MEMORANDUM

Business Item A & B

From: Administrator/Staff
To: Plan Commission
Re: Plan Commission review & consideration of Resolution 2026-001 Making a Recommendation to the Town Board of Supervisors regarding a Re-Zoning Application submitted by Chris Perreault on behalf of John Kulogo & David Hughes, requesting approval to re-zone approximately 1.51 acres of proposed Lot 1 (3442 County Rd II) from R-1 (Rural Residential District) to A-2 (General Agriculture District); and approximately 0.29 acres of proposed Lot 2 from A-2 (General Agriculture District) to R-1 (Rural Residential District).

AND

Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Chris Perreault on behalf of John Kulogo & David Hughes to reconfigure portions of Tax ID #006-0420-02; Tax ID #006-0420-03; and Tax ID #006-0420-05 (3464 & 3442 County Rd II).

Please see the comments below from Code Administrator Kamke:

This Certified Survey Map is requested to prepare for an ownership transfer of an outbuilding between lots, with the addition of acreage to the Proposed Lot 1 to meet district acreage requirements and sufficient area to Proposed Lot 2 to meet lot width requirements. When done in combination with the rezoning on this agenda, the proposed lots will meet all dimensional standards for their districts, being minimum road frontage, lot area, minimum average lot width, and setbacks from lot lines to buildings.

Three parcels, created by the same historic CSM #8112, will be reconfigured into three new parcels. Current parcels are: 006-042002, being Lot 1 of CSM #8112 owned by David Hughes; 006-042003, being Lot 2 of CSM #8112 owned by John H. Kulogo; and 006-042005, being Lot 4 of CSM #8112 owned by Kulogo Farmland LLC.

Proposed Lot 1 of this CSM will take approximately ±4.1514 acres from the Kulogo Farmland LLC agricultural field and ±0.2588 acres from the David Hughes R-1 lot and add those to the existing lot with frontage along a public road owned by John Kulogo at 3442 CTH II, for a proposed new lot of ±5.6621 acres. The whole parcel is requested to be zoned A-2 General Agriculture district, which requires a minimum of five acres, and 200ft for both average lot width and minimum road frontage. At a proposed 5.6621 acres, 423.88 feet average width, and 216.83 feet of road frontage, Proposed Lot 1 meets all the required dimensional standards for the A-2 General Agriculture district.

Proposed Lot 2 will combine approximately ±0.294 acres from the agricultural field (A-2 General Agriculture district) to the existing R-1 Rural Residential district lands owned by David Hughes at 3464 CTH II. After accounting for the lot line adjustments in the new northeast corner of this configuration, the new proposed lot will be ±1.2190 acres. The applicant is requesting the whole parcel be standardized to the R-1 district, which requires a minimum area of 43,000 square feet, 33 feet of road frontage, and 200 feet of average lot width. At 53,098 square feet (1.2190 ac), 193.85 feet of frontage, and an average lot

width of 214.13 feet, the Proposed Lot 2 meets dimensional standards of the R-1 Rural Residential district.

Per Wis Stats 236.02(12)(am), land divisions creating lots of 1.5 acres or less may be limited to no more than four divisions in five years when using the Certified Survey Map method. Property owners wishing to divide more times or lots than that must do so by the plat process. The Town of Clayton reviewed and approved a CSM request for this land in September 2023. That CSM was recorded in March 2024, creating three lots fitting the statutory "subdivision" definition (CSM #8812, Document #1918904 in the Winnebago County Register of Deeds). A request heard in August 2025 by this Commission was approved by the Town, but never recorded. The lot proposed under that CSM was over 1.5 acres in size but also never officially created, so that proposed division does not count towards the statutory limit. Approval and recording of the survey map proposed here will create a fourth lot of less than 1.5 acres within a five-year period. This is allowable but may mean that no other subdivision of land can occur on this land until at least 2029. *Operative words of "may" due to interpretation and enforcement of that statute residing under the jurisdiction of the Winnebago County Zoning Department.*

Each lot of this proposal has an individual well, separate septic system, and existing driveway access. They are not within an area of expected sanitary district service expansion. Detailed information about the easement noted on the survey from CSM #8112 was not available, but being a private easement, it was not dedicated for public access or use.

Section 7.10.11(6)(a) of the Town Subdivision Ordinance requires all pertinent features of the property to be documented on the map. If there is information about the septic system location (drain fields, vents, tank covers, etc.) those must be included. Adjacent property owners must be listed over their respective parcels on the survey as required in the subdivision ordinance. It is also recommended that the ownership of the Proposed Lot 1 be clarified if it will be only in Mr. Kulogo's ownership, solely by the LLC, or by both together.

It is staff opinion that both agenda items should receive the same recommendation from the Plan Commission to the Town Board. Doing one without the other will result in split-zoned lots, creating difficulty in administering and enforcing Town ordinances. With the proposals meeting all Town standards, staff recommend approval action for both items.

Suggested Conditions:
1. Information about the septic system location (drain fields, vents, tank covers, etc.) must be included on the CSM.
2. Adjacent property owners must be listed over their respective parcels on the survey as required in the subdivision ordinance.
3. Ownership of the Proposed Lot 1 be clarified if it will be only in Mr. Kulogo's ownership, solely by the LLC, or by both together.

SUGGESTED MOTION(S):

Motion to recommend approval of the re-zoning application submitted by Chris Perreault on behalf of John Kulogo & David Hughes with Resolution 2026-001.

Motion to recommend denial of the re-zoning application submitted by Chris Perreault on behalf of John Kulogo & David Hughes with Resolution 2026-001.

Motion to recommend approval of the CSM application submitted by Chris Perreault on behalf of John Kulogo & David Hughes with the three (3) listed conditions.

Motion to recommend denial of the CSM application submitted by Chris Perreault on behalf of John Kulogo & David Hughes.

Respectfully Submitted,
Kelsey