

STAFF REPORT
Rezone Application
February 17, 2026

GENERAL INFORMATION:

PETITIONER Timothy Steiner

REQUEST **REZONING: LAKEFRONT DISTRICT (R-3) TO AGRICULTURAL DISTRICT (AG)**

LEGAL DESCRIPTION GOVERNMENT LOTS 1 & 2 EXCEPT LOT 1 OF OLSON'S SUBDIVISION, NW SECTION FOUR (4), TOWNSHIP ONE HUNDRED TWENTYSIX (126N), RANGE FIFTY-FOUR WEST (54) OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA.

CURRENT ZONING (SURROUNDING) Agricultural District (AG) and Lakefront Residential (R-3) (see map attached)

REPORTED BY E. Collins-Miles

COMMENTS/HISTORY:

1. The petitioner is requesting to Rezone the above-described property in order to rezone the area back to its original Agricultural Zoning.
 - a. Under previous ownership, the land was rezoned to Lake Front Residential in order to subdivide and sell lake lots.
 - b. The current owner intends to use the property as Ag land as described, with the possibility of family members purchasing acres in the future.
2. A resolution to approve the vacation of Gibson First Cottonwood Lake Addition which included Lots 1A, 1B, 2A & 2B was recorded in the Register of Deeds office on 11/17/25.
 - a. The recording of this document, along with the approval of the rezone request, will allow the property to be in conformance with the applicable zoning regulations and permitted land use.
 - b. Lot 1 of Olson Subdivision remains within the property in question. *The lot is separate from the property in question* and will remain as lake front residential zoning (see file).
3. The overall size of the property is not consistent with the standards typically associated with lakefront residential zoning.
4. Two approaches exist in order to access the land, one on the North end and one on the South end, which both approaches being accessible off of 440th Ave, also known as Guy Rd.
 - a. N Broadway Street within Town limits gradually turns in to 440th Ave., which can be seen on GIS mapping.

5. The Rezone would make the land conform with other surrounding Zoning and bring it into compliance with the same use as other surrounding property.
6. Per the Marshall County Zoning Ordinance, A rezone can be permitted under the TITLE 19, Chapter 19.7; noting that supporting language is listed under numbers 1 and 2.
7. No written comments or objections were received prior to the writing of this staff report.

STAFF RECOMMENDATION/REVIEW:

Staff has reviewed this Rezone, with a recommendation of approval of the rezoning request. The existing parcel size and the intended use of the property are not consistent with lakefront residential zoning. The proposed zoning will allow for appropriate use of the land in conformance with all applicable zoning laws.

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 17th day of February, 2026, at 9:00a.m. in the North Marshall Firehall Meeting Room 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:

GOVERNMENT LOTS 1 & 2 EXCEPT LOT 1 OF OLSON'S SUBDIVISION, NW SECTION FOUR (4), TOWNSHIP ONE HUNDRED TWENTYSIX (126N), RANGE FIFTY-FOUR WEST (54) OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA.

To "AG" Agricultural District from "R-3" Lakefront Residential 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____.

Matthew Schuller
Chairperson

Megan Biel
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 28th day of January, 2026.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of _____.

17 (Feb. 4)
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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- Matthew Schuller, Chairperson-
Megan Biel, 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 4th day of February, 2026, Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published at an approximate cost of \$24.07 and can be viewed free of charge at www.adpublicnotices.com.

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Dated this 4th day of February, 2026.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of _____.

NOTICE OF REQUEST TO REZONE

Marshall County
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by Jim Steiner, landowner, and _____, buyer, for the following described property to be rezoned from

R-3 to A9.

