

MEMORANDUM

Public Hearing A & Business A

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission Public Hearing on a Re-Zoning Application submitted by Carow Land Surveying on behalf of John & Barbara Kulogo to re-zone approximately 3.2 acres +/- of Tax ID #006-0420 (3438/3442 County Rd II) adjacent to County Rd II from the A-2 (General Agriculture) District to the R-1 (Rural Residential) District.

AND

Plan Commission review & recommendation on a Re-Zoning Application submitted by Carow Land Surveying on behalf of John & Barbara Kulogo to re-zone approximately 3.2 acres +/- of Tax ID #006-0420 (3438/3442 County Rd II) adjacent to County Rd II from the A-2 (General Agriculture) District to the R-1 (Rural Residential) District.

Please see the below comments from Code Administrator Kussow:

Property Information Specific to Tax ID # 006-0420:

1. Specific Site Location: The subject property is the 3.2 acres +/- surrounding the existing residences/accessory buildings and adjacent to County Rd II on the property addressed 3438/3442 County Rd II.
2. Parcel Profile Report is enclosed with this memo for your reference. Additional applicable property information not included in the Parcel Profile Report is described below:
 - a. The subject property is currently located in the General Agriculture (A-2) District.
 - b. There are no navigable streams on the subject property.
 - c. The subject property is not subject to shoreland zoning, floodplain, or airport zoning.
 - d. There are no mapped wetlands per the Winnebago County Hydrologic Viewer.
 - e. The subject property is not located in a sewer service area or sanitary district.
 - f. The current 2016 Town Comprehensive Plan/Future Land Use Plan Map identifies the future land use category/designation of the subject property as "Agriculture/Rural Residential" with the "Working Lands" overlay.
 - g. The Plan Commission RECOMMENDED Future Land Use Map of the updated 2023 Comprehensive Plan identifies the future land use category/designation of the subject property as "Agriculture/Rural". This recommended Future Land Use Map has not yet been adopted by the Town.
3. Zoning of Surrounding Properties:
 - a. North: A-2 (General Agriculture) District
 - b. South: A-2 (General Agriculture) District; R-1 (Rural Residential) District to southwest
 - c. East: A-2 (General Agricultural) District

d. West: A-2 (General Agricultural) District

Application Details:

Carow Land Surveying on behalf of John & Barbara Kulogo to re-zone approximately 3.2 acres +/- of Tax ID #006-0420 (3438/3442 County Rd II) adjacent to County Rd II from A-2 (General Agriculture District) to R-1 (Rural Residential District), resulting in all of Lots 1 through 3 of the proposed Certified Survey Map (CSM) being in the R-1 District (see proposed CSM).

The purpose of the proposed rezoning is to allow for the proposed Certified Survey Map (CSM) reconfiguring PIN 006-0420 (3438/3442 County Rd II) and PIN 006-0420-01 (3464 County Rd II) into four (4) lots. PIN 006-0420-01 (3464 County Rd II) is already zoned R-1, which is part of the proposed Lot 1. The proposed Lots 1 through 3 of the CSM comply with dimensional requirements for the R-1 District.

Comprehensive Plan Considerations:

- The current 2016 Town Comprehensive Plan/Future Land Use Plan Map identifies the future land use category/designation of the subject property as “Agriculture/Rural Residential” with the “Working Lands” overlay.
 - “Rural Residential” Future Land Use Category Description:
 - *These are parcels that were of record when the Winnebago County Zoning Ordinance was adopted or are lots that have been or will be created through the use of a certified survey map without the dedication of new roads to create frontage for the lots.*
 - *It does not include farmsteads located on a parcel that is being used for agricultural purposes by the occupant of the farmstead but it does include a farmstead that has been separated from a larger parcel by CSM and is occupied by an individual who is not actively involved in agricultural operations on the larger parcel.*
 - *This type of residential development can be found scattered throughout the town.*
 - *This type of residential development will require an Agricultural/Rural Residential future land use designation and be located in one of the following zoning districts:*
 - *A-1 Agribusiness (Conditional Use)*
 - *A-2 General Agriculture*
 - *R-1 Rural Residential*
 - *R-3 Two-Family Residential*
 - “Working Lands” Future Land Use Category Description:

