



**NOTICE OF REQUEST TO REZONE**

Marshall County  
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by RODNEY AND LOIS WESTBY, landowner, and

\_\_\_\_\_ buyer, for the following described property to be rezoned from

\_\_\_\_\_ to \_\_\_\_\_.

Legally described as: LOT 5 AND PART OF LOT 6 ON THE PROPOSED PLAT OF WESTBY

LAKESIDE ADDITION IN GOV'T LOT 3, SECTION 19, T126N, R53W OF THE 5TH P.M., MARSHALL CO SD

Landowner's Signature Rodney & Lois Westby Date 12-10-21  
Lois Westby Date 12-10-21

Buyer's Signature \_\_\_\_\_ Date \_\_\_\_\_

For Internal Use Only: Date Received: \_\_\_\_\_

Date of Hearing by Marshall County Planning Commission: \_\_\_\_\_

Action taken by Zoning and Planning Commission:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of hearing(s) by Marshall County Commissioners:  
\_\_\_\_\_

Action taken by Marshall County Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NOTICE OF REQUEST TO REZONE**

Marshall County  
State of South Dakota

To: Marshall County Planning and Zoning Commission

STEVEN H. AND LAUREL J. KLEFSTAD  
Notice is hereby filed by \_\_\_\_\_, landowner, and

\_\_\_\_\_, buyer, for the following described property to be rezoned from

Aq to Lake front Residential

Legally described as: PART OF LOT 6 ON THE PROPOSED PLAT OF WESTBY

LAKESIDE ADDITION IN GOVT LOT 3, SECTION 19, T126N, R53W OF THE 5TH P.M., MARSHALL CO SD

Landowner's Signature Steven H. Klefstad Date 12-10-21

Buyer's Signature Laurel J. Klefstad Date 12-10-21

For Internal Use Only: Date Received: 12/10/21

Date of Hearing by Marshall County Planning Commission: \_\_\_\_\_

Action taken by Zoning and Planning Commission:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of hearing(s) by Marshall County Commissioners: \_\_\_\_\_

Action taken by Marshall County Commissioners: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**STAFF REPORT**  
**December 28, 2021**

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**REZONING: AGRICULTURAL DISTRICT (AG) TO LAKE FRONT RESIDENTIAL DISTRICT (R-3)**

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GENERAL INFORMATION:

PETITIONER	Westby, Stieha, Klefstad, and Koepp
REQUEST	<b>Agricultural (Ag) to Lake Front Residential (R-3)</b>
LEGAL DESCRIPTION	Proposed Plat of Westby Lakeside Addition in Gov't Lot 3, Section 19, T126N, R53W of the 5th P.M., Marshall County, South Dakota
(Proposed plat available in the office of Zoning Administrator.) CURRENT ZONING	Agricultural (Ag)
SURROUNDING ZONING	Agricultural (Ag) and Lake Front Residential (R-3) (see map attached)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: The petitioner is requesting to Rezone Lots 5 and 6 in the above-described plat in order to plat Westby Lakeside Addition. This plat would vacate Lot 31B (zoned as R-3 in 2018) to create Lot 6. The Rezone would make the land conform with other surrounding Zoning and bring it into compliance with the same use as other surrounding property. The Eastern side of Lot 6 and all of lot 5 are currently Zoned Agricultural.

REVIEW: Staff has reviewed this Rezone. The land described above is currently listed as Agricultural, but serves no Agricultural use. The intent of these lots is to serve as back lots in the Lake Front District. No objections were received prior to the hearing.

ORDINANCE NO. 51

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.2  
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**Proposed Plat of Westby Lakeside Addition in Gov't Lot 3, Section 19, T126N, R53W of the 5<sup>th</sup> P.M., Marshall County, South Dakota**

**(Proposed plat available in the office of Zoning Administrator.)**

To "R3" Lake Front Residential District from "AG" Agricultural District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Notice of Hearing \_\_\_\_\_ December 15, 2021  
Passed First Reading \_\_\_\_\_ December 28, 2021  
Passed Second Reading \_\_\_\_\_ January 4, 2021  
Adopted \_\_\_\_\_ January 4, 2021  
Published \_\_\_\_\_ January 5, 2021  
Effective Date \_\_\_\_\_ January 25, 2021

\_\_\_\_\_  
Doug Medhaug, Chairman  
Marshall County Commission

ATTEST: \_\_\_\_\_  
Megan Biel, Marshall County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

PLAT OF:

