSESSOR'S PARCEL ID. 250688000
GROSS ACREAGE: 0.37	CURRENT ZONING DISTRICT:

PROPERTY OWNER	
NAME: DAVID G. KULASIEWICZ	
MAILING ADDRESS: 408 SHORE ACRES ROAD	
EMAIL: DAVID.KULASIEWICZ@YAHOO.COM	TELEPHONE: 608-421-3255

APPLICANT	
NAME: Wieser Brothers	
MAILING ADDRESS: 200 Twilite St	
EMAIL: brianp@wieserbrothers.com	TELEPHONE: 507-895-8903

OWNER AUTHORIZATION

My signature below signifies that:

I hereby declare that I am the owner, or authorized agent of the owner, of the above-described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crescent and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a CUP does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information contained in the application materials.

- I have read the application form and background information and have provided the required information.
- I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. (*Please provide a description here of the easements and restrictions shown on your property deed.*_____)
- I believe the information provided in this application is accurate to the best of my knowledge.
- I am aware that City staff and/or Planning Commission members may view my property and proposed construction. (*Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc*_____.)

- I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application.
- I (we) understand that additional data may be requested by the City of La Crescent Planning Commission.

Property Owner Signature — Date: 8-11-25

Applicant Signature — Date: 8-11-25

REVIEW TIMEFRAME

ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS

REVIEW OF SUBMITTAL: 30 DAYS

CUP SUBMITTAL CHECKLIST

PLEASE RETURN THIS COMPLETED APPLICATION FORM WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED TO CITY HALL OR SUBMITTED VIA EMAIL IN PDF FORMAT.

PLEASE NOTE: IT IS HIGHLY RECOMMENDED THAT A PRE-APPLICATION MEETING BE HELD PRIOR TO A FORMAL SUBMITTAL.

- ☐ Project Narrative of Proposed Request (See Page 8 for further details)
- ☐ Legal Description
- ☐ Site Plan (showing north arrow and other relevant data)
- ☐ Elevations and Floor Plans (if applicable)
- ☐ Copy of deed establishing ownership
- ☐ Mailing Label Certification
- ☐ Mailing Labels (with Houston/Winona County parcel maps)
- ☐ Application Fees ($300.00)
- ☐ All requested items have been included

C. As part of your application narrative, please review the Criteria for Granting Conditional Use Permits found in Section 12.06 Subd. 3. of the zoning ordinance (below) and provide your Response (Findings) in the space provided or on a separate sheet.

Subd. 3. CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals and general welfare of occupants of surrounding lands. The City Council may make the following findings where applicable:

A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Response (Findings): It will not

B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Response (Findings): It will not

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings): Yes

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings): N/A

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Response (Findings): Yes

F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings): Yes

G. The use will not cause traffic hazards or congestion.

Response (Findings): Yes

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Response (Findings): Yes

D. Please review the potential additional conditions below from Section 12.06 Subd. 4. of the zoning ordinance and provide any explanation you deem necessary in your narrative for any of the potential additional conditions.

Subd. 4. ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which are considered necessary to protect the best interest of the surrounding area or the community as a whole. Additional conditions may include but are not limited to the following:

A. Increasing the required lot size of yard dimensions.

B. Limiting the height, size or location of buildings.

C. Modifying the building architecture or orientation or requiring berms, screening, landscaping or other facilities to protect adjacent or nearby property.

D. Controlling the location and number of vehicle access points.

E. Increasing the street or driveway width to mitigate traffic or safety concerns.

F. Increasing the number of required off-street parking spaces.

G. Requiring landscaping, fencing, screening, or other improvements to protect adjacent or nearby property.

H. Limiting the number, size, location, or lighting of signs.

Note: In addition to any conditions that may be imposed by the City Council, the city has the following standard conditions of approval for all applications.

City Standard Conditions of Approval

A. Applicant will abide by the representations made by the applicant or their agents made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.

B. Exterior lighting will comply with the La Crescent Ordinances (dark sky, LED) lighting requirements.

C. Applicant comply with all federal, state, and local regulations.

WIESER BROTHERS
General Contractor, Inc.

To: Josh Tarrence
Building Inspector/Fore Chief
La Crescent, MN

RE: Conditional Use Application for 408 Shore Acres Road, La Crescent, MN

Dear Josh,

Please find the attached conditional use application for:

Address: 408 Shore Acres Road, La Crescent, MN 55947
Tax Parcel ID: 250688000
Legal Description: Lot 6, except the south 10 feet of John Cameron's addition, to riverside re-survey block 6, Houston County, Minnesota.

The current property owner wants to construct a 24'x32' standalone garage. The garage will be constructed with pre-cast concrete walls up to truss bearing (10'), wood roof trusses with an asphalt shingled roof. It will bear on frost protected footings. The conditional use application is being applied for so the structure can be placed in the flood fringe district at ground level with internal flood protection (12.32B). The structure will also exceed 576 SF.

Thanks,

Brian Pinnow

Date: 03-31-2025
Certificate of Real Estate Value# 1744846
No Delinquent Taxes Transfer Entered
Deed Tax Amount: $2,145.00
Polly Heberlein
Auditor/Treasurer
AS JS **Deputy**
PID: 25.0688.000

DOCUMENT: A315454
Recorded 03-31-2025 at 3:31 PM
MARY B. BETZ, COUNTY RECORDER
HOUSTON COUNTY, MN
Pages: 2 Fee Amount: $96.00
*****This document has been electronically recorded*****

(Top 3 inches reserved for recording data)

WARRANTY DEED
Individual(s) to Individual(s)

eCRV Number: **1744846**

DEED TAX DUE: **$2,145.00**

DATE: **March 28, 2025**

FOR VALUABLE CONSIDERATION, **Nancy J. Miller, a single person** ("**Grantor**"), hereby conveys and warrants to **David G. Kulasiewicz Sr and Lynn M. Kulasiewicz** ("**Grantee**"), as

(Check only one box.) ☐ tenants in common, ☒ joint tenants, *(If more than one Grantee is named above and either no box is checked or both boxes are checked, this conveyance is made to the named Grantees as tenants in common.)*

real property in **Houston** County, Minnesota, legally described as follows:

LOT 6 EXCEPT THE SOUTH 10 FEET OF JOHN CAMERON'S ADDITION TO RIVERSIDE RE-SURVEY BLOCK B, HOUSTON COUNTY, MINNESOTA.

AND

AN EASEMENT 2 RODS IN WIDTH COMMENCING AT THE WESTERLY LOT LINE OF LOT 5, THENCE EASTERLY APPROXIMATELY 200 FEET, THENCE NORTH ON AND ACROSS SAID LOT 5 AND THE SOUTH 10 FEET OF LOT 6, TO THE NORTH LINE OF THE SOUTH 10 FEET OF LOT 6, ALL PART OF JOHN CAMERON'S ADDITION TO RIVERSIDE RE-SURVEY BLOCK B ACCORDING TO THE RECORDED PLAT THEREOF. SAID EASEMENT IS FOR INGRESS AND EGRESS AND THE CENTERLINE OF WHICH IS THE SAME CENTERLINE AS THE EXISTING ROADWAY.

Check here if all or part of the described real property is Registered (Torrens) ☐

together with all hereditaments and appurtenances belonging thereto, subject to the following exceptions:
Easements of record, if any

Check applicable box:
- ☐ The Seller certifies that the Seller does not know of any wells on the described real property.
- ☒ A well disclosure certificate accompanies this document or has been electronically filed. (If electronically filed, insert WDC number: **1087998**
- ☐ I am familiar with the property described in this instrument and I certify that the status and number of wells on the described real property have not changed since the last previously filed well disclosure certificate.

Grantor

Nancy J. Miller

State of Minnesota, County of **Houston**

This instrument was acknowledged before me on March 26, 2025, by Nancy J. Miller, a single person.

(Stamp)

ALOYS W. WIESER III
NOTARY PUBLIC - MINNESOTA
My Commission Expires Jan. 31, 2028

(signature of notarial officer)

Title (and Rank): _____

My commission expires: _____
(month/day/year)

THIS INSTRUMENT WAS DRAFTED BY:
Attorney Kelly M. Iverson
Wieser Law Office, P.C.
33 South Walnut Street, Suite 200
La Crescent, MN 55947

TAX STATEMENTS FOR THE REAL PROPERTY DESCRIBED IN THIS INSTRUMENT SHOULD BE SENT TO:
David G. Kulasiewicz Sr and Lynn M. Kulasiewicz
408 Shore Acres Rd
La Crescent, MN 55947

1 SITE
1" = 10'-0"

WIESER BROTHERS
General Contractor, Inc.

Architect:

Engineer:

KULASIEWICZ, DAVE - 24 x 32 STORAGE SHED

408 SHORE ACRES RD
LA CRESCENT, MN 55947

Project Manager:
BRIAN PINNOW

Project Number:
Preliminary

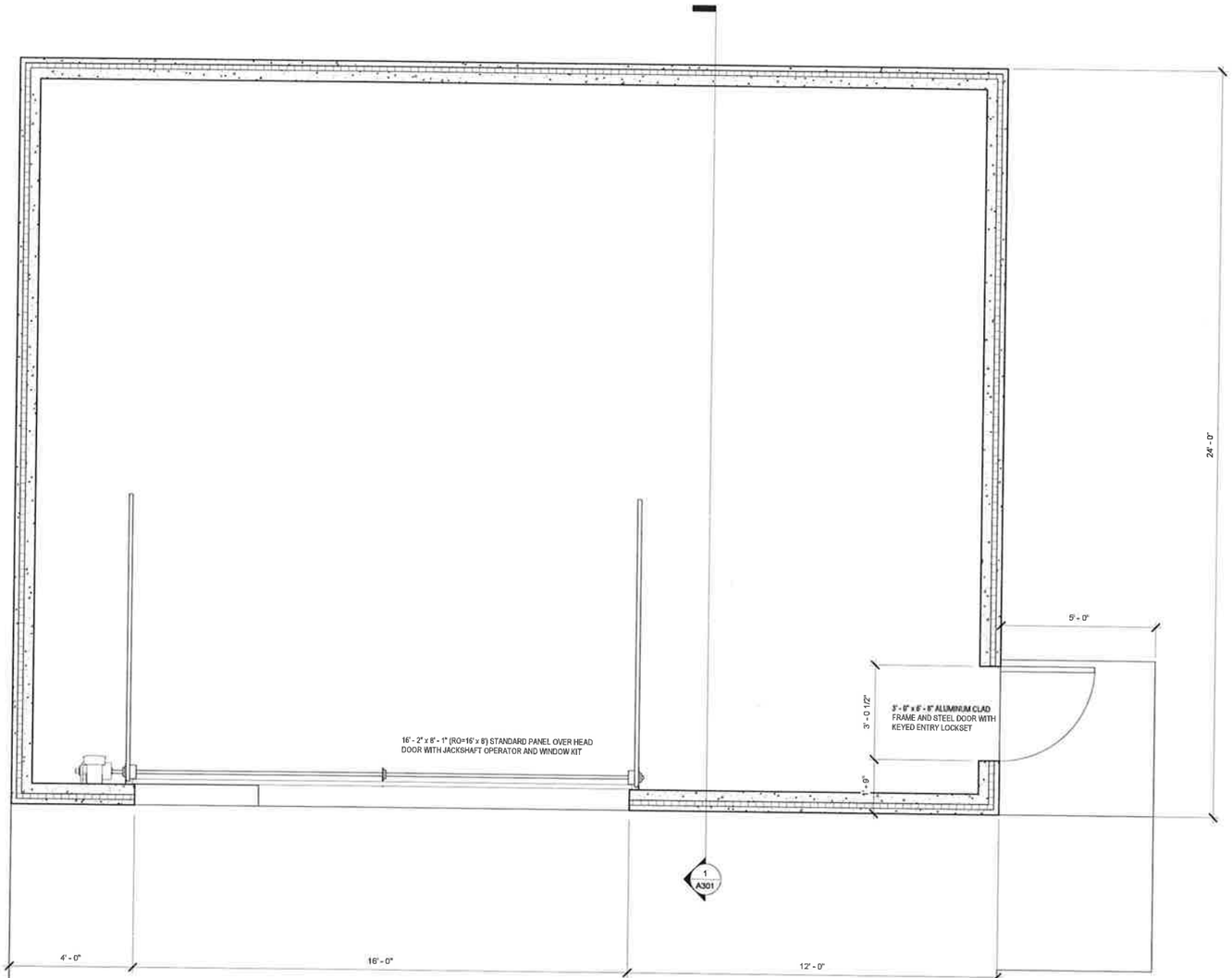
Scale:
1" = 10'-0"

Drawn By:
MCM

8/4/2025 11:59:37 AM

SITE PLAN

A100



1 LEVEL 1
1/2" = 1'-0"

WIESER BROTHERS
General Contractor, Inc.

