

Oct 31 2025

Notes for Dane County re: Bilse Rezone application

Note: Mr Bilse is not considering revising his petition – there is no reason for him to alter this plan that was approved in 2004.

1. It is important to understand the history of land divisions on this property. The concept plan that was approved in 2004 was contested – it went back and forth between the PC and TB several times, but in the end the TB (with Ed Eloranta – the gentleman who spoke in opposition not to the rezone but to the layout of these lots) – supporting the concept plan). The TB voted that the option 2 2004 version of the concept plan was acceptable. They have created multiple lots off of this concept plan over the years and if the concept plan was not acceptable they have had lots of opportunity to state this (just like they did prior to accepting the 2004 version).

Here is the Bilse History up to concept plan adoption:

**10/28/2002 Original Concept Plan + create 1 CSM lot**

**PC approved Option 2 concept plan – with description of general development areas but not how many d.u in each area and recommended approval of CSM**

**10/27/2003 - PC motion to Table to Clarify the Concept Plan – Need to assign d.u. to the development areas and figure out how this plan meets option 2. Bunn/ Tracy to table until next meeting after site visit.**

**11/11/2002 – TB Approve CSM – divides off original farmhouse with one density unit. [Done before clarification of concept plan]**

**11/24/2003 PC Concept plan clarification – Revised plan specified 4 d.u. off Lunde and 4 off Town Hall Rd**

**1/26/2004 - PC recommends to TB approval of a 22 ac CSM lot south of Town Hall Rd**

**2/9/2004 - TB Motion by [Hefty/Eloranta] denies CSM “for purely technical reasons” [however, no explanation of what the technical reasons were] TB sends back to PC for explanation of how concept plan meets option 2 standards Vote 2-1.**

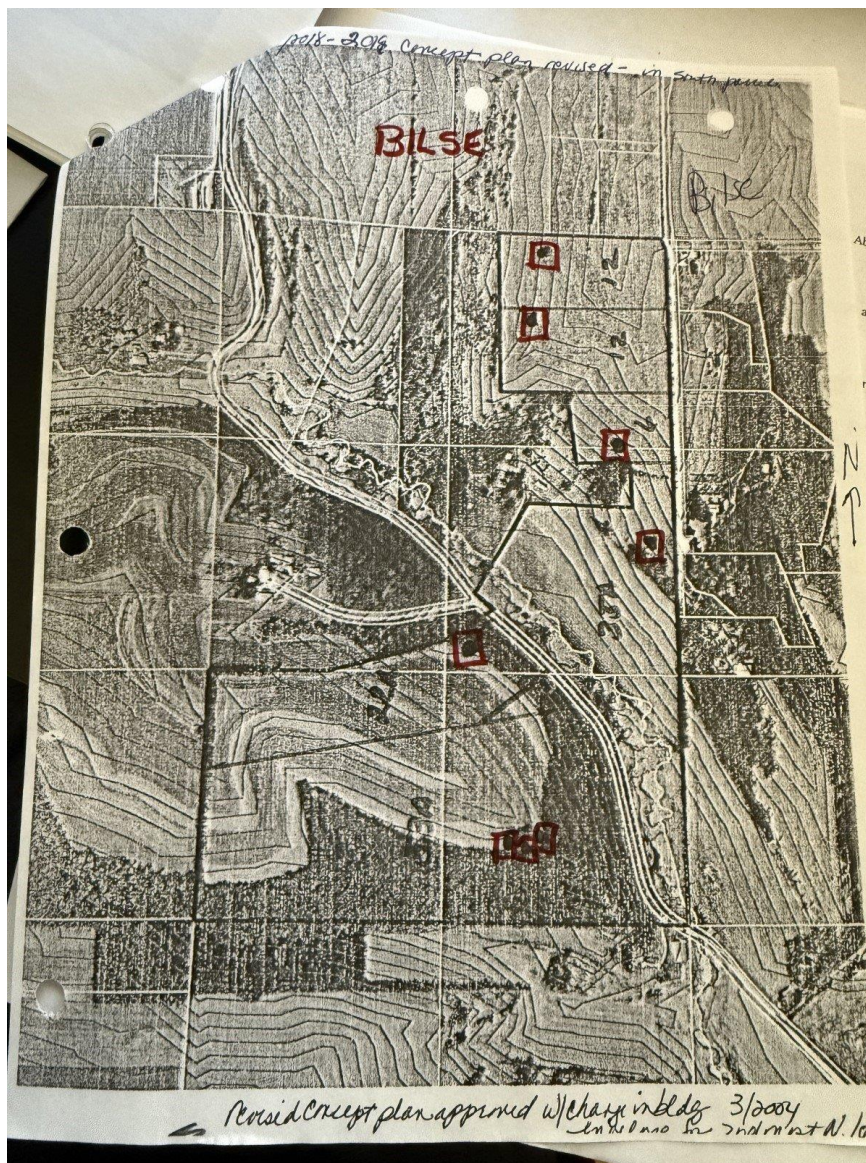
**2/23/2004 - PC voted 5-4 to send concept plan back as option 2 to TB as originally voted on – no additional discussion or notes in minutes.**