# WESTBY LAKESIDE ADDITION

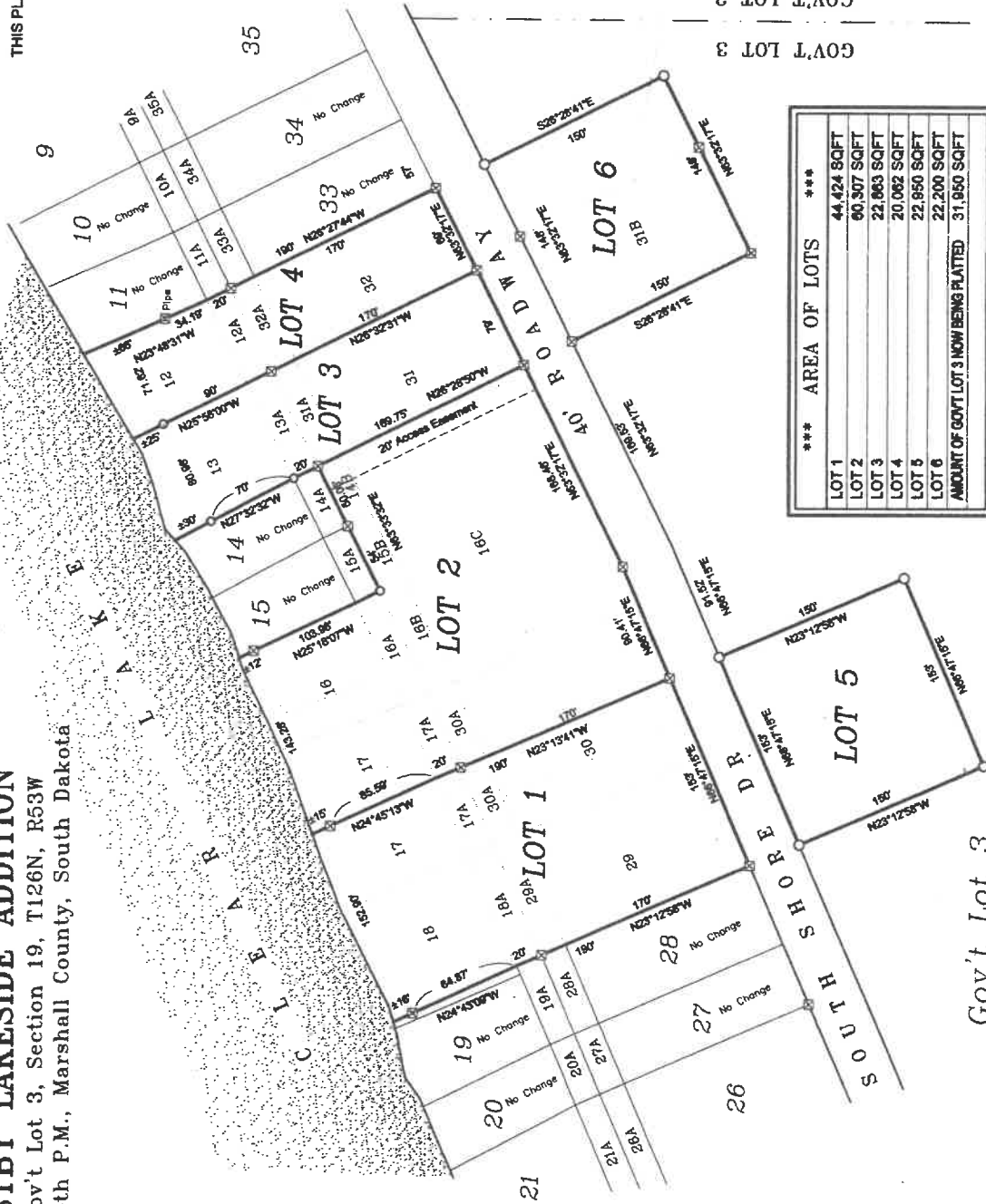
in Gov't Lot 3, Section 19, T126N, R53W  
of the 5th P.M., Marshall County, South Dakota

THIS PLAT SHALL VACATE:

LOT 12, 13, 16, 17, AND THE EAST 90' OF  
LOT 18, SCHLEKWAY BEACH IN  
GOVERNMENT LOTS 2 AND 3, SECTION  
19, T126N, R53W OF THE 5TH P.M.,  
MARSHALL COUNTY, SOUTH DAKOTA  
AS FILED IN BOOK 2 OF PLATS PAGE  
182-183 ON THE 29TH DAY OF JUNE  
1942.