Architect:

Engineer:

KULASIEWICZ, DAVE - 24 x 32 STORAGE SHED
408 SMORE ACRES RD
LA CRESCENT, MN 55947

Project Manager:
Approver

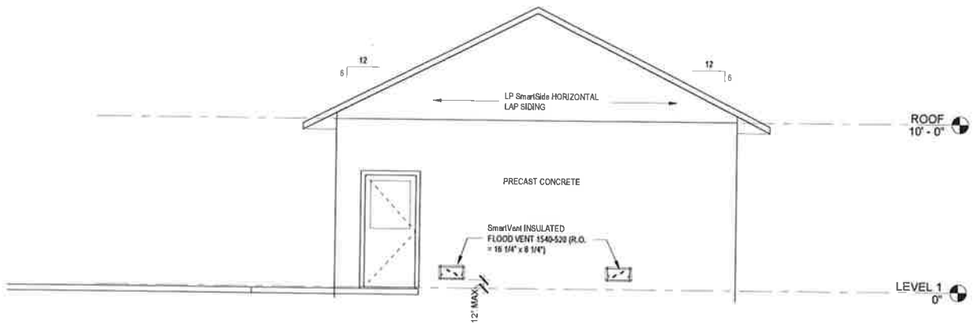
Project Number:
Preliminary

Scale:
1/2" = 1'-0"

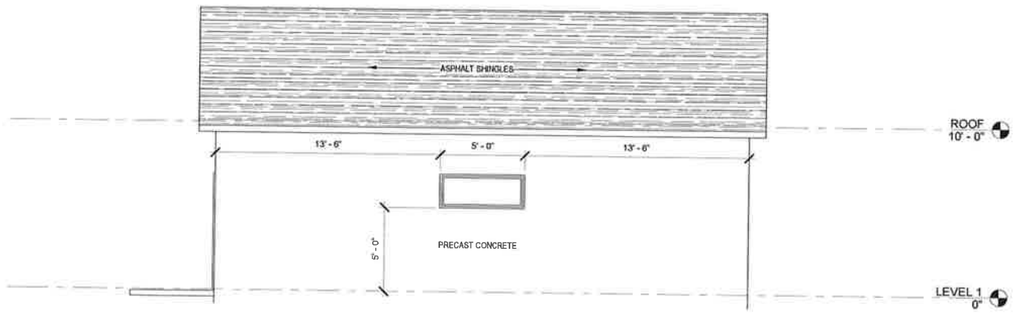
Drawn By:
MCM

8/4/2025 11:59:38 AM

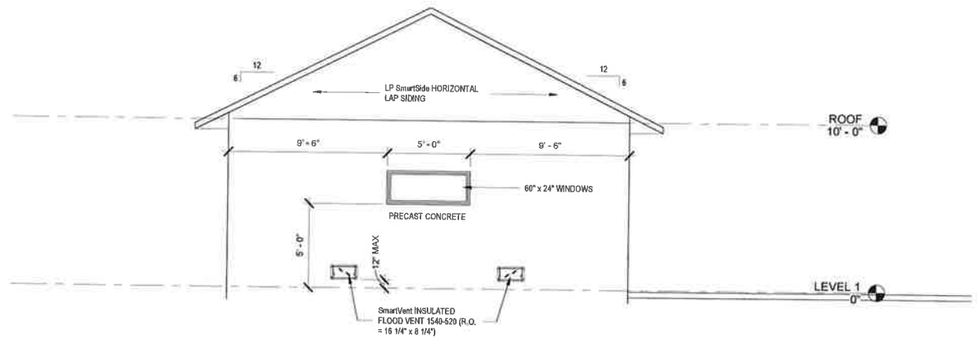
FLOOR PLAN
A101



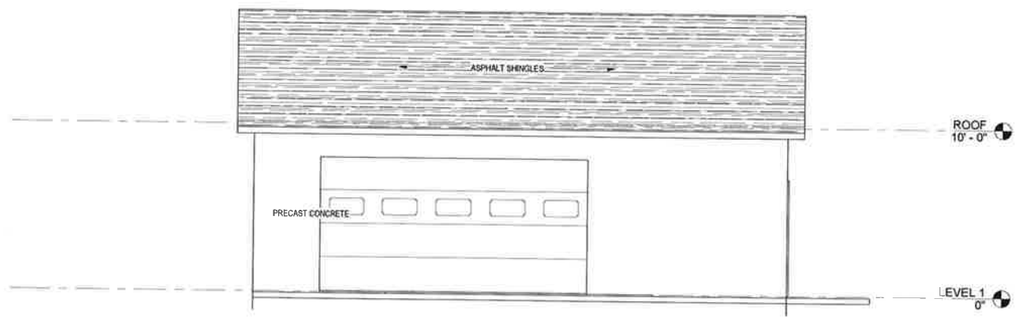
② EAST
1/4" = 1'-0"



① NORTH
1/4" = 1'-0"



④ WEST
1/4" = 1'-0"



③ SOUTH
1/4" = 1'-0"

WIESER BROTHERS
General Contractor, Inc.

Architect:

Engineer:

KULASIEWICZ, DAVE - 24 x 32 STORAGE SHED

408 SHORE ACRES RD
LA CRESCENT, MN 55947

Project Manager:
Brian Pinnow

Project Number:
Preliminary

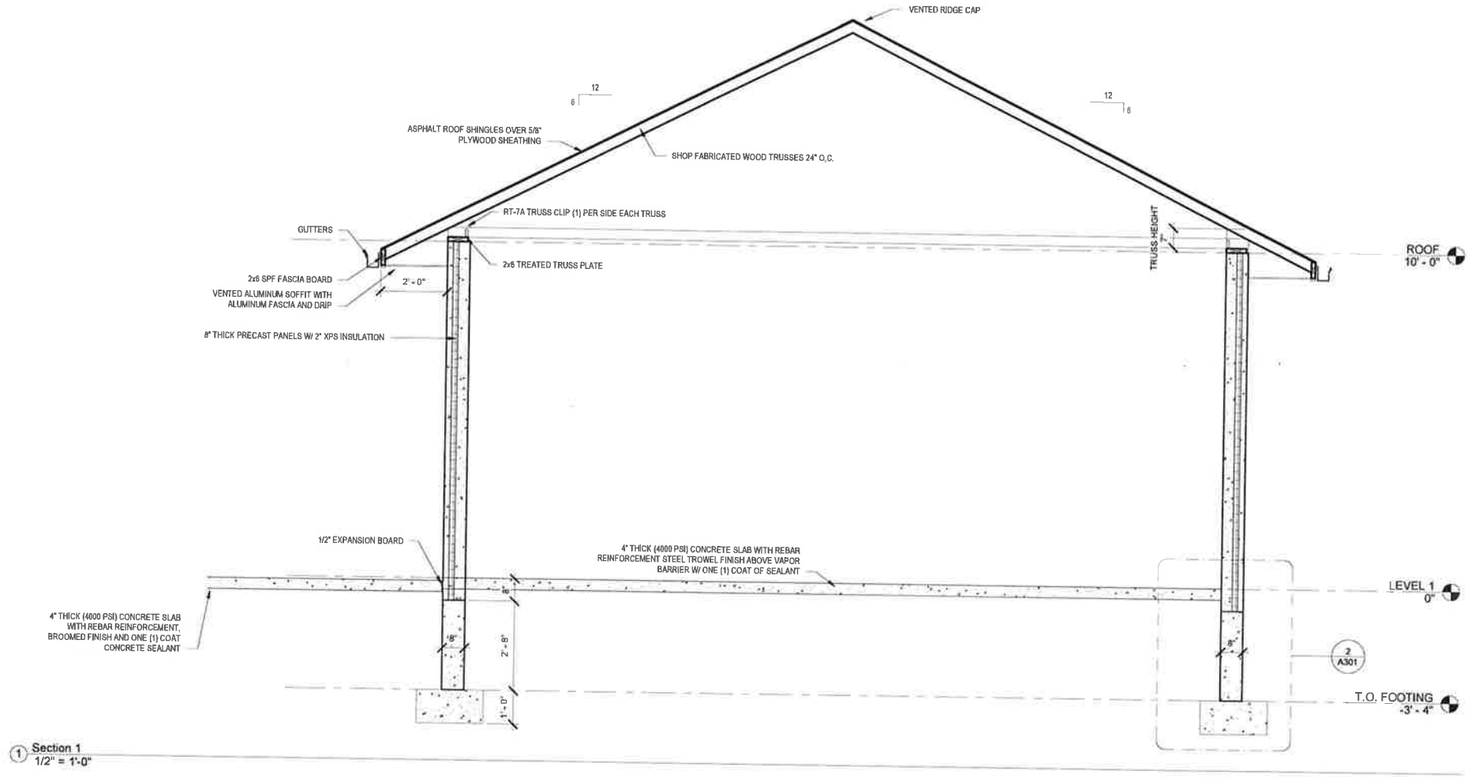
Scale:
1/4" = 1'-0"

Drawn By:
MCM

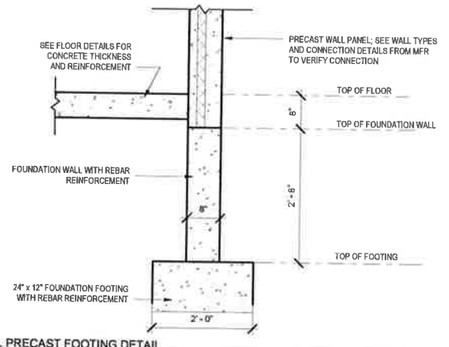
8/4/2025 11:59:38 AM

ELEVATIONS

A201



1 Section 1
1/2" = 1'-0"



2 TYPICAL PRECAST FOOTING DETAIL
3/4" = 1'-0"

WIESER BROTHERS
General Contractor, Inc.

Architect:

Engineer:

KULASIEWICZ, DAVE - 24 x 32 STORAGE SHED

428 SHORE ACRES RD
LA CRESCENT, MN 55947

Project Manager:
Approver

Project Number:
Preliminary

Scale:
As indicated

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SECTIONS

A301

DETAIL DIAGRAM
MODEL 1540-520
FLOOD VENT INSULATED

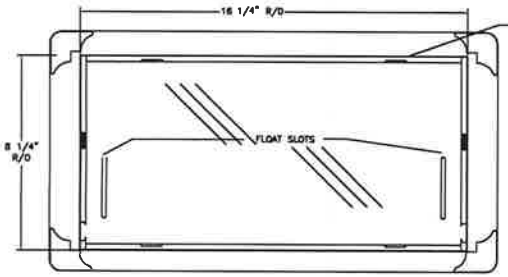

FIGURE 1
FRONT VIEW

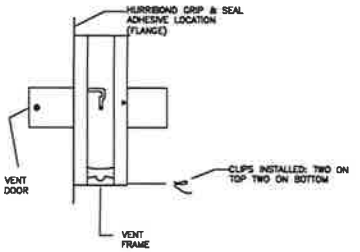

FIGURE 2
SIDE VIEW

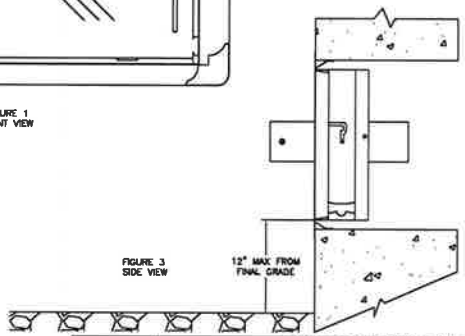

FIGURE 3
SIDE VIEW

SMART VENT®
877-441-8368
www.SMARTVENT.COM

SMART VENT FOUNDATION FLOOD VENTS
430 ANDORO DR. UNIT 1
PITMAN NJ 08071

FLOOD VENT INSULATED
MODEL 1540-520

SIZE A | DWG NO. 1540-520 | REV B

DATE: 6-21-16 | SHEET 1 OF 2

Smart VENT
877- 441- 8368
www.smartvent.com

INSTALLATION INSTRUCTIONS
& DETAILS
MODEL 1540-520
FLOODVENT INSULATED

INSTALLATION INSTRUCTIONS

1. REMOVE VENT DOOR FROM VENT FRAME. (TURN UPSIDE DOWN, ROTATE BOTTOM OF DOOR OUTWARD AND SLIDE OUT)
2. PREPARE A CLEAN 16.25" WIDE BY 8.25" HIGH ROUGH OPENING (APPROX. 1 BLOCK WIDE X 1 BLOCK HIGH) FOR EACH VENT. ENSURE THE BOTTOM OF THE ROUGH OPENING IS NO MORE THAN 12" ABOVE THE FINISHED GRADE.
3. APPLY A BEAD OF HURRIBOND GRIP & SEAL OR EQUIVALENT ADHESIVE AROUND THE BACK OF THE FLANGE ON THE VENT FRAME. (FIG. 2)
4. INSERT INSTALLATION CLIPS INTO THE TWO SLOTS ON THE TOP AND TWO SLOTS ON THE BOTTOM OF THE FRAME.
5. THE SPRING ARM OF THE CLIPS SHOULD BE ON THE OUTSIDE OF THE VENT FRAME. COMPRESS THE BOTTOM TWO CLIPS AND BEGIN SLIPPING THE FRAME INTO THE OPENING. ENSURE THAT THE BOTTOM CLIPS ARE IN THE OPENING BEFORE ALLOW THEM TO DECOMPRESS.
6. WITH THE FRAME NOW IN THE OPENING, AND THE BOTTOM SPRINGS IN PLACE, COMPRESS THE TOP SPRINGS AND PUSH THE VENT FRAME INTO THE OPENING COMPLETELY UNTIL THE FRAME IS FLUSH WITH THE WALL.
7. RE-CHECK THAT FRAME IS SQUARE AND SLOTS ARE CLEAR OF DEBRIS, AND CAULK.
8. INSTALL THE DOOR INTO FRAME BY GRASPING THE BOTTOM OF DOOR (WITH FLOAT PINS DOWN) AND FRONT (SMALL SCREEN IN FRONT). SLIDE DOOR INTO FRAME AND ROTATE UNTIL IT IS LATCHED.
9. INSERT THE TOP STRAPS INTO THE TOP TWO STRAP SLOTS ABOUT TWO CLICKS.
10. TO OPEN THE DOOR INSERT TWO CREDIT CARDS INTO THE FLOAT SLOTS AS SHOWN IN THE DIAGRAM. THIS WILL UNLATCH THE DOOR FOR REMOVAL AND CLEANING.