Legally described as: See file

Landowner's Signature [Signature] Date 1-21-26

Buyer's Signature _____ Date _____

For Internal Use Only: Date Received: 1-21-26

Date of Hearing by Marshall County Planning Commission: February 17, 2026

Action taken by Zoning and Planning Commission:
Ord. #76

Date of hearing(s) by Marshall County Commissioners:
March 3, 2026 - 2nd Reading

Action taken by Marshall County Commissioners: _____

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

February 5, 2026

Dear Property Owner,

Please take notice that an application has been made by Tim Steiner 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 GOVERNMENT LOTS 1 & 2 EXCEPT LOT 1 OF OLSON'S SUBDIVISION, NW SECTION FOUR (4), TOWNSHIP ONE HUNDRED TWENTYSIX (126N), RANGE FIFTY-FOUR WEST (54) OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA. Per the proposed rezone, the area is to be rezoned to "AG" Agricultural District," from "R-3" Lakefront Residential District.

The first reading of this application is on the agenda for a public hearing which will be held on February 17, 2026 at 9:00 am at the North Marshall Firehall Meeting Room.

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
Planning and Zoning Director

MARSHALL COUNTY PLANNING & ZONING COMMISSION
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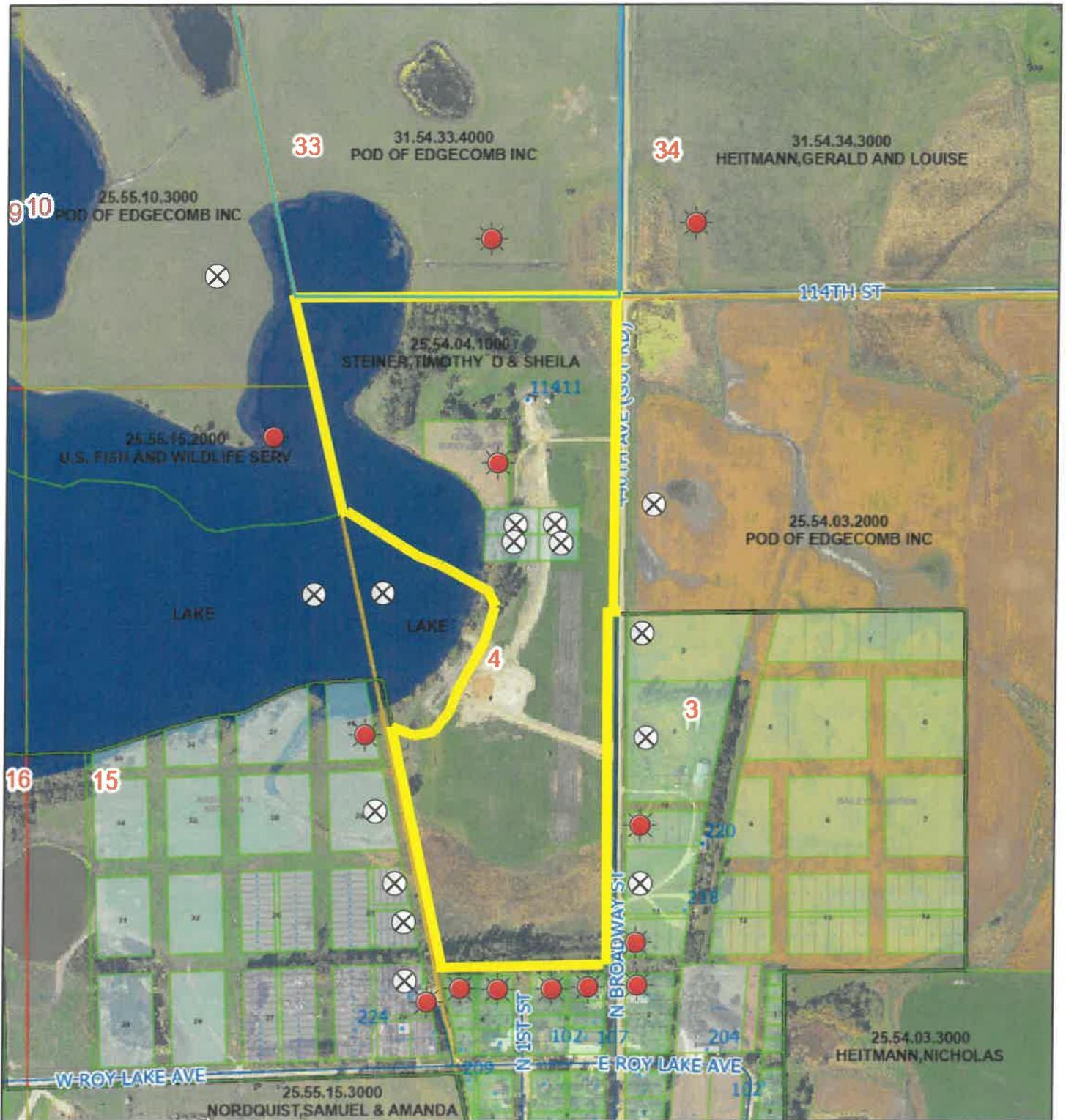
Erin Collins-Miles
Planning and Zoning Director