LOT 12A, 13A, 14B, 15B, 16A, 16B, 16C,  
17A, 18A, 20, 20A, 30, 30A, 31, 31A, 32,  
32A OF SCHLEKWAY BEACH IN  
GOVERNMENT LOTS 2 AND 3, SECTION  
19, T126N, R53W OF THE 5TH P.M.,  
MARSHALL COUNTY, SOUTH DAKOTA  
AS FILED IN BOOK 4 OF PLATS PAGE 120  
ON THE 31ST DAY OF JULY 2007.

LOT 31B OF SCHLEKWAY BEACH IN  
GOVERNMENT 3, SECTION 19, T126N,  
R53W OF THE 5TH P.M., MARSHALL  
COUNTY, SOUTH DAKOTA AS FILED IN  
BOOK 6 OF PLATS PAGE 2 ON THE 20TH  
DAY OF NOVEMBER 2016.



LOT	AREA OF LOTS
LOT 1	44,424 SQFT
LOT 2	60,307 SQFT
LOT 3	22,063 SQFT
LOT 4	20,062 SQFT
LOT 5	22,560 SQFT
LOT 6	22,200 SQFT
AMOUNT OF GOVT LOT 3 NOW BEING PLATTED: 31,950 SQFT	

Gov't Lot 3



*Lundee M Stadler*  
LUNDEE M STADTLER  
REG. NO. 13482



GPS NORTH

SCALE: 1" = 80'

○ = CAPPED IRON PIN SET  
⊗ = RECOVERED MONUMENT

**HOLLIFON ENGINEERING INC.**  
DRAWN: 11/4/21 FIELD: 11/2021 512 VETERANS AVE. Sisseton, SD PH. 1-605-698-3850 1912653-P660

THIS PLAT CREATES LOT 1-6 OF WESTBY LAKESIDE ADDITION  
CORRECTED BY MARSHALL

# MARSHALL COUNTY WEB VIEWER



12/16/2021, 1:32:21 PM

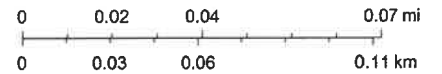
## ZONING

- Agricultural District
- Lake Front Residential District

## PLAT

- SCHLEKEWAY'S BEACH ADDITION
- TOWNSHIPS
- PARCELS

1:2,257





# MARSHALL COUNTY WEB VIEWER



12/16/2021, 1:31:23 PM

PLAT

 SCHLEKEWAY'S BEACH ADDITION

 TOWNSHIPS

 PARCELS

1:2,257

0 0.02 0.04 0.07 mi  
0 0.03 0.06 0.11 km



**NOTICE OF PUBLIC HEARING OF THE MARSHALL COUNTY PLANNING AND ZONING COMMISSION AND MARSHALL COUNTY BOARD OF COUNTY COMMISSIONERS ON PROPOSED CHANGE OF THE ZONING ORDINANCE OF MARSHALL COUNTY**

Notice is hereby given pursuant to SDCL 11-2 that on the 28th day of December, 2021, at 9:10a.m. in the Commission Chambers of the Marshall County Courthouse in Britton, South Dakota, is the time and place when and where all persons interested therein may appear and be heard before the Marshall County Planning & Zoning Commission and Marshall County Board of County Commissioners, concerning the proposed changes to the Zoning Ordinance of Marshall County. The Planning and Zoning Commission will submit to the Board of County Commissioners their recommendation as to whether or not the following ordinance should be passed by the respective governing bodies. If recommended for approval the Board of County Commissioners will then have the first reading of the proposed ordinance change.

AN ORDINANCE ENTITLED, An Ordinance to amend the Marshall County Zoning Map.

Be it ordained by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**Proposed Plat of Westby Lakeside Addition in Gov't Lot 3, Section 19, T126N, R53W of the 5<sup>th</sup> P.M., Marshall County, South Dakota**

**(Proposed plat available in the office of Zoning Administrator.)**

To "R-3" Lake Front Residential District from "AG" Agricultural District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Passed and adopted this \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Auditor

Any persons wishing to present testimony may appear at said hearing or may file written comments with the Marshall County Auditor P.O. Box 130, Britton, South Dakota 57430 prior to said hearing.

Dated this 15<sup>th</sup> day of December, 2021.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of \_\_\_\_\_.

*sent to paper 12/14/21*

1T (Dec 15)  
**NOTICE OF PUBLIC  
HEARING OF THE  
MARSHALL COUNTY  
PLANNING AND ZONING  
COMMISSION AND  
MARSHALL COUNTY  
BOARD OF COUNTY  
COMMISSIONERS ON  
PROPOSED CHANGE  
OF THE ZONING  
ORDINANCE OF  
MARSHALL COUNTY**

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ENTITLED, An Ordinance to  
amend the Marshall County  
Zoning Map.**

Be it ordained by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

Proposed Plat of Westby  
Lakeside Addition in Gov't Lot  
3, Section 19, T126N, R53W

of the 5th P.M., Marshall  
County, South Dakota

(Proposed plat available  
in the office of Zoning  
Administrator.)