DETAIL SPECIFICATIONS:
MATERIAL: STAINLESS STEEL
OPERATION: AUTOMATIC NON-POWERED ACTIVATION AND OPERATION

INSTALLATION:
SECURED W/ 4 STAINLESS STEEL INSTALLATION CLIPS INCLUDED AND AN ADHESIVE
HYDROSTATIC RELIEF: 200 SQ. FT PER VENT
REQUIREMENTS: MINIMUM OF 2 VENTS PER ENCLOSED AREA MOUNTED ON AT LEAST TWO DIFFERENT WALLS

COLORS: STAINLESS (STANDARD)
EXTERIOR POWDER COATED WHITE, WHEAT, GRAY, AND BLACK (AVAILABLE)

MEETS THE REQUIREMENTS FOR ENGINEERED OPENINGS AS SET FORTH BY:
FEMA, NFIP, ICC, & ASCE
SUPPORTIVE DOCUMENTS, TB 1-08, 44CFR 60.3(C)(5), ASCE 24-14
ICC EVALUATION # ESR-2074

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ESR-2074

Reissued 02/2025

This report is subject to renewal 02/2027.

DIVISION: 08 00 00—OPENINGS

SECTION: 08 95 43—VENTS/FOUNDATION FLOOD VENTS

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514 FLOOD VENT SEALING KIT #1540-526

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ANAB ANSI National Accreditation Board ACCREDITED PRODUCT CERTIFICATION BODY

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ICC EVALUATION SERVICE®

ICC-ES Evaluation Report

ESR-2074

Reissued February 2025

Subject to renewal February 2027

This report also contains:

- **CA Supplement**
- **FL Supplement**

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DIVISION: 08 00 00—OPENINGS Section: 08 95 43—Vents/Foundation Flood Vents	REPORT HOLDER: SMART VENT PRODUCTS, INC.	EVALUATION SUBJECT: SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514 FLOOD VENT SEALING KIT #1540-526	

1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 *International Building Code®* (IBC)
- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 *International Residential Code®* (IRC)
- 2024, 2021 and 2018 *International Energy Conservation Code®* (IECC)
- 2013 *Abu Dhabi International Building Code* (ADIBC)†

†The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Physical operation
- Water flow

2.0 USES

The Smart Vent® units are engineered mechanically operated flood vents (FVs) employed to equalize hydrostatic pressure on walls of enclosures subject to rising or falling flood waters. Certain models also allow natural ventilation.

3.0 DESCRIPTION

3.1 General:

When subjected to rising water, the Smart Vent® FVs internal floats are activated, then pivot open to allow flow in either direction to equalize water level and hydrostatic pressure from one side of the foundation to the other. The FV pivoting door is normally held in the closed position by a buoyant release device. When subjected to rising water, the buoyant release device causes the unit to unlatch, allowing the door to rotate out of the way and allow flow. The water level stabilizes, equalizing the lateral forces. Each unit is fabricated from stainless steel. Smart Vent® Automatic Foundation Flood Vents are available in various models and sizes as described in Table 1. The SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 units each contain two vertically arranged openings per unit.

3.2 Engineered Opening:

The FVs comply with the design principle noted in Section 2.7.2.2 and Section 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)] for a maximum rate of rise and fall of 5.0 feet per hour (0.423 mm/s). In order to comply with the engineered opening requirement of ASCE/SEI 24, Smart Vent FVs must be installed in accordance with Section 4.0.

3.3 Ventilation:

The SmartVENT® Model #1540-510 and SmartVENT® Overhead Door Model #1540-514 both have screen covers with 1/4-inch-by-1/4-inch (6.35 by 6.35 mm) openings, yielding 51 square inches (32 903 mm^2) of net free area to supply natural ventilation. The SmartVENT® Stacking Model #1540-511 consists of two Model #1540-510 units in one assembly, and provides 102 square inches (65 806 mm^2) of net free area to supply natural ventilation. Other FVs described in this report do not offer natural ventilation.

3.4 Flood Vent Sealing Kit:

The Flood Vent Sealing Kit Model #1540-526 is used with SmartVENT® Model #1540-520. It is a Homasote 440 Sound Barrier® (ESR-1374) insert with 21 – 2-inch-by-2-inch (51 mm x 51 mm) squares cut in it. See Figure 4.

4.0 DESIGN AND INSTALLATION

4.1 SmartVENT® and FloodVENT®:

SmartVENT® and FloodVENT® are designed to be installed into walls or overhead doors of existing or new construction from the exterior side. Installation of the vents must be in accordance with the manufacturer's instructions, the applicable code, and this report. Installation clips allow mounting in masonry and concrete walls of any thickness. In order to comply with the engineered opening design principle noted in Section 2.7.2.2 and 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)], the Smart Vent® FVs must be installed as follows:

- With a minimum of two openings on different sides of each enclosed area.
- With a minimum of one FV for every 200 square feet (18.6 m2) of enclosed area, except that the SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 must be installed with a minimum of one FV for every 400 square feet (37.2 m2) of enclosed area.
- Below the base flood elevation.
- With the bottom of the FV located a maximum of 12 inches (305.4 mm) above the higher of the final grade or floor and finished exterior grade immediately under each opening.

4.2 Flood Vent Sealing Kit

The Flood Vent Sealing Kit Model 1540-526 is used in conjunction with FloodVENT® Model #1540-520. When installed and tested in accordance with ASTM E283, the FV and Flood Vent Sealing Kit assembly have an air leakage rate of less than 0.2 cubic feet per minute per lineal foot (18.56 l/min per lineal meter) at a pressure differential of 1 pound per square foot (50 Pa) based on 12.58 lineal feet (3.8 lineal meters) contained by the Flood Vent Sealing Kit.

5.0 CONDITIONS OF USE:

The Smart Vent® FVs described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

5.1 The Smart Vent® FVs must be installed in accordance with this report, the applicable code and the manufacturer's installation instructions. In the event of a conflict, the instructions in this report govern.

5.2 The Smart Vent® FVs must not be used in the place of "breakaway walls" in coastal high hazard areas, but are permitted for use in conjunction with breakaway walls in other areas.

6.0 EVIDENCE SUBMITTED

6.1 Data in accordance with the ICC-ES Acceptance Criteria for Mechanically Operated Flood Vents (AC364), dated August 2015 (editorially revised February 2024).

6.2 Test report on air infiltration in accordance with ASTM E283.

7.0 IDENTIFICATION

7.1 The ICC-ES mark of conformity, electronic labeling, or the evaluation report number (ICC-ES ESR-2074) along with the name, registered trademark, or registered logo of the report holder must be included in the product label.

7.2 The Smart VENT® models and the Flood Vent Sealing Kit described in this report must be identified by a label bearing the manufacturer's name (Smartvent Products, Inc.), the model number, and the evaluation report number (ESR-2074).

7.3 The report holder's contact information is the following:

SMART VENT PRODUCTS, INC.
19 MANTUA ROAD
MOUNT ROYAL, NEW JERSEY 08061
(877) 441-8368
www.smartvent.com
info@smartvent.com

TABLE 1—MODEL SIZES

MODEL NAME	MODEL NUMBER	MODEL SIZE (in.)	COVERAGE[1] (ft^2)
FloodVENT®	1540-520	15 3/4" X 7 3/4"	200
SmartVENT®	1540-510	15 3/4" X 7 3/4"	200
FloodVENT® Overhead Door	1540-524	15 3/4" X 7 3/4"	200
SmartVENT® Overhead Door	1540-514	15 3/4" X 7 3/4"	200
Wood Wall FloodVENT®	1540-570	14" X 8 3/4"	200
Wood Wall FloodVENT® Overhead Door	1540-574	14" X 8 3/4"	200
SmartVENT® Stacker	1540-511	16" X 16"	400
FloodVent® Stacker	1540-521	16" X 16"	400

For **SI:** 1 inch = 25.4 mm; 1 square foot = m^2

[1]The coverage area in square feet for each model is equivalent to the performance of the same number of square inches of non-engineered openings.

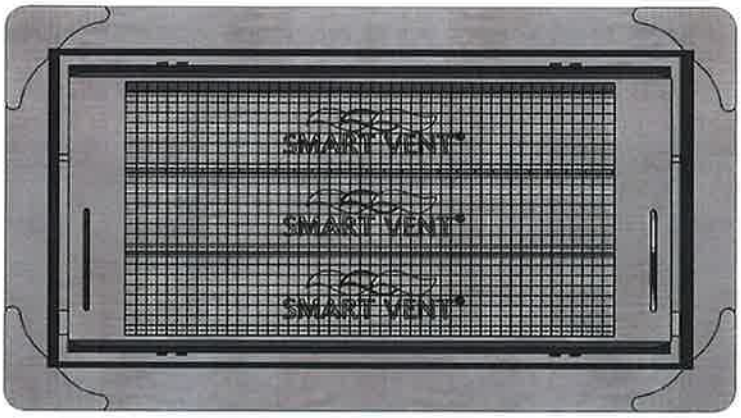

FIGURE 1—SMART VENT: MODEL 1540-510

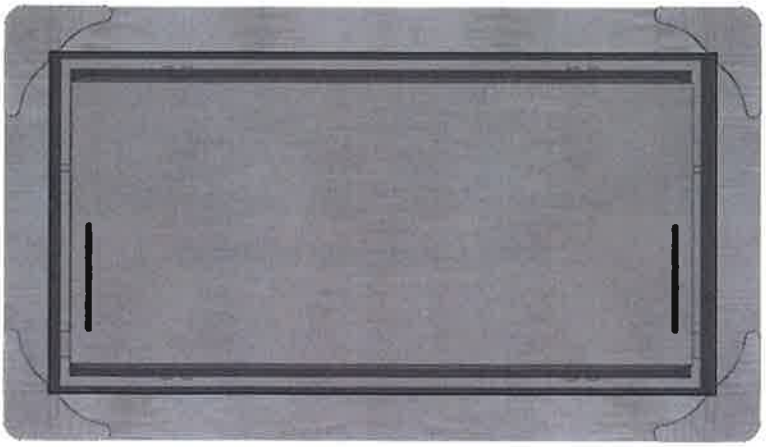

FIGURE 2—SMART VENT MODEL 1540-520

FIGURE 3—SMART VENT: SHOWN WITH FLOOD DOOR PIVOTED OPEN

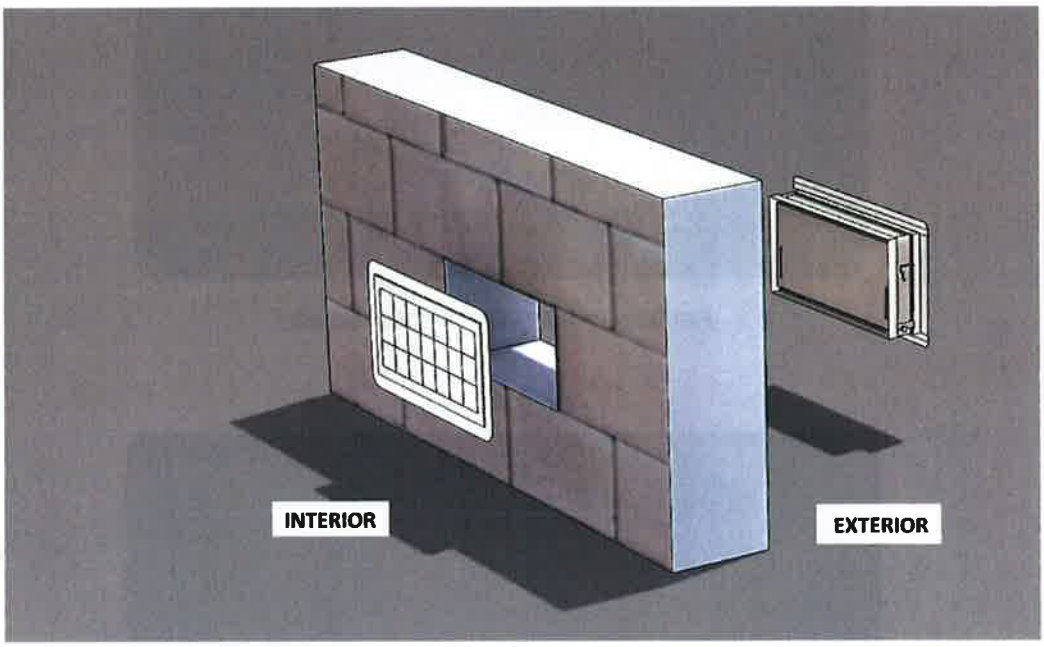

FIGURE 4—FLOOD VENT SEALING KIT

DIVISION: 08 00 00—OPENINGS
Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE

Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with codes noted below.