Sent to the following adjacent landowners on 2/5/26:

1. Timothy Gibson – PO Box 102 Lake City, SD 57247
2. Pod of Edgecomb, Inc c/o Norman Andenas – 43313 227th Ave. Howard, SD 57349

3. U.S. Fish and Wildlife Service – 39650 Sand Lake Dr. Columbia, SD 57433
4. Sam and Amanda Nordquist – 444 W Roy Lake Ave. Lake City, SD 57247
5. Patrick and Linda Flannery – PO Box 143 Lake City, SD 57247
6. Tanya Lynn Junker – 13516 Harvest Rd Glencoe, MN 55336
7. Dan & Cathy Wegleitner – 202 West Roy Lake Ave. Lake City, SD 57247
8. Lake City Town – PO Box 95 Lake City, SD 57247
9. Robert & Shirley Olson – 109 N Broadway St. Lake City, SD 57247
10. Kendall Brown – 106 W Roy Lake Ave. Lake City, SD 57247
11. Chad & Jennifer Olson – 218 North Broadway Lake City, SD 57247
12. Rochelle Ann Nickeson – 220 N Broadway Lake City, SD 57247
13. Gerald & Louise Heitmann – 44026 114th St. Lake City, SD 57247

MARSHALL COUNTY WEB VIEWER



2/6/2026, 8:09:51 AM

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DFIRM DATA

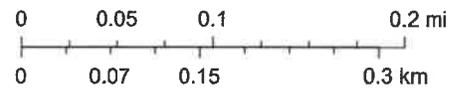
- A
- MarshallAddressPoints

PLAT

- ANDERSON'S ADDITION
- BAILEY'S ADDITION
- FORMER RAIL ROAD PROPERTY

<Null>

- GIBSON FIRST COTTONWOOD LAKE ADDITION
- OLSON SUBDIVISION
- TOWNSHIPS
- SECTIONS
- CITY_LIMIT



Prepared by:
Holton Surveying & Design LLC
128 E Hickory St
Sisseton SD 57262
605-698-3850

COPY

RESOLUTION _____

A RESOLUTION TO APPROVE THE VACATION OF A PLAT

WHEREAS, a Petition for the Vacation of a Plat has been presented to the Marshall County Board of Commissioners. Said Plat petitioned for vacation is described as:

PLAT OF GIBSON FIRST COTTONWOOD LAKE ADDITION IN GOVERNMENT LOT 1 OF SECTION 4 T126N, R54W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA; AS FILED IN PLAT BOOK 6 PAGE 81 ON THE 20TH DAY OF DECEMBER 2022.

And a copy of said plat is attached hereto and hereby incorporated by reference.

WHEREAS, Tim D. Steiner and Sheila R. Steiner, has signed the Petition for vacation of a Plat indicating that they has reviewed the Petition and consent to the vacation of the plat described in the Petition.

WHEREAS, Petitioners agree to dedicate an easement for the purpose of providing ingress/egress for maintenance of any public utilities which may occupy the existing right-of-way at the time of this action.