“The objective of the Town’s Working Lands Initiative is to protect and foster the Town’s agricultural heritage and agricultural industry... The lands designated “Working Lands” are included in the “Agriculture/Rural Residential” category on the Town of Clayton Future Land Use Map (Map 1) found within the Comprehensive Plan. The Working Lands overlay is comprised of land which was part of a detailed analysis which included specific criteria. The criteria were as follows:

 1. *Contiguous agricultural land west of an East/West Boundary Line (Primarily Center Road) were included in the Working Lands*

Analysis. Land east of this generalized boundary line is generally, but not exclusively, used for other uses.

2. *Includes cropped parcels >5 acres where 50% or more is being actively farmed (air photo interpretation).*
 3. *All parcels < 5 acres were excluded.*
 4. *Any parcels zoned other than A-1 or A-2 were excluded.*
 5. *Non-farm parcels (ex; wooded, wetlands, residential and other non-farm intensive type land uses) were excluded.*
 6. *Several minor adjustments for inclusion into the Working Lands designation were made for parcels based on parcel ownership and current operations (Active Farming). These additions have been documented.”*
- The Plan Commission RECOMMENDED Future Land Use Map of the updated 2023 Comprehensive Plan identifies the future land use category/designation of the subject property as “Agriculture/Rural”. This recommended Future Land Use Map has not yet been adopted by the Town.
 - “Agriculture/Rural” Future Land Use Category Description:
“The Agriculture/Rural district exists to continue the accommodation of the Town’s agricultural activities. These rural lands are used for a variety of crops and other agricultural purposes and are planned to continue throughout the life of the Plan with minimal changes in land use. In general, the Agriculture/Rural district shall:
 - *Accommodate existing and new forms of agriculture such as organic farms and farms that provide fresh produce to local stores, restaurants, and individuals, as well as hobby farms.*
 - *Allow for the production of renewable energy, per the Solar Energy System Overlay (see separate discussion and map).*
 - *Accommodate rural residential uses only within the limits of the Tiered Development System housing allocations, preferably on existing lots of record.”*
 - The subject property is in the “Tier 2” development tier per the RECOMMENDED 2023 Comprehensive Plan. The 2023 Comprehensive Plan allocates 10% of total future housing units to the “Tier 2” development tier. This rezoning and land division will not create future housing units since Lots 1 through 3 of the proposed Certified Survey Map already contain single-family residences.

It is staff’s opinion that the proposed rezoning from A-2 to R-1 is generally consistent with the current 2016 Comprehensive Plan and is substantially consistent with the recommended 2023 Comprehensive Plan.

Staff Comments, Basis of Decision, and Staff Recommendation, & Suggested Conditions:

Staff Comments:

It is staff’s opinion that:

1. The proposed rezoning from A-2 to R-1 is generally consistent with the current 2016 Comprehensive Plan and is substantially consistent with the recommended 2023 Comprehensive Plan; and
2. The proposed rezoning may be approved as proposed.

Basis of Decision:

The Plan Commission, in making its recommendation, and the Town Board, in making its decision, shall consider the following factors:

1. whether the amendment is consistent with the Town's comprehensive plan, including any future land use maps or similar maps;
2. the extent to which the lot and structures on the subject property conform to the dimensional standards that apply to the proposed zoning district; and
3. any other factor not specifically or generally listed, but deemed appropriate by the Plan Commission or Town Board of Supervisors given the particular circumstances.

Staff Recommendation:

Staff recommends approval of the Re-Zoning Application to re-zone approximately 3.2 acres +/- of Tax ID #006-0420 (3438/3442 County Rd II) adjacent to County Rd II from the A-2 (General Agriculture) District to the R-1 (Rural Residential) District, resulting in all of Lots 1 through 3 of the proposed Certified Survey Map (CSM) being in the R-1 District.

Suggested Motion:

*Motion and **ROLL CALL** to approve Resolution 2023-006 Recommending the Re-Zoning of Properties from the A-2 (General Agriculture District) to the R-1 (Rural Residential District) with all Staff Recommendations & Conditions.*

Respectfully Submitted,
Kelsey