To "R-3" Lake Front  
Residential District from  
"AG" Agricultural District

**BE IT FURTHER  
ORDAINED** by the Marshall  
County Commission, Britton,  
South Dakota, that the zoning  
official for the County of  
Marshall is hereby authorized  
to change the official zoning  
map for the County of Marshall  
to reflect this Ordinance.

Any persons wishing to  
present testimony may appear  
at said hearing or may file  
written comments with the  
Marshall County Auditor  
P.O. Box 130, Britton, South  
Dakota 57430 prior to said  
hearing.

Dated this 15th day of  
December, 2021.

Erin Collins-Miles, Marshall  
County Planning & Zoning  
Administrator

Published once at the total  
approximate cost of \$29.20.

NOTICE OF ADOPTION  
ORDINANCE NO. 51

Notice is hereby given that Ordinance No. 51, An Ordinance Amending Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021, As Amended, Of the Zoning Ordinance of Marshall County was duly adopted by the Board of County Commissioners on the 4<sup>th</sup> of January, 2021, and will become effective on the 25<sup>th</sup> of January, 2021.

ORDINANCE NO. 51

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.2  
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

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**(Proposed plat available in the office of Zoning Administrator.)**

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Notice of Hearing \_\_\_\_\_ December 15, 2021  
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Passed Second Reading \_\_\_\_\_ January 4, 2021  
Adopted \_\_\_\_\_ January 4, 2021  
Published \_\_\_\_\_ January 5, 2021  
Effective Date \_\_\_\_\_ January 25, 2021

\_\_\_\_\_  
Doug Medhaug, Chairman  
Marshall County Commission

ATTEST: \_\_\_\_\_  
Megan Biel, Marshall County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

MARSHALL COUNTY PLANNING & ZONING COMMISSION  
P.O.BOX 9  
BRITTON, SOUTH DAKOTA 57430

December 16, 2021

Dear Property Owner,

Please take notice that an application has been made by Rodney and Lois Westby for a hearing before the Marshall County Planning & Zoning Commission and Marshall County Board of County Commissioners for a proposed change of the zoning ordinance of Marshall County.

The application is for the rezoning of a Proposed Plat of Westby Lakeside Addition in Gov't Lot 3, Section 19, T126N, R53W of the 5th P.M., Marshall County, South Dakota (Proposed plat available in the office of the Zoning Administrator), from Agricultural (AG) District to Lake Front Residential (R3) District.

This application is now on the agenda for a public hearing which will be held on December 28<sup>th</sup>, 2021 at 9:10 am at the Marshall County Courthouse, Commissioners Chambers.

This notice is sent to you as an owner of the property adjacent to the applicant. Should this request be of concern to you, you may appear at the above stated hearing or may send your comments to:

Marshall County Auditor  
PO Box 130  
Britton, SD 57430

Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning & Zoning Administrator

**The following adjacent landowner letters were mailed on 12/16/21:**

1. Timothy & Connie Vosberg – 117465 South Shore Dr. Lake City, SD 57247
2. Leon & Julie Koepp – 45572 109<sup>th</sup> St. Sisseton, SD 57262

ORDINANCE NO. 44

AN ORDINANCE AMENDING ARTICLE III, SECTION 302  
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Article 3 Section 302 adopted by Ordinance No.31, January 29, 2008 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**Proposed Lot 31B Schlekeway Beach in Gov't Lot 3, Section 19, T126N, T53W of the 5<sup>th</sup> P.M., Marshall County, South Dakota also defined as an area 88' wide by 150' deep across the 40' roadway from Lot 31 & 32 Schlekeway Beach.**

To "R3" Lake Front Residential District from "AG" Agricultural District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Notice of Hearing \_\_\_\_\_ August 29, 2018  
Passed First Reading \_\_\_\_\_ September 18, 2018  
Passed Second Reading \_\_\_\_\_ October 9, 2018  
Adopted \_\_\_\_\_ October 9, 2018  
Published \_\_\_\_\_ October 10, 2018  
Effective Date \_\_\_\_\_ October 30, 2018

\_\_\_\_\_  
Doug Medhaug, Chairman  
Marshall County Commission

ATTEST: \_\_\_\_\_  
Megan Biel, Marshall County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

adj landowners  
Lot 5 - 31B  
(westby)  
is already  
rezoned