WHEREAS, pursuant to public notice, hearing was held before the Board of County Commissioners on 28th day of October, 2025, at 9:30 A.M., at which time the Petition for vacation was submitted for examination and no protest having been made, motion was made and seconded that the following Resolution be adopted:

BE IT RESOLVED that the plat described above shall be and is hereby vacated, and the County Auditor is hereby authorized and directed to certify this Resolution as a matter of record.

Dated at Britton, South Dakota this 28th day of October, 2025

The above and foregoing Resolution was moved for adoption by Commissioner Bender, seconded by Commissioner Kilker, and upon roll call, all voted aye; thereupon the Chairman declared the same to be duly passed and adopted.

Matthew Schuller
Matthew Schuller, Chairperson

Attest:
Megan Biel
Megan Biel, Auditor

MARSHALL COUNTY, SOUTH DAKOTA
REGISTER OF DEEDS

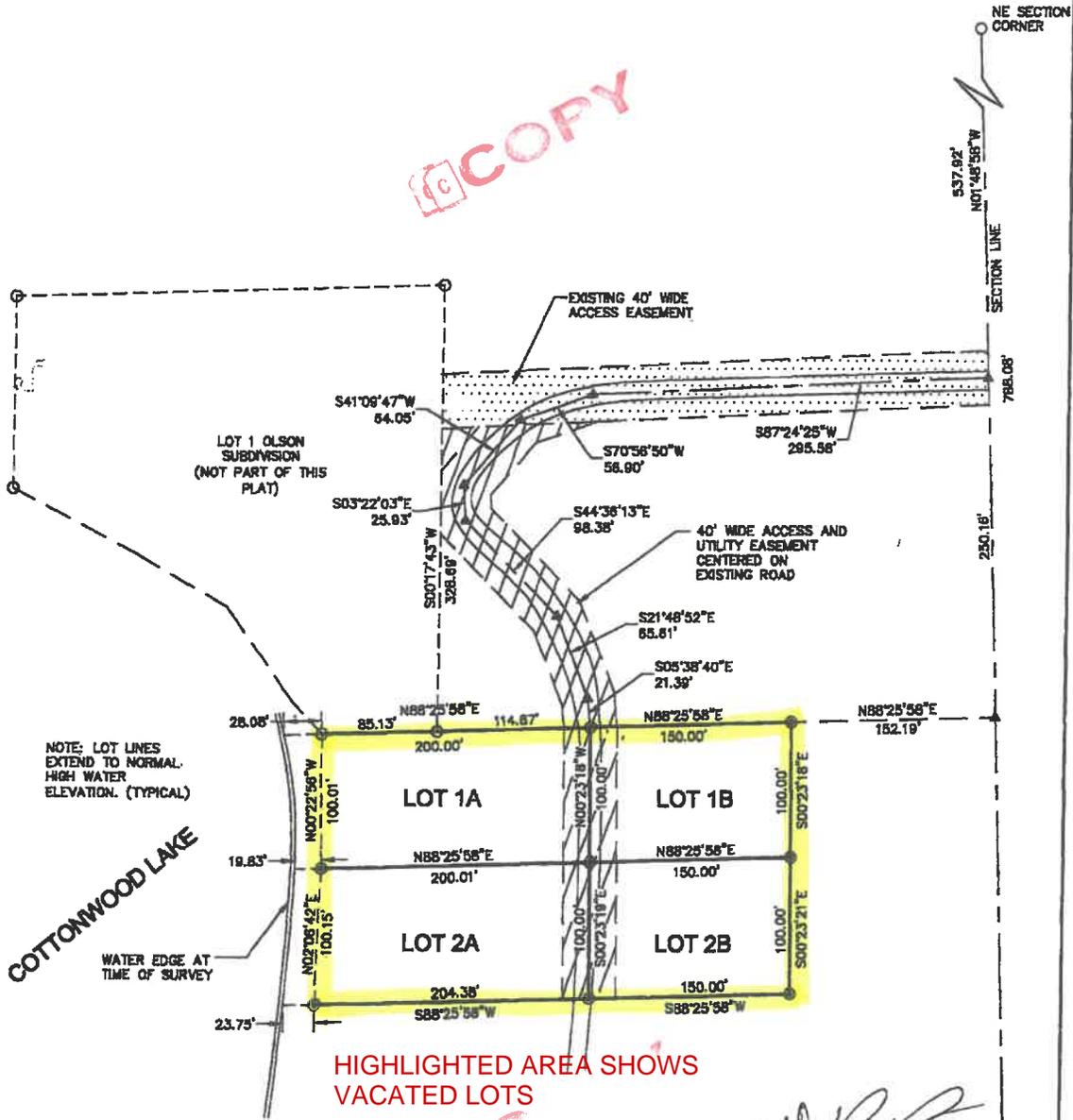
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Inst Type: MISCELLANEOUS
Doc No: 202574210 Book: MR-3
Recording Fee: \$30.00 Page: 819 - 820
Transfer Fee: \$0.00
By Kalissa Stalzer
Register of Deeds/Deputy