**3/6/2004 - TB MOTION {Eloranta/Hefty} voted no to CSM, 2-1 vote, CSM not based on option 2 concept sited Option 2 standards from LUP that they did not feel the concept plan met – Lots on Lunde should not in ag field, should be clustered, should avoid strip development, should not visible from prominent roads, large fields should stay together.**

**3/29/2004 - PC Revised concept plan and re-approved CSM [THIS IS THE CURRENT 2004 CONCEPT PLAN]**

**“MOTION by Bunn/Hanson to approve the revised concept plan with the location of four (4) building envelopes with access via Lunde Lane as shown, with the driveways serving the two northern most lots located along the Northwest property line, and with clarification that no building envelopes have been approved in the development area on the 53 acre parcel with frontage on Town Hall Road. DISCUSSION:** Contiguous acres owned on effective date of 3/11/02 =157.8 acres. Location of 9 new lots under option 2 per the family's distribution of land is as follows: 25 acre CSM for Paul Elver approved in 2002 includes existing farmhouse and one new lot, **the property with access on Lunde Lane includes four building envelopes/new lots as delineated on the revised concept plan**, and the property with access on Town Hall Rd, includes one 22 acre CSM and a development area large enough to accommodate three new lots. **In general, this revised concept plan was considered to meet more goals of option 2**, even though the previous concept plan, agriculturally speaking, was considered by one Plan Commissioner to meet option 2. **Motion carried 7-0.**

**This is the concept plan filed in 2004.**



**TB 4/12/2004 - “MOTION by [Schwenn/Hefty] to approve the preliminary CSM for 22 acres as an option 2 CSM division with no further division pursuant to the town plan and ordinances. Discussion: In the 3/29/ 04 PC meeting, a revised concept plan was submitted and approved, which better conforms to option 2. Motion Carried 3-0.” NOTE: Ed Eloranta was the 3<sup>rd</sup> aye vote as the third member of the TB at the time.**

\*\*\*Also, Please note that the 22 ac CSM that the TB approved is LOT 1 CSM 11162

<https://accessdane.danecounty.gov/060717490700> - this was a 22 ac CSM that cut through a farm field AND was approved after sending back the concept plan several times – no one had any issue with this division of a field in 2004 –Ed voted for dividing this field – his objection to how the field was divided that field as presented in the concept plan in 2004 surfaced in 2025.

## 2. OUR STANDARDS FOR OPTION 2 LAND DIVISIONS HAVE NOT CHANGED SINCE THE CONCEPT PLAN WAS APPROVED.

Contrary to what Eloranta claimed in his opposition testimony. Nothing in the standards of an option 2 have changed since this was approved in 2004 – while there have been amendments to the town land use plan – none of them pertain to the standards of an option 2 land division – there are no additional criteria that would cause the town to need to reevaluate the decision made in 2004 to support divisions off of this concept plan. The Town Board decided that it met the standards of an option 2 – see the vote on 4/12/2004.

Concept plans are drawn up as planning tools for families/the town future uses of land and that the partnership between the town and landowners needs to be trusted and decisions should only change when/if there are changes in the land use plan and that otherwise that we should honor agreements from the past – this was the position of the two long standing members of the town board at our meeting where we originally approved the preliminary CSM as consistent with the concept plan on file and the land use plan.

While it is true that the current members of the PC might suggest that these lots lines be drawn differently if we were approving the concept plan from scratch today – it seems unfair not to honor a concept plan that was approved in 2004 when the standards that were voted on by a previous PC/TB have not changed. If the standards are different, that is a reason to force the landowner to re-open a concept plan discussion, but since they are not, it seems like it is in the town’s interest to honor prior decisions/ plans. We want landowners to feel confident that the town can be trusted and that it makes sense to work with the town on concept plans. The 2004 concept plan did not have to have lot lines and lot sizes drawn in – but it did –

that is an option in how our land use plan defines concept plan – given that they were there the town voted to honor them.

The PC recommended to the TB the division of these lands according to the approved 2004 concept plan by a vote of 6-ayes and 0-nays. The town board's action was 2-1. The minutes stated the following:

Aug 25 2025 Minutes of the Joint PC.TB meeting.