Applicable code editions:

- 2022 *California Building Code* (CBC)

For evaluation of applicable chapters adopted by the California Office of Statewide Health Planning and Development (OSHPD) AKA: California Department of Health Care Access and Information (HCAI) and the Division of State Architect (DSA), see Sections 2.1.1 and 2.1.2 below.

- 2022 *California Residential Code* (CRC)

2.0 CONCLUSIONS

2.1 CBC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with CBC Chapter 12, provided the design and installation are in accordance with the 2021 *International Building Code®* (IBC) provisions noted in the evaluation report and the additional requirements of CBC Chapters 12 and 16 , as applicable.

2.1.1 OSHPD:

The applicable OSHPD Sections and Chapters of the CBC are beyond the scope of this supplement.

2.1.2 DSA:

The applicable DSA Sections and Chapters of the CBC are beyond the scope of this supplement.

2.2 CRC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the CRC, provided the design and installation are in accordance with the 2021 *International Residential Code®* (IRC) provisions noted in the evaluation report.

This supplement expires concurrently with the evaluation report, reissued February 2025.

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ICC-ES Evaluation Report

ESR-2074 FL Supplement

Reissued February 2025

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DIVISION: 08 00 00—OPENINGS
Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE

Purpose:

The purpose of this evaluation report supplement is to indicate that Smart Vent® Automatic Foundation Flood Vents, described in ICC-ES evaluation report ESR-2074, have also been evaluated for compliance with the codes noted below.

Applicable code editions:

- 2023 *Florida Building Code—Building*
- 2023 *Florida Building Code—Residential*

2.0 CONCLUSIONS

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the *Florida Building Code—Building* and the *Florida Building Code—Residential*, provided the design requirements must be determined in accordance with the *Florida Building Code—Building* or the *Florida Building Code—Residential,* as applicable. The installation requirements noted in ICC-ES evaluation report ESR-2074 for 2021 *International Building Code®* meet the requirements of the *Florida Building Code—Building* or the *Florida Building Code—-Residential,* as applicable.

Use of the Smart Vent® Automatic Foundation Flood Vents has also been found to be in compliance with the High-Velocity Hurricane Zone provisions of the *Florida Building Code—Building* and the *Florida Building Code—Residential.*

For products falling under Florida Rule 61G20-3, verification that the report holder's quality assurance program is audited by a quality assurance entity approved by the Florida Building Commission for the type of inspections being conducted is the responsibility of an approved validation entity (or the code official when the report holder does not possess an approval by the Commission).

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DIVISION: 08 00 00—OPENINGS
Section: 08 95 43—Vents/Foundation Flood Vents

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514
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- 2023 *Florida Building Code—Residential*

2.0 CONCLUSIONS

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Use of the Smart Vent® Automatic Foundation Flood Vents has also been found to be in compliance with the High-Velocity Hurricane Zone provisions of the *Florida Building Code—Building* and the *Florida Building Code—Residential*.

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Section: 08 95 43—Vents/Foundation Flood Vents

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SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

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FLOOD VENT SEALING KIT #1540-526

1.0 REPORT PURPOSE AND SCOPE

Purpose:

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- 2022 *California Building Code* (CBC)

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- 2022 *California Residential Code* (CRC)

2.0 CONCLUSIONS

2.1 CBC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with CBC Chapter 12, provided the design and installation are in accordance with the 2021 *International Building Code®* (IBC) provisions noted in the evaluation report and the additional requirements of CBC Chapters 12 and 16 , as applicable.

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2.1.2 DSA:

The applicable DSA Sections and Chapters of the CBC are beyond the scope of this supplement.

2.2 CRC:

The Smart Vent® Automatic Foundation Flood Vents, described in Sections 2.0 through 7.0 of the evaluation report ESR-2074, comply with the CRC, provided the design and installation are in accordance with the 2021 *International Residential Code®* (IRC) provisions noted in the evaluation report.

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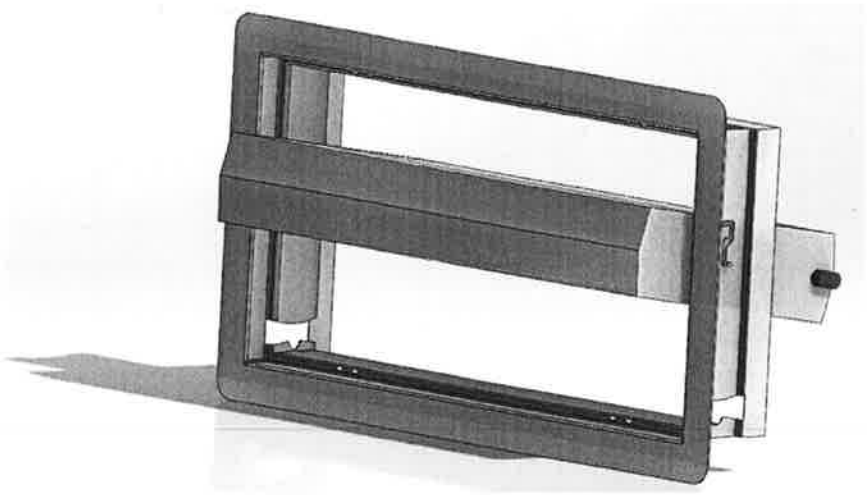

FIGURE 3—SMART VENT: SHOWN WITH FLOOD DOOR PIVOTED OPEN

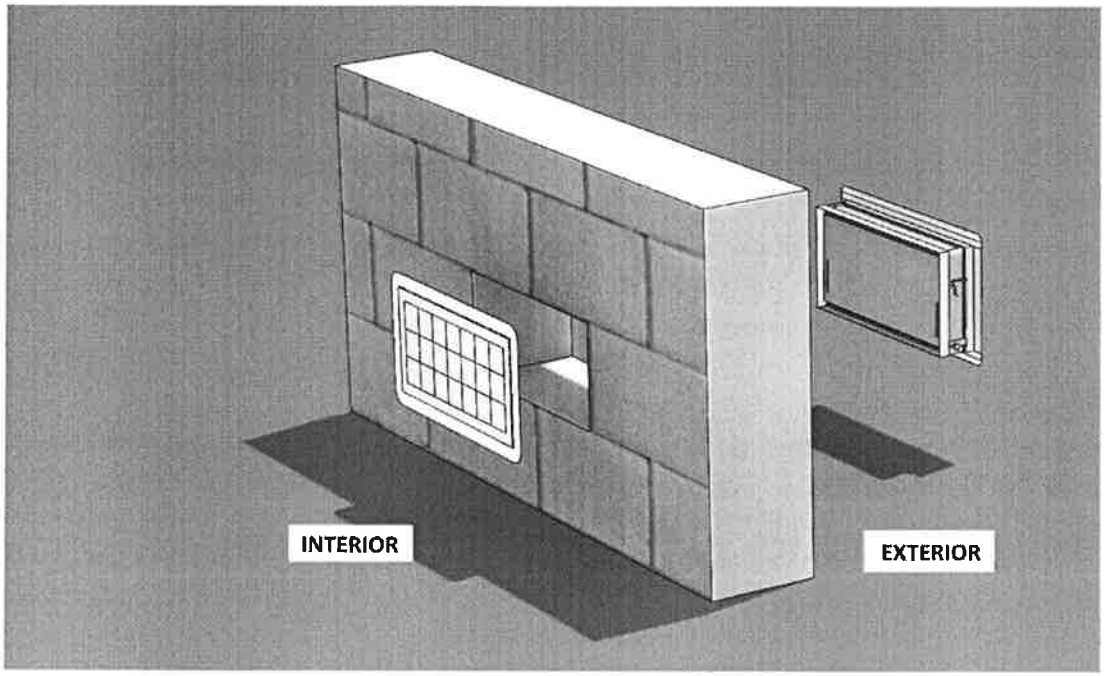

FIGURE 4—FLOOD VENT SEALING KIT

TABLE 1—MODEL SIZES

MODEL NAME	MODEL NUMBER	MODEL SIZE (in.)	COVERAGE[1] (ft^2)
FloodVENT®	1540-520	15 3/4" X 7 3/4"	200
SmartVENT®	1540-510	15 3/4" X 7 3/4"	200
FloodVENT® Overhead Door	1540-524	15 3/4" X 7 3/4"	200
SmartVENT® Overhead Door	1540-514	15 3/4" X 7 3/4"	200
Wood Wall FloodVENT®	1540-570	14" X 8 3/4"	200
Wood Wall FloodVENT® Overhead Door	1540-574	14" X 8 3/4"	200
SmartVENT® Stacker	1540-511	16" X 16"	400
FloodVent® Stacker	1540-521	16" X 16"	400

For **SI:** 1 inch = 25.4 mm; 1 square foot = m^2

[1]The coverage area in square feet for each model is equivalent to the performance of the same number of square inches of non-engineered openings.

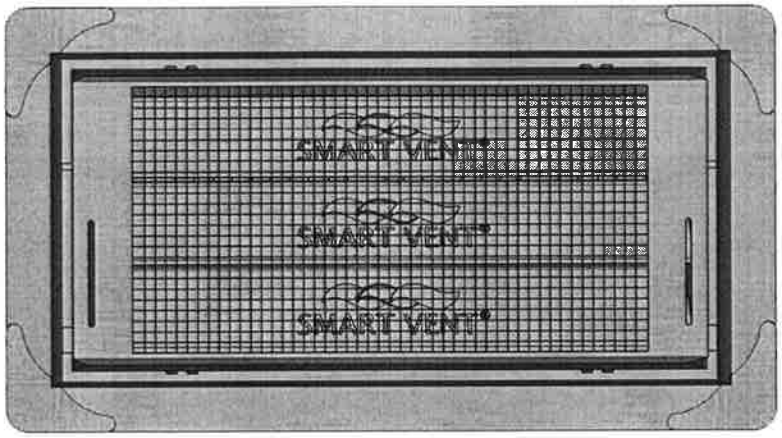

FIGURE 1—SMART VENT: MODEL 1540-510

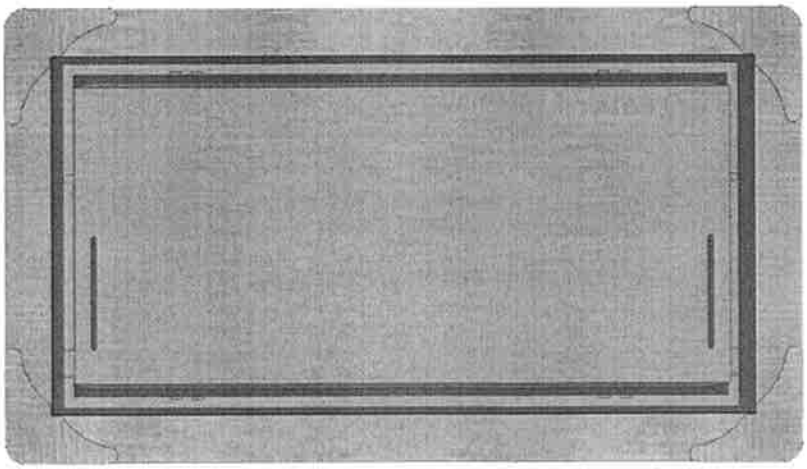

FIGURE 2—SMART VENT MODEL 1540-520

7.0 IDENTIFICATION

7.1 The ICC-ES mark of conformity, electronic labeling, or the evaluation report number (ICC-ES ESR-2074) along with the name, registered trademark, or registered logo of the report holder must be included in the product label.

7.2 The Smart VENT® models and the Flood Vent Sealing Kit described in this report must be identified by a label bearing the manufacturer's name (Smartvent Products, Inc.), the model number, and the evaluation report number (ESR-2074).

7.3 The report holder's contact information is the following:

SMART VENT PRODUCTS, INC.
19 MANTUA ROAD
MOUNT ROYAL, NEW JERSEY 08061
(877) 441-8368
www.smartvent.com
info@smartvent.com

3.2 Engineered Opening:

The FVs comply with the design principle noted in Section 2.7.2.2 and Section 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)] for a maximum rate of rise and fall of 5.0 feet per hour (0.423 mm/s). In order to comply with the engineered opening requirement of ASCE/SEI 24, Smart Vent FVs must be installed in accordance with Section 4.0.

3.3 Ventilation:

The SmartVENT® Model #1540-510 and SmartVENT® Overhead Door Model #1540-514 both have screen covers with 1/4-inch-by-1/4-inch (6.35 by 6.35 mm) openings, yielding 51 square inches (32 903 mm^2) of net free area to supply natural ventilation. The SmartVENT® Stacking Model #1540-511 consists of two Model #1540-510 units in one assembly, and provides 102 square inches (65 806 mm^2) of net free area to supply natural ventilation. Other FVs described in this report do not offer natural ventilation.

3.4 Flood Vent Sealing Kit:

The Flood Vent Sealing Kit Model #1540-526 is used with SmartVENT® Model #1540-520. It is a Homasote 440 Sound Barrier® (ESR-1374) insert with 21 – 2-inch-by-2-inch (51 mm x 51 mm) squares cut in it. See Figure 4.

4.0 DESIGN AND INSTALLATION

4.1 SmartVENT® and FloodVENT®:

SmartVENT® and FloodVENT® are designed to be installed into walls or overhead doors of existing or new construction from the exterior side. Installation of the vents must be in accordance with the manufacturer's instructions, the applicable code, and this report. Installation clips allow mounting in masonry and concrete walls of any thickness. In order to comply with the engineered opening design principle noted in Section 2.7.2.2 and 2.7.3 of ASCE/SEI 24-14 [Section 2.6.2.2 of ASCE/SEI 24-05 (2012, 2009, 2006 IBC and IRC)], the Smart Vent® FVs must be installed as follows:

- With a minimum of two openings on different sides of each enclosed area.
- With a minimum of one FV for every 200 square feet (18.6 m2) of enclosed area, except that the SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 must be installed with a minimum of one FV for every 400 square feet (37.2 m2) of enclosed area.
- Below the base flood elevation.
- With the bottom of the FV located a maximum of 12 inches (305.4 mm) above the higher of the final grade or floor and finished exterior grade immediately under each opening.

4.2 Flood Vent Sealing Kit

The Flood Vent Sealing Kit Model 1540-526 is used in conjunction with FloodVENT® Model #1540-520. When installed and tested in accordance with ASTM E283, the FV and Flood Vent Sealing Kit assembly have an air leakage rate of less than 0.2 cubic feet per minute per lineal foot (18.56 l/min per lineal meter) at a pressure differential of 1 pound per square foot (50 Pa) based on 12.58 lineal feet (3.8 lineal meters) contained by the Flood Vent Sealing Kit.

5.0 CONDITIONS OF USE:

The Smart Vent® FVs described in this report comply with, or are suitable alternatives to what is specified in, those codes listed in Section 1.0 of this report, subject to the following conditions:

5.1 The Smart Vent® FVs must be installed in accordance with this report, the applicable code and the manufacturer's installation instructions. In the event of a conflict, the instructions in this report govern.

5.2 The Smart Vent® FVs must not be used in the place of "breakaway walls" in coastal high hazard areas, but are permitted for use in conjunction with breakaway walls in other areas.

6.0 EVIDENCE SUBMITTED

6.1 Data in accordance with the ICC-ES Acceptance Criteria for Mechanically Operated Flood Vents (AC364), dated August 2015 (editorially revised February 2024).

6.2 Test report on air infiltration in accordance with ASTM E283.

ICC EVALUATION SERVICE®

ICC-ES Evaluation Report

ESR-2074

Reissued February 2025

Subject to renewal February 2027

This report also contains:

- CA Supplement

- FL Supplement

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DIVISION: 08 00 00—OPENINGS Section: 08 95 43—Vents/Foundation Flood Vents	REPORT HOLDER: SMART VENT PRODUCTS, INC.	EVALUATION SUBJECT: SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514 FLOOD VENT SEALING KIT #1540-526	

1.0 EVALUATION SCOPE

Compliance with the following codes:

- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 *International Building Code®* (IBC)
- 2024, 2021, 2018, 2015, 2012, 2009 and 2006 *International Residential Code®* (IRC)
- 2024, 2021 and 2018 *International Energy Conservation Code®* (IECC)
- 2013 *Abu Dhabi International Building Code* (ADIBC)†

†The ADIBC is based on the 2009 IBC. 2009 IBC code sections referenced in this report are the same sections in the ADIBC.

Properties evaluated:

- Physical operation
- Water flow

2.0 USES

The Smart Vent® units are engineered mechanically operated flood vents (FVs) employed to equalize hydrostatic pressure on walls of enclosures subject to rising or falling flood waters. Certain models also allow natural ventilation.

3.0 DESCRIPTION

3.1 General:

When subjected to rising water, the Smart Vent® FVs internal floats are activated, then pivot open to allow flow in either direction to equalize water level and hydrostatic pressure from one side of the foundation to the other. The FV pivoting door is normally held in the closed position by a buoyant release device. When subjected to rising water, the buoyant release device causes the unit to unlatch, allowing the door to rotate out of the way and allow flow. The water level stabilizes, equalizing the lateral forces. Each unit is fabricated from stainless steel. Smart Vent® Automatic Foundation Flood Vents are available in various models and sizes as described in Table 1. The SmartVENT® Stacking Model #1540-511 and FloodVENT® Stacking Model #1540-521 units each contain two vertically arranged openings per unit.

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ESR-2074

Reissued 02/2025

This report is subject to renewal 02/2027.

DIVISION: 08 00 00—OPENINGS

SECTION: 08 95 43—VENTS/FOUNDATION FLOOD VENTS

REPORT HOLDER:

SMART VENT PRODUCTS, INC.

EVALUATION SUBJECT:

SMART VENT® AUTOMATIC FOUNDATION FLOOD VENTS: MODELS #1540-520; #1540-521; #1540-510; #1540-511; #1540-570; #1540-574; #1540-524; #1540-514 FLOOD VENT SEALING KIT #1540-526

ICC ES | ICC ES PMG | ICC ES LISTED

"2014 Recipient of Prestigious Western States Seismic Policy Council (WSSPC) Award in Excellence"

A Subsidiary of ICC INTERNATIONAL CODE COUNCIL®

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ANAB ACCREDITED ISO/IEC 17065 PRODUCT CERTIFICATION BODY

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Mailing Label Certification

I/We, David Kulesiewicz

hereby certify that this is a complete list of property owners abutting and those property owners that would be abutting except for the existence of a right of way of the property proposed for a variance as obtained from the ~~Houston or Winona County Assessor's Office on:~~ (date obtained) 8-28-25 Beacon website.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

DAVID G. KULASIEWICZ — Property Owner Name

D-IGhlg — Signature

408 SHORE ACRES ROAD — Street Address

LACRESCENT, MN 55947 — City, State, Zip

608-421-3255 — Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

City, State, Zip

Telephone

universal.
Same size as Avery® 5160®

John & Anna Boma
326 Shore Acres Rd.
La Crescent, MN 55947

John & Stephanie Loberg
326 #5 Shore Acres Rd.
La Crescent, MN 55947

Frederick L Reynolds
406 Shore Acres Rd.
La Crescent, MN 55947

Susan Boyer
402 Shore Acres Rd,
La Crescent, MN 55947

David & Lynn Kulasiewicz
408 Shore Acres Rd.
La Crescent, MN 55947

Timothy & Janice Wells
410 Shore Acres Rd.
La Crescent, MN 55947

Stephen & Kathleen Beach
414 Shore Acres Rd.
La Crescent, MN 55947

Sheila Riley
340 Shore Acres Rd.
La Crescent, MN 55947

William & April Farrell
422 Shore Acres Rd.
La Crescent, MN 55947

Adam & Tiffany Kimball
418 Shore Acres Rd.
La Crescent, MN 55947

Daniel Watson
388 Shore Acres Rd.
La Crescent, MN 55947

William & April Farrell
422 Shore Acres Rd.
La Crescent, MN 55947

Jack McCormick
326 Shore Acre Rd
La Crescent, MN 55947

Laser / Inkjet printer labels
UNV80102

Exhibit #2 – Aerial Map – Parcel Maps

Houston County Beacon Aerial Map – Parcel Map Combined Parcels

Exhibit #3 – Zoning Map

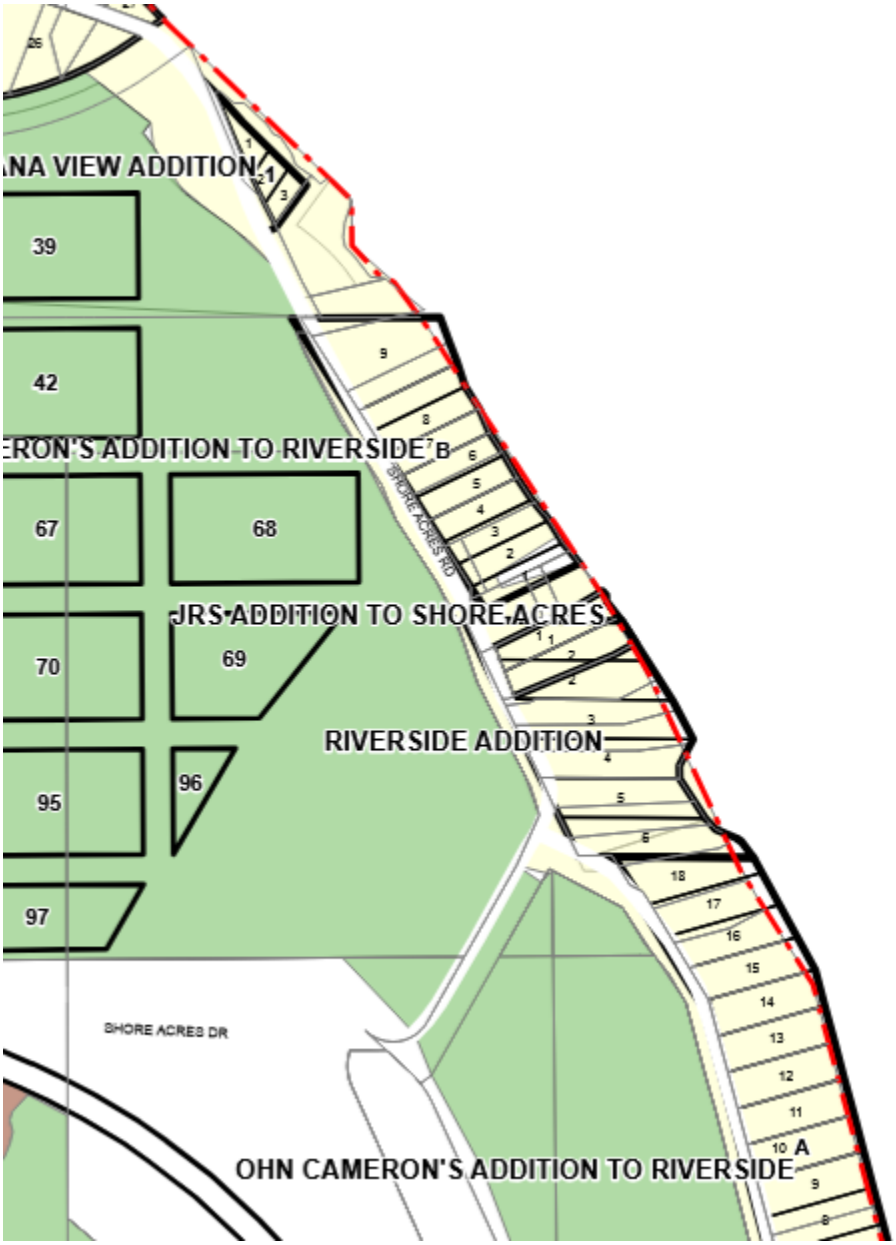


Exhibit #4 – La Crescent Zoning Ordinance 12.32 FLOOD FRINGE DISTRICT

12.32 FLOOD FRINGE DISTRICT (FF)

Subd. 1. PERMITTED USES. Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). All Permitted Uses shall comply with the standards for Flood Fringe "Permitted Uses" and the standards for all Flood Fringe "Permitted and Conditional Uses" listed.

Subd. 2. STANDARDS FOR FLOOD FRINGE PERMITTED USES.

C. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures must be no lower than two (2) foot below the Regulatory Flood Protection Elevation and the fill must extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.

D. Accessory Structures. As an alternative to fill, accessory structures that constitute a minimal investment and that do not exceed 576 square feet for the outside dimension at ground level may be internally flood proofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

1. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

2. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

3. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

    i. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

    ii. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

E. The cumulative placement of fill on a parcel must not exceed one thousand (1,000)

cubic yards, unless said fill is specifically intended to elevate a structure in accordance with the standards in this section, or if processed as a Conditional Use as regulated in this section.

F. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.

G. All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

H. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

I. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation or must have a flood warning /emergency evacuation plan acceptable to the City Council.

J. Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

K. Manufactured homes and recreational vehicles must meet the standards in this ordinance.

Subd. 3. CONDITIONAL USES. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district or any applicable overlay district, following the procedures in this ordinance.

D. Storage of any material or equipment below the regulatory flood protection elevation.

E. The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with the provision of this ordinance.

F. The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 12.32, Subd. 4(F).

Subd. 4. STANDARDS FOR FLOOD FRINGE CONDITIONAL USES.

A. The standards listed in this section apply to all conditional uses.

B. Residential basements, as defined in this Title, are not allowed below the regulatory flood protection elevation.

C. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, meeting

the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

D. The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

   1. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

   2. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Building Official.

   3. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

E. Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

F. Alternative elevation methods other than the use of fill may be utilized to elevate a structures lowest flood above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above—grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above—grade and not a structures basement or lowest floor if: 1) if the enclosed area is above—grade or at least one side of the structure; 2) is designed to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above—noted alternatives elevation methods are subject to the following additional standards:

   1. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of Flooding.

   2. Specific Standards for Above-grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

      i. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. Openings may be

equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention and shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area will suffice.

ii. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

City of La Crescent
Building and Zoning Department

PLANNING COMMISSION
CUP PUBLIC HEARING
STAFF REPORT

MEETING DATE:	October 7th, 2025
CASE NUMBER:	PC-25-03 CUP
OWNER:	La Crescent Land CO, Randy Gibson 28 McIntosh Road E La Crescent, MN 55947
PARCEL IDs:	250030000
APPLICANT:	Austin Wszolek, Carbon MN LLC
REQUEST:	Proposed Conditional Use Permit ("CUP") to operate cultivation, extraction, and manufacturing of cannabis at 190 Main Street, in La Crescent.
LOCATION:	190 Main Street
GENERAL PLAN/ ZONING DESIGNATION:	Industrial / I – Industrial District
SURROUNDING USES:	North: Industrial South: C-1 Commercial East: Industrial West: Industrial

BACKGROUND

The property is located in the Industrial Zoned District. Cultivation, extraction, and manufacturing of cannabis is allowed in the Industrial District with an approved Conditional Use Permit.

PROPOSAL

PC-25-03 CUP is a request for a Conditional Use Permit to allow for the operation of cultivation, extraction, and manufacturing of cannabis.

PLANNING STAFF ANALYSIS

Relationship to Comprehensive Plan:

The subject site is designated by the City's General Plan as "Industrial." The Comprehensive Plan states that this land use designation *is intended for light or heavy manufacturing, warehousing, distribution, wholesale trade, accessory offices and similar uses.*

Zoning Ordinance
12.24 INDUSTRIAL DISTRICT
Subd. 4. CONDITIONAL USES
G. Cannabis businesses licensed or endorsed for cultivation.
H. Cannabis businesses licensed or endorsed for cannabis manufacturer.

Site Context:

The property is a rental property in which the applicant initially intends to rent a portion of the building. As the rest of the property opens up, the applicant will rent the whole building.

Infrastructure Improvements:

N/A

Public Input:

At the writing of this report, the city has not received any comment on this application.

FINDINGS OF FACT FOR CONDITIONAL USE PERMIT

As required by Chapter 12, Zoning Ordinance, the Planning Commission shall advise the council, make recommendations and findings on the effect of the proposed use on the health, safety, morals, and general welfare of occupants of surrounding lands.

The applicant in their CUP application, submitted findings which are attached as Exhibit 1.

CRITERIA FOR GRANTING CONDITIONAL USE PERMITS.

A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Applicant Response:
Response (Findings): See applicant response: *The project enhances the property and surrounding area with professional odor mitigation, noise suppression, and security. No adverse impacts to adjacent properties are anticipated.*

Staff comment: The project will enhance the property, as the remodel for change of occupancy will update the property to current codes and requirements. The applicant will ensure professional odor mitigation, noise suppression and building security to protect the surrounding properties.

B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Applicant Response:
Response (Findings): See applicant response: *All improvements occur within the existing building footprint, preserving orderly development of nearby parcels.*

Staff comment: The proposed use is compatible with the Comprehensive Plan Land Use designation and all development will remain within the structure.

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Applicant Response:
Response (Findings): See applicant response: *Property already has municipal water, sewer and power. Access via Main Street and alley is sufficient.*

Staff comment: The current utilities, access roads, drainage, and facilities are sufficient to support the proposed conditional use.

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Applicant Response:
Response (Findings): See applicant response: *Onsite and adjacent parking provides adequate capacity. Deliveries will be scheduled during low-traffic periods.*

Staff comment: The applicant is providing sufficient parking on-site.

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result. The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Applicant Response:
Response (Findings): See applicant response: *Carbon filtration and closed-loop extraction ensure no detectable odors. Noise is limited to indoor HVAC. Exterior lighting will meet "dark sky" code.*

Staff comment: The site will utilize professionally installed odor mitigation systems. All equipment other than HVAC will be indoors. Lighting will be in accordance to the "Dark Sky" requirement of the Zoning Ordinance.

F. The use is not in conflict with the policies of the City of La Crescent.

Applicant Response:
Response (Findings): See applicant response: *The use aligns with industrial zoning intent, supporting economic development and safe industrial activity.*

Staff comment: The proposed use is not in conflict with the Comprehensive Plan's Land Use category which is Industrial. The use is a Conditional Use per the City's Zoning Ordinance.

G. The use will not cause traffic hazards or congestion.

Applicant Response:
Response (Findings): See applicant response: *Minimal employee and vendor traffic (<10 trips/day). No retail operations; customer congestion not applicable.*

Staff comment: The proposed use will not cause traffic hazards or congestion.

H. H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Applicant Response:
Response (Findings): See applicant response: *No negative impact expected; improvements will increase building quality and community tax base.*

Staff comment: Existing businesses should not be adversely affected by this Conditional Use.

STAFF FINDINGS AND RECOMMENDATION

City staff has reviewed the submitted application, the applicant's response to the CUP criteria, reviewed the city zoning district regulations for the I – Industrial Zoning District, and the adopted Comprehensive Plan Economic Development Element, Goals and Objectives.

The proposed project is listed as a Conditional Use in the City's Zoning Ordinance

12.24 I - INDUSTRIAL DISTRICT

Subd 4. CONDITIONAL USES.

A. Heavy manufacturing, no emission industries
B. Food processing industries
C. Manufacturing industries with emissions
D. Waste disposal sites and facilities
E. Bulk fuel storage facilities
F. Mini Storage Buildings.
G. Cannabis businesses licensed or endorsed for cultivation.
H. Cannabis businesses licensed or endorsed for cannabis manufacturer.
I. Cannabis businesses licensed or endorsed for wholesale.
J. Cannabis businesses licensed or endorsed for transportation.

The staff finds that the proposed use does meet the CUP criteria in Section 12.06, Subd. 3 of the Zoning Code and recommends approval of the CUP. The Planning Commission may have their own findings, recommend changes, or additional conditions which they feel may be applicable to the proposed project.

RECOMMENDED MOTION FOR CONDITIONAL USE PERMIT

I move that the Planning Commission recommend to the La Crescent City Council the (**APPROVAL**/DENIAL) of case PC-25-03 CUP "Carbon MN" a request by Austin Wszolek, to approve a Conditional Use Permit to allow for a cannabis business licensed or endorsed for the cultivation, extraction, and manufacturing, as a conditional use under 12.24 Subd. 4. (located at Parcel Number 250030000), subject to the following conditions of approval:

1) This CUP is conditionally approved pursuant to Chapter 12, ZONING ORDINANCE of the City of La Crescent, Minnesota, Section 12-06, Conditional Use Permits and the use shall be as set forth in accordance with the application and plans attached and associated to this case and all the provisions of the zoning ordinance and city codes applicable to this case.

2) Applicant will abide by the representations made by the applicant, or their agents, made during the permitting process, to the extent those representations were not negated by

the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.

3) The applicant shall comply with the city's adopted building codes.

4) The applicant shall comply with City Ordinance #587 6.01(C), 6.01(G), and 6.01(H), referring to Ventilation, Odor Mitigation and Security/Theft Mitigation.

5) Any security and site lighting shall be "Dark Sky" compliant, wherein all light sources shall be down-lit, full cutoff fixtures and shielded, and the correlated color temperature ("CCT") shall not exceed 2,700 Kelvins.

6) As stated in the applicants Finding of Facts, retail operations is not permitted.

7) Applicant shall comply with all federal, state, and local regulations.

Josh Tarrence

Prepared by Josh Tarrence, Building Inspector/Fire Chief

Attachments:
Exhibit #1 – Conditional Use Permit – Applicant Request
Exhibit #2 – Aerial Map – Parcel Maps
Exhibit #3 – Zoning Map

Exhibit #1 – Conditional Use Permit – Applicant Request

City of La Crescent
Building and Zoning Department

Conditional Use Permit Application

City of La Crescent Minnesota
Building and Zoning Department
315 Main Street
La Crescent, MN 55947
(507) 895-4409
www.cityoflacrescent-mn.gov

https://www.cityoflacrescent-mn.gov/wp-content/uploads/Zoning-Ordinance-Book-pdf.pdf

Questions: If you have any questions, please contact the Building/Zoning Department, Monday through Friday, 7:30 a.m. to 4:00 p.m. at 507-895-4409, or write to, Building/Zoning Department, 315 Main Street, City of La Crescent, Minnesota, 55947.

CUP APPLICATION

SUBJECT PROPERTY INFORMATION	
PROJECT NAME: Carbon MN LLC	LEGAL DESCRIPTION (Attach)
PROPERTY ADDRESS: 190 Main St. La Crescent MN	ASSESSOR'S PARCEL ID. 250030000
GROSS ACREAGE: .115	CURRENT ZONING DISTRICT: INDUSTRIAL LCSTC/SD300/FD6

PROPERTY OWNER	
NAME: LA Crescent Land CO, Randy Gibson	
MAILING ADDRESS: 28 Mcintosh Rd E	
EMAIL: kaaite@aol.com	TELEPHONE: 608-738-5806

APPLICANT	
NAME: Austin Wszolek, Carbon MN LLC	
MAILING ADDRESS: 1501 Saint Andrew St. #401 La Crosse, Wi 54603	
EMAIL: Austin@gocarbon.co	TELEPHONE: 720-338-0082

OWNER AUTHORIZATION

My signature below signifies that:

I hereby declare that I am the owner, or authorized agent of the owner, of the above-described property and I agree to construct the building or use herein described in accordance with the regulations and ordinances that govern said improvement within the City of La Crescent and that the foregoing information contained on this application is a true and correct statement of my intentions. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a CUP does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. I understand that any utility that must be moved as a result of additions or alterations to the property will be at my expense and I will be responsible for the cost of the plan check of this application even though I do not continue the project. I have also read and understand the instructions and information contained in the application materials.

- I have read the application form and background information and have provided the required information.
- I have reviewed the legal description on my property deed and indicated all recorded easements and deed restrictions on the submitted site plan. (*Please provide a description here of the easements and restrictions shown on your property deed.*_____)
- I believe the information provided in this application is accurate to the best of my knowledge.
- I am aware that City staff and/or Planning Commission members may view my property and proposed construction. *(Please note any special instructions regarding access to your property such as dogs, gates, alarms, etc*_____.)

- I understand that if this application is approved, a building permit is required for construction and that no construction may commence prior to issuance of the permit. No changes may be made without City approval, and changes may require a new application.
- I (we) understand that additional data may be requested by the City of La Crescent Planning Commission.

Property Owner Signature	**Date**
	8/31/25
Applicant Signature	**Date**

REVIEW TIMEFRAME

ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS | **REVIEW OF SUBMITTAL: 30 DAYS**

CUP SUBMITTAL CHECKLIST

PLEASE RETURN THIS COMPLETED APPLICATION FORM WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED TO CITY HALL OR SUBMITTED VIA EMAIL IN PDF FORMAT.

PLEASE NOTE: IT IS HIGHLY RECOMMENDED THAT A PRE-APPLICATION MEETING BE HELD PRIOR TO A FORMAL SUBMITTAL.

- ☒ Project Narrative of Proposed Request (See Page 8 for further details)
- ☒ Legal Description
- ☒ Site Plan (showing north arrow and other relevant data)
- ☒ Elevations and Floor Plans (if applicable)
- ☒ Copy of deed establishing ownership (LOI)
- ☒ Mailing Label Certification
- ☐ Mailing Labels (with Houston/Winona County parcel maps)
- ☐ Application Fees ($300.00)
- ☐ All requested items have been included

CUP Application Requirements

After you have had a pre-application meeting, please review your project before completing the application to make sure it meets the criteria in the zoning ordinance. Provide complete and accurate information. Plan your project so that it is compatible with the surroundings and does not disrupt the neighborhood with undue noise or traffic. Submitting an application for a CUP demands time, expense and justification. Please consider designing, refining or redesigning the project to meet all zoning standards before submitting an application for a CUP.

A narrative describing the basis for the proposed request must be submitted. In order to provide the staff, Planning Commission, and City Council with sufficient information with which to make a recommendation (staff and Planning Commission make a recommendation) and decision (City Council makes the decision), on whether the request meets the requirements of the zoning code, the CUP narrative should include the following information:

Application Narrative Requirements: Please submit as a separate document.

- Please provide a brief description of the project.
- What is the reason for your request?
- Location/Address/Tax Parcel ID of the property subject to the request
- Legal Description
- Vicinity information
- Current site conditions- **A survey or sketch drawn to scale must be attached showing:**

  a. Lot lines and corner pins (If there are any questions as to property lines, a survey may be needed). The city has a metal detector at City Hall for property owners to check out.
  b. Dimensions of existing buildings and proposed new construction;
  c. Distances from lot lines to buildings.
  d. All Easements (Utility and drainage)
  e. Utility lines entering the property.
  f. Corner pins must be established and marked by the owner.
  g. Two copies of construction plans must also be submitted

- Applicant's Evaluation of Criteria and Findings of Fact

  Please include a response to each of the following items. Please type or print legibly. If your response does not fit within the available space, please attach additional sheets. If the question does not apply to your situation, respond with "Not Applicable" and include a statement as to why a question is not applicable.

A. Please indicate what steps you have taken to discuss this project with your neighbors prior to submission.

B. Please indicate what steps you have taken to discuss this project with the city staff prior to submission.

C. As part of your application narrative, please review the Criteria for Granting Conditional Use Permits found in Section 12.06 Subd. 3. of the zoning ordinance (below) and provide your Response (Findings) in the space provided or on a separate sheet.

Subd. 3. CRITERIA FOR GRANTING CONDITIONAL USE PERMITS. In granting a conditional use permit, the La Crescent City Council shall consider the advice, recommendations and findings of the Planning Commission and the effect of the proposed use on upon the health, safety, morals and general welfare of occupants of surrounding lands. The City Council may make the following findings where applicable:

A. That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

Response (Findings): ATTACHED

B. That the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area.

Response (Findings): \\

C. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.

Response (Findings): \\

D. That adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use.

Response (Findings): \\

E. That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

The use is consistent with the purposes of the zoning code and the purposes of the zoning district in which the applicant intends to locate the proposed use.

Response (Findings): "

F. The use is not in conflict with the policies of the City of La Crescent.

Response (Findings): "

G. The use will not cause traffic hazards or congestion.

Response (Findings): "

H. Existing uses will not be adversely affected because of curtailment of customer trade brought about by intrusion of noise, glare or general unsightliness.

Response (Findings): "

D. Please review the potential additional conditions below from Section 12.06 Subd. 4. of the zoning ordinance and provide any explanation you deem necessary in your narrative for any of the potential additional conditions.

Subd. 4. ADDITIONAL CONDITIONS. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose additional conditions which are considered necessary to protect the best interest of the surrounding area or the community as a whole. Additional conditions may include but are not limited to the following:

A. Increasing the required lot size of yard dimensions.

B. Limiting the height, size or location of buildings.

C. Modifying the building architecture or orientation or requiring berms, screening, landscaping or other facilities to protect adjacent or nearby property.

D. Controlling the location and number of vehicle access points.

E. Increasing the street or driveway width to mitigate traffic or safety concerns.

F. Increasing the number of required off-street parking spaces.

G. Requiring landscaping, fencing, screening, or other improvements to protect adjacent or nearby property.

H. Limiting the number, size, location, or lighting of signs.

Note: In addition to any conditions that may be imposed by the City Council, the city has the following standard conditions of approval for all applications.

City Standard Conditions of Approval

A. Applicant will abide by the representations made by the applicant or their agents made during the permitting process, to the extent those representations were not negated by the Planning Commission or City Council and to the extent they are not inconsistent with spirit or letter explicit conditions of the Conditional Use Permit.

B. Exterior lighting will comply with the La Crescent Ordinances (dark sky, LED) lighting requirements.

C. Applicant comply with all federal, state, and local regulations.

CUP Narrative & Findings – Carbon MN

Project Name: Carbon MN LLC
Address: 190 Main St, La Crescent, MN
Parcel ID: 250030000
Gross Acreage: 0.115
Zoning District: Industrial LCSTC/SD300/FD6

Project Narrative

Carbon MN LLC, an OCM pre-approved cannabis microbusiness, requests a Conditional Use Permit to operate cultivation, extraction, and manufacturing at 190 Main Street, La Crescent.

The project involves renovating the existing 5,000 sq. ft. commercial/industrial building to include:

- **Cultivation rooms** (sealed, controlled environment).
- **Food Grade Commercial Kitchen**
- **Extraction lab** (C1D1 compliant, fire-suppression equipped).
- **Manufacturing/packaging area** for finished goods.

Operations will follow all **state OCM regulations** and **local fire/building codes**, with oversight from the Fire Chief and Building Inspector. The facility will be secure, odor-controlled, and fully enclosed.

Reason for request:
Cannabis-related activities require a CUP. Granting this permit allows safe, compliant use of an underutilized property, bringing jobs, economic activity, and tax revenue to La Crescent's industrial district.

A. Steps taken to discuss with neighbors:
Carbon MN LLC has made initial informal contact with several adjacent property owners to provide awareness of our proposed use at 190 Main Street. We explained that all operations will be conducted indoors with no public retail component, and that odor and noise mitigation systems will ensure the facility does not create a nuisance. We are committed to maintaining open communication with neighboring businesses and residents as the project moves forward.

B. Steps taken to discuss with city staff:
Prior to submission, Carbon MN LLC has participated in pre-application discussions with the City of La Crescent Building and Zoning staff to review zoning requirements, CUP procedures, and submittal materials. We have also confirmed that the project will be subject to review by the Fire Chief and Building Inspector, and we are prepared to provide detailed site, floor, and safety plans for their review as part of the permitting process.

Findings of Fact

A. Injurious to other property:
The project enhances the property and surrounding area with professional odor mitigation, noise suppression, and security. No adverse impacts to adjacent properties are anticipated.

B. Orderly development:
All improvements occur within the existing building footprint, preserving orderly development of nearby parcels.

C. Adequate utilities/access:
Property already has municipal water, sewer, and power. Access via Main Street and alley is sufficient.

D. Parking/loading:
Onsite and adjacent street parking provides adequate capacity. Deliveries will be scheduled during low-traffic periods.

E. Odor/noise/light control:
Carbon filtration and closed-loop extraction ensure no detectable odors. Noise is limited to indoor HVAC. Exterior lighting will meet "dark sky" code.

F. Consistency with zoning code:
The use aligns with industrial zoning intent, supporting economic development and safe industrial activity.

G. Not in conflict with City policies:
The proposal follows OCM regulations and La Crescent CUP procedures, aligning with City goals for managed cannabis development.

H. Traffic hazards:
Minimal employee and vendor traffic (<10 trips/day). No retail operations; customer congestion not applicable.

I. No adverse effects to existing uses:
No negative impact expected; improvements will increase building quality and community tax base.

Additional Conditions

- **Height/size:** No exterior changes proposed.
- **Screening/landscaping:** Existing building; No landscaping improvements will be made if required.
- **Access control:** Security and limited vehicle access ensure safety.
- **Parking:** Current capacity is sufficient.

Compliance Statement

Carbon MN LLC will:

- Abide by all state, federal, and local cannabis regulations.
- Submit site plans, floor plans, and C1D1 extraction specs for Fire Chief and Building Inspector review.
- Implement 24/7 surveillance, restricted access, and professional odor and waste control systems.
- Ensure that all construction is permitted and inspected prior to occupancy.

Mailing Label Certification

I/We, Carbon MN + La Crescent Land Co,

hereby certify that this is a complete list of property owners abutting and those property owners that would be abutting except for the existence of a right of way of the property proposed for a variance as obtained from the Houston or Winona County Assessor's Office on: (date obtained) 8/31/25.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

La Crescent Land Co — Property Owner Name

Signature

190 Main St.

Street Address

La Crescent, MN,55947 — City, State, Zip

608-738-5806 — Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Carbon MN — Agent Name

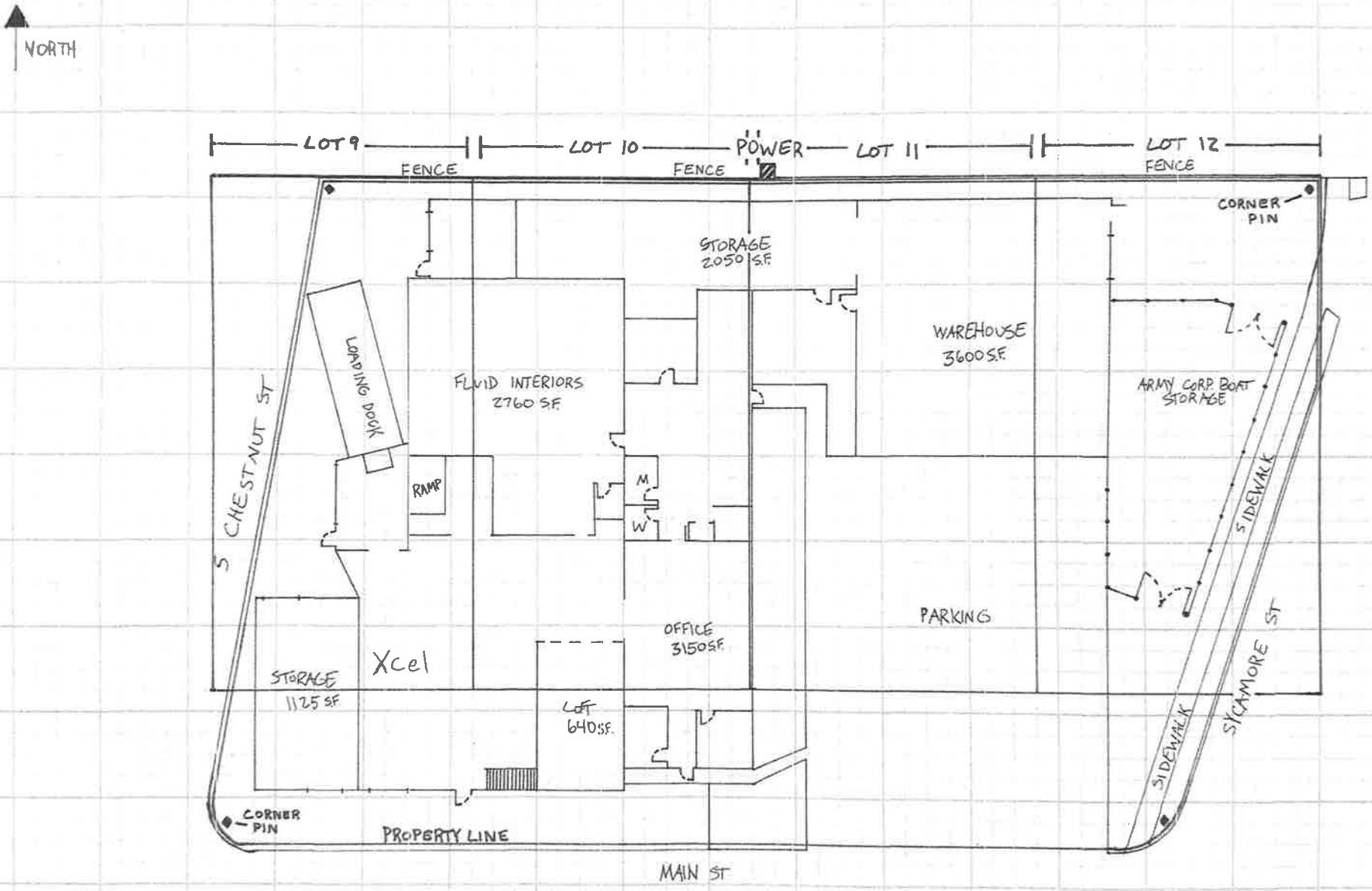
Signature

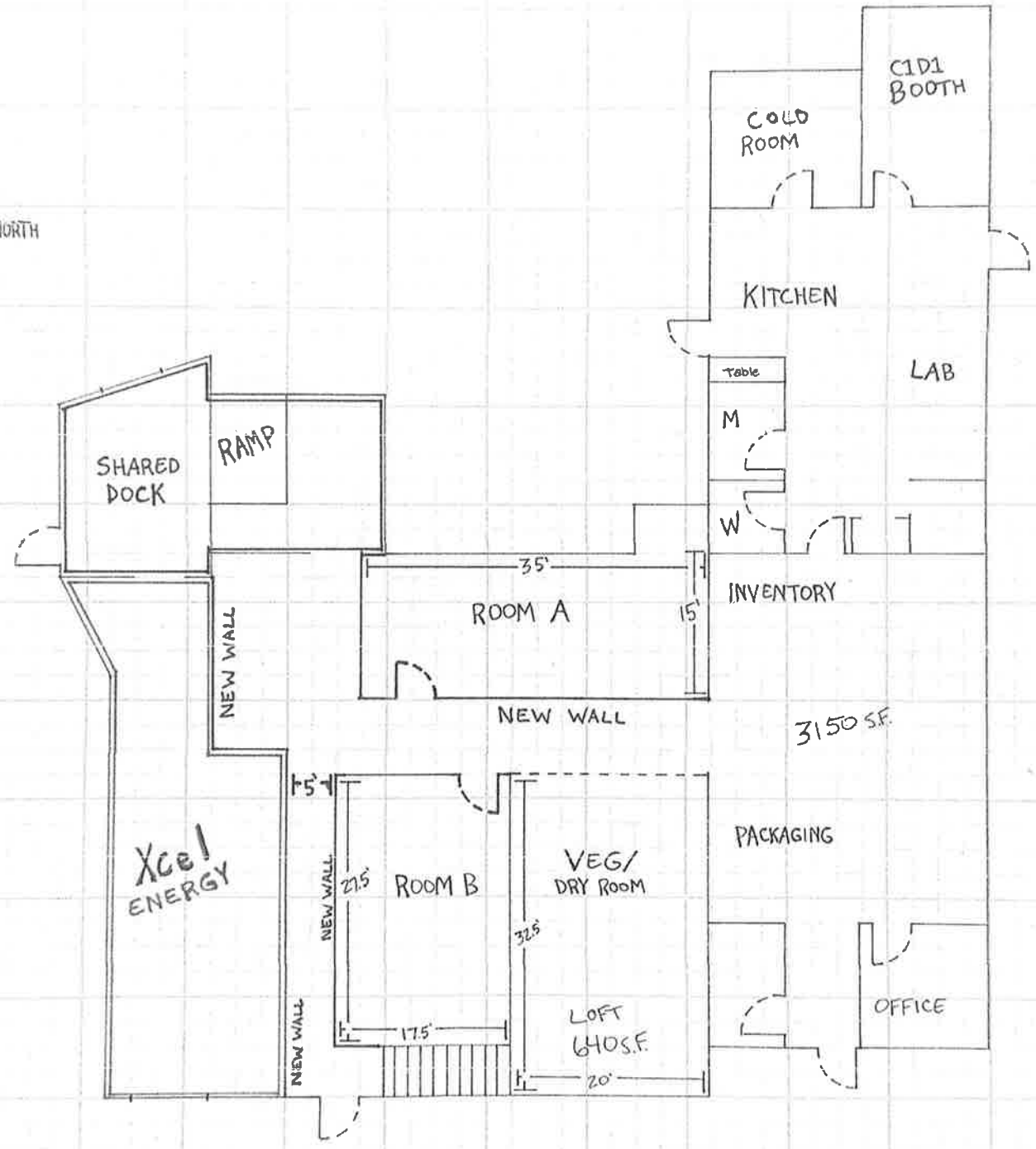
17023 HILLSIDE RD

Street Address

RDBROWNSVILLE MN 55919 — City, State, Zip

720-338-0082 — Telephone


NORTH
LOT 9
LOT 10
POWER
LOT 11
LOT 12
FENCE
FENCE
FENCE
CORNER PIN
STORAGE 2050 S.F.
WAREHOUSE 3600 S.F.
ARMY CORP BOAT STORAGE
LOADING DOCK
FLUID INTERIORS 2760 S.F.
RAMP
M
W
5 CHESTNUT ST
SIDEWALK
SYCAMORE ST
PARKING
OFFICE 3150 S.F.
Xcel
STORAGE 1125 S.F.
LOFT 640 S.F.
SIDEWALK
CORNER PIN
PROPERTY LINE
MAIN ST


NORTH
C1D1 BOOTH
COLD ROOM
KITCHEN
LAB
Table
M
W
SHARED DOCK
RAMP
35'
ROOM A
15'
INVENTORY
NEW WALL
NEW WALL
3150 S.F.
15'
NEW WALL
27.5'
ROOM B
VEG/ DRY ROOM
32.5'
PACKAGING
XCEL ENERGY
NEW WALL
17.5'
LOFT 640 S.F.
20'
OFFICE

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Letter of Intent to Lease

Date: 8/25/25

Landlord:
Randy Gibson / La Crescent Land Co.
190 Main Street
La Crescent, MN

Tenant:
Carbon MN LLC
1501 Saint Andrew St.

La Crosse, Wi 54603

Purpose

This non-binding Letter of Intent ("LOI") sets forth the principal terms and conditions under which **Carbon MN LLC** ("Tenant"), an Office of Cannabis Management pre-approved microbusiness intending to cultivate, extract, and manufacture cannabis products, proposes to lease space from **La Crescent Land Co.** ("Landlord"). The parties intend to negotiate and enter into a formal Lease Agreement consistent with the terms below.

Proposed Lease Terms

1. **Premises**
    - Approximately **5,000 square feet** located at **190 Main Street, La Crescent, MN** (the "Premises"). Interest in any additional space if available.
2. **Use**
    - Tenant intends to use the Premises for **cannabis cultivation, extraction, and manufacturing activities**, subject to all applicable state and local laws, regulations, and required permits.
3. **Lease Term**

Docusign Envelope ID: 45C94830-B1C0-45EB-9E73-4E70C108E3BA

- **Initial Term:** Five (5) years.
- **Commencement Date:** To begin between **November 1, 2025 and December 1, 2025**, contingent upon issuance of all necessary approvals and completion of buildout.

4. **Base Rent**
   - **$5,000 per month.**
5. **Additional Rent / Expenses**
   - **Tenant shall not be responsible for common area maintenance (CAM) charges, real estate taxes, or other operating expenses.**
6. **Tenant Improvements / Buildout**
   - Landlord shall provide a **build-to-suit allowance** to complete necessary improvements to the Premises prior to the Commencement Date.
   - **Rent shall be abated until such time as the Premises are complete and all required permits are issued.**
7. **Renewal Option**
   - Tenant shall have the **first right of refusal** to lease any additional contiguous space at the Premises as it becomes available, and the right to **renew the Lease at then-market terms**.
8. **Contingencies**
   - This LOI and any subsequent Lease are expressly **contingent upon Tenant obtaining all necessary state and municipal approvals and permits**, including but not limited to a Conditional Use Permit from the City of La Crescent, anticipated by mid-October 2025.
9. **Confidentiality / Exclusivity**
   - Landlord agrees not to negotiate a lease for the Premises with any other cannabis-related business while this LOI is in effect.
   - Both parties agree to keep the terms of this LOI confidential, except as required for legal, financial, or regulatory purposes.

Docusign Envelope ID: 45C94830-B1C0-45EB-9E73-4E70C108E3BA

10. **Non-Binding Effect**

- Except for the Confidentiality and Exclusivity provisions above, this LOI is **non-binding** and is intended solely as a basis for preparing a formal Lease Agreement. Neither party shall be bound until such Lease Agreement is fully executed.

Acknowledgement

If the foregoing accurately reflects your understanding of the proposed terms, please confirm by signing below.

Landlord:

Signature: _____
Name: Randy Gibson
Title: 9/4/2025
Date: 9/4/2025

Tenant:

Signature: _____

Name: Austin Wszolek
Title: Managing Member, Carbon MN LLC
Date: 8/25/25

250002001
LA CRESCENT,CITY OF
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

250020000
BAUER,BRUCE E
221 N 2ND ST
LA CRESCENT, MN 55947

250021000
TIPPETTS RENTALS LLC
W7931 CTY RD Z8
ONALASKA, WI 54650

250025000
7 RIVERS MECHANICAL PROPERTIES
190 1ST ST N
LA CRESCENT, MN 55947

250026000
VILLAND ENTERPRISES LLC, % RODNE
1061 WILLIAM AVE
WEST SALELM, WI 54669

250027000
7 RIVERS MECHANICAL PROPERTIES
190 1ST ST N
LA CRESCENT, MN 55947

250027001
7 RIVERS MECHANICAL PROPERTIES
190 1ST ST N
LA CRESCENT, MN 55947

250028000
BOETTCHER PROPERTIES, LLC
191 1ST ST N
LA CRESCENT, MN 55947

250030000
LA CRESCENT LAND CO, RANDY GIBSC
28 MCINTOSH RD E
LA CRESCENT, MN 55947

250031000
LA CRESCENT LAND CO, RANDY GIBSC
28 MCINTOSH RD E
LA CRESCENT, MN 55947

250032000
BAUER,BRUCE E
221 N 2ND ST
LA CRESCENT, MN 55947

250040000
MO & MN POSTAL HOLDINGS LLC
75 COLUMBIA AVE
CEDARHURST, NY 11516

250050000
DRU HOLDINGS LLC
847 REMINGTON ST
WEST SALEM, WI 54669

250050001
DRU HOLDINGS LLC
847 REMINGTON ST
WEST SALEM, WI 54669

250050002
LA CRESCENT,CITY OF
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

250051000
SOO LINE RAILROAD COMPANY, 7TH FL
120 6TH ST S
MINNEAPOLIS, MN 55402

250052000
LADSTEN,GERALD W
21691 HONEY DR
SPRING GROVE, MN 55974

250052001
DRU HOLDINGS LLC
847 REMINGTON ST
WEST SALEM, WI 54669

250053000
LA CRESCENT,CITY OF
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

250230000
BAUMGARTNER,DENNIS & DOROTHY
W3189 BUOL RD
WEST SALEM, WI 54669

251172000
G F S INC
85 MAIN ST #1
LA CRESCENT, MN 55947

251173001
ZENKE,TRAVIS & KATHY
4485 COUNTY 6
LA CRESCENT, MN 55947

251173003
ZENKE,TRAVIS & KATHY
4485 COUNTY 6
LA CRESCENT, MN 55947

251183001
LA CRESCENT,CITY OF
315 MAIN ST
PO BOX 142
LA CRESCENT, MN 55947

259001000
STONE,SAMANTHA J & MARIAH M
105 SYCAMORE ST
LA CRESCENT, MN 55947

259003000
HERMANN,MIKE
103 SYCAMORE
LA CRESCENT, MN 55947

259006000
BAUMGARTNER,HOWARD & MARGO
197 DEPOT LN
LA CRESCENT, MN 55947

259007000
JENSKY,JEFFREY
107 SYCAMORE ST N
LA CRESCENT, MN 55947

259009000
WIESE,DEREK
195 DEPOT
LA CRESCENT, MN 55947

259114000
BAUMGARTNER,SUSAN M
199 DEPOT LN
LA CRESCENT, MN 55947

Exhibit #2 – Aerial Map – Parcel Maps

Houston County Beacon Aerial Map – Parcel Map Combined Parcels

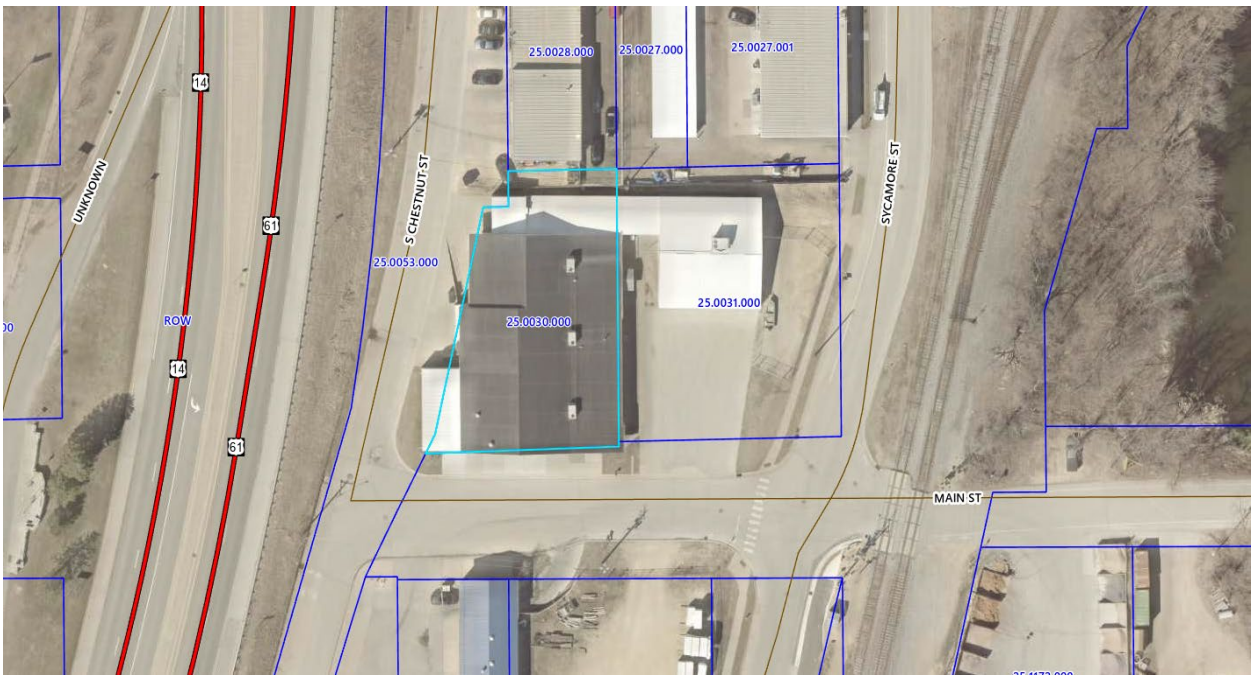

Exhibit #3 – Zoning Map