COPY

COPY

**PLAT OF
GIBSON FIRST COTTONWOOD LAKE ADDITION
IN GOVERNMENT LOT 1 OF SECTION 4 T126N R54W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA**

A-8973



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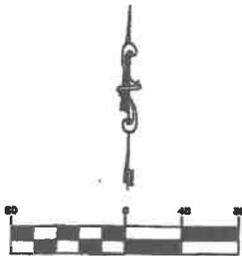
NOTE: LOT LINES EXTEND TO NORMAL HIGH WATER ELEVATION. (TYPICAL)

HIGHLIGHTED AREA SHOWS VACATED LOTS

LEGEND

- FOUND PROPERTY CORNER
- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- SET 3" SPIKE W/ WASHER STAMPED KIESO RLS 9214
- ▲ CALCULATED POSITION

UTILITY AND ACCESS EASEMENT



BASIS OF BEARINGS

SD STATE PLANE NORTH ZONE
NAD 83 (2011) US SURVEY FEET
DISTANCES ARE GROUND



EAST 1/4 CORNER

Helm Associates
416 PRODUCTION STREET N.
P.O. Box 111
Aberdeen, S.D. 57401
Phone: 605.225.1212
FAX: 605.225.3189
CIVIL ENGINEERING & LAND SURVEYORS

COPY

ORDINANCE NO. 76

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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<u>Notice of Hearing</u>	<u>February 4, 2026</u>
<u>Passed First Reading</u>	<u>February 17, 2026</u>
<u>Passed Second Reading</u>	<u>March 3, 2026</u>
<u>Adopted</u>	<u>March 4, 2026</u>
<u>Published</u>	<u>March 4, 2026</u>
<u>Effective Date</u>	<u>March 24, 2026</u>

Matthew Schuller, 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
605.448.7540

February 9, 2026

TO: Tim & Sheila Steiner
4021 Avienda Sol
Lake Havasu City, AZ 86406

To whom this may concern,

This letter shows the official schedule for your **Rezone** application. Please note that the first notice was published in the paper on February 4, 2026.

Please see below for detail;

GOVERNMENT LOTS 1 & 2 EXCEPT LOT 1 OF OLSON'S SUBDIVISION, NW SECTION FOUR (4), TOWNSHIP ONE HUNDRED TWENTYSIX (126N), RANGE FIFTY-FOUR WEST (54) OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA.

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<u>Published</u>	<u>March 4, 2026</u>
<u>Effective Date</u>	<u>March 24, 2026</u>

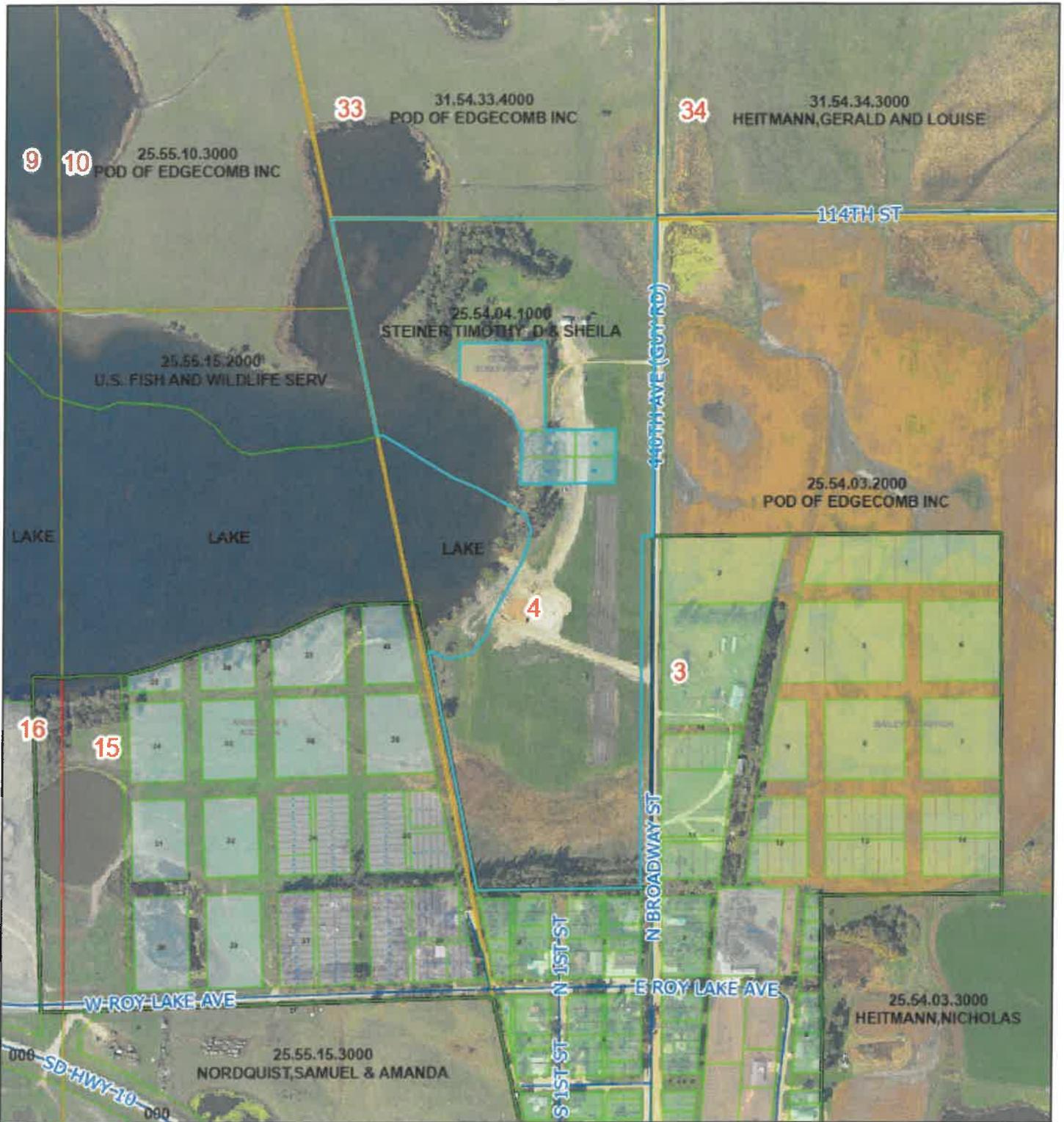
If you have any questions, please contact my office.

Sincerely,



Erin Collins-Miles
Planning and Zoning Director

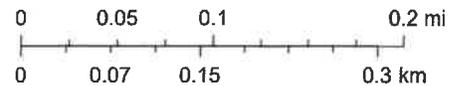
MARSHALL COUNTY WEB VIEWER