**“Bilse Family LLC/ Lands on Lunde Lane / Public Hearing for CSM consistent with concept plan and Rezone from AT 35 to RR4, RM8 and RM16 consistent with lot size for residential development/ Sec 17.**

- **MOTION 1 [Rosenbaum/Schwenn]: to approve the preliminary 4 lot CSM as presented as it is consistent with the concept plan and is consistent with the town land use plan. Lots are subject to town approved building envelopes on file at town hall. 2-ayes, 1-nays (Altschul). MOTION CARRIED.**

**Discussion: Schwenn believed the town should stick with what we say we will do. Altschul agrees that the town's actions should be consistent over time but does not believe that this division is consistent with the land use plan. Rosenbaum believes that we should support the 2004 decision makers and wants to make sure that the original building envelopes are communicated.”**

3. Regarding the concern about of the break up of land used for agriculture use.

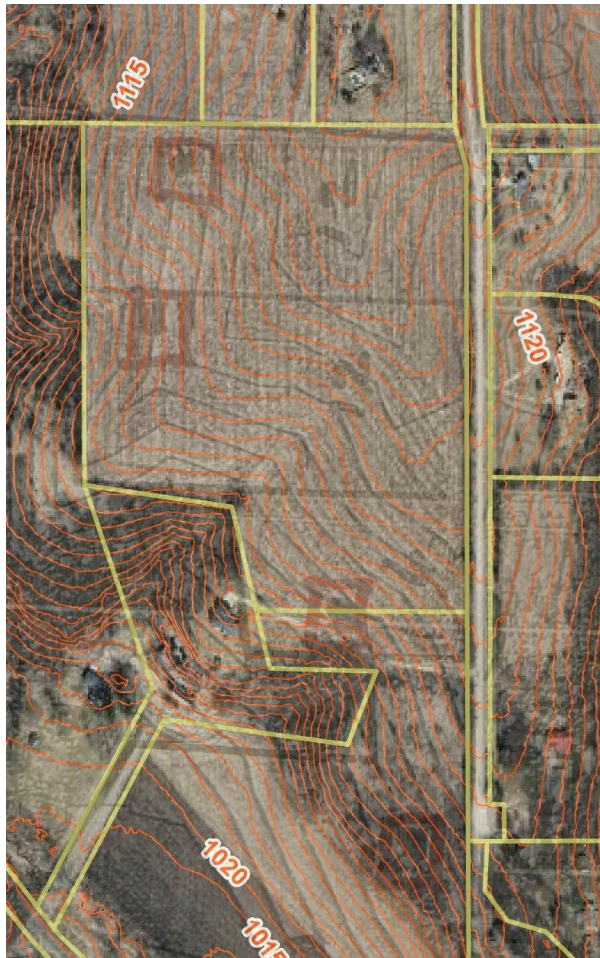
- a. The land is still zoned for ag use – residential and ag but still ag – we are not rezoning for a high density subdivision where the zoning would prohibit ag uses – the land could still be rented for row crop as the building envelopes are to the edge of the field – or other forms of ag could be employed on these lands. - The town does not specify that it needs to be row crop in order to be considered ag use.
- b. There is not precedent even within this concept plan to not divide a field. See the town approved a 22 ac CSM from this very concept plan that was approved by Eloranta and the other town board members in 2004 .

It is not that we never divide a field it is that we try to keep the building envelope areas to the edges – in this case the town was working with the landowner who was dividing up land and density units among heirs of the original farm – the land use plan provides for some flexibility - Additionally, in the end they gave up one of the density units to be able to divide the land the way they wanted on this side of Town Hall Road. The Bilse's concept plan is complex in that there were many people involved, despite the town arguing among itself and with the landowners over what they wished to do – the Bilse's in the end accepted the town telling them where these lots/ building envelopes on Lunde lane had to be – this isn't what they wanted it is what the town told them they had to do to be able to get their density units.

- c. You must look at the entire concept plan when looking at the impact of this development on ag land - not just the 27 ac field where these individual lots are located. Much of the ag land was preserved in large contiguous tracts – the clustering is putting the three density units onto the edge of the fields.
  1. The entire farm was 158 ac. There were three big fields – one to the South of Town Hall Rd (approx. 24 ac field), one that was north of town hall road (approx 36 pasture/ ag field) and one along Lunde (27 ac). The town clustered all of the density units to the edges of the fields. Of the 4 lots on Lunde one is the 36 ac mixed ag/ pasture parcel – the lands on the south side of Town hall are still rented and farmed as a single field.
  2. The building envelopes for the 3 density units on the Lunde Lane field are set back off the road to avoid strip development, they share driveways (the north 2 have to share a drive that runs along the north lot line and the smaller lot will share with the existing driveway. They are behind the contour lines for the highest part of the land and will be minimally visible from Lunde Lane.

Here is the 2004 concept plan superimposed on a current satellite map – it shows the location of the approved building envelopes and proposed lot sizes from the original concept plan.





3. In May of this year, the Bilse's made a request to move these building envelopes closer to the road to shorten driveways and to place all the ag land behind the houses - and the town after many meetings denied that request – it was seen as strip development, on a ridgetop and not clustered to the edge of the field. It was not seen as meeting the standards of an option 2. The Bilse's were disappointed but returned to the previously approved concept plan and presented CSM lots that conformed to that 2004 plan.

In summary - This landowner has the right to develop these lots. They have patiently worked with the town over the course of many years – these are the last divisions that they are entitled to and they conform to the approved concept plan. The CSM lots are legal, the building envelopes are on file with the town showing development areas that conform to the town plan. The rezone request is consistent with the town density policies and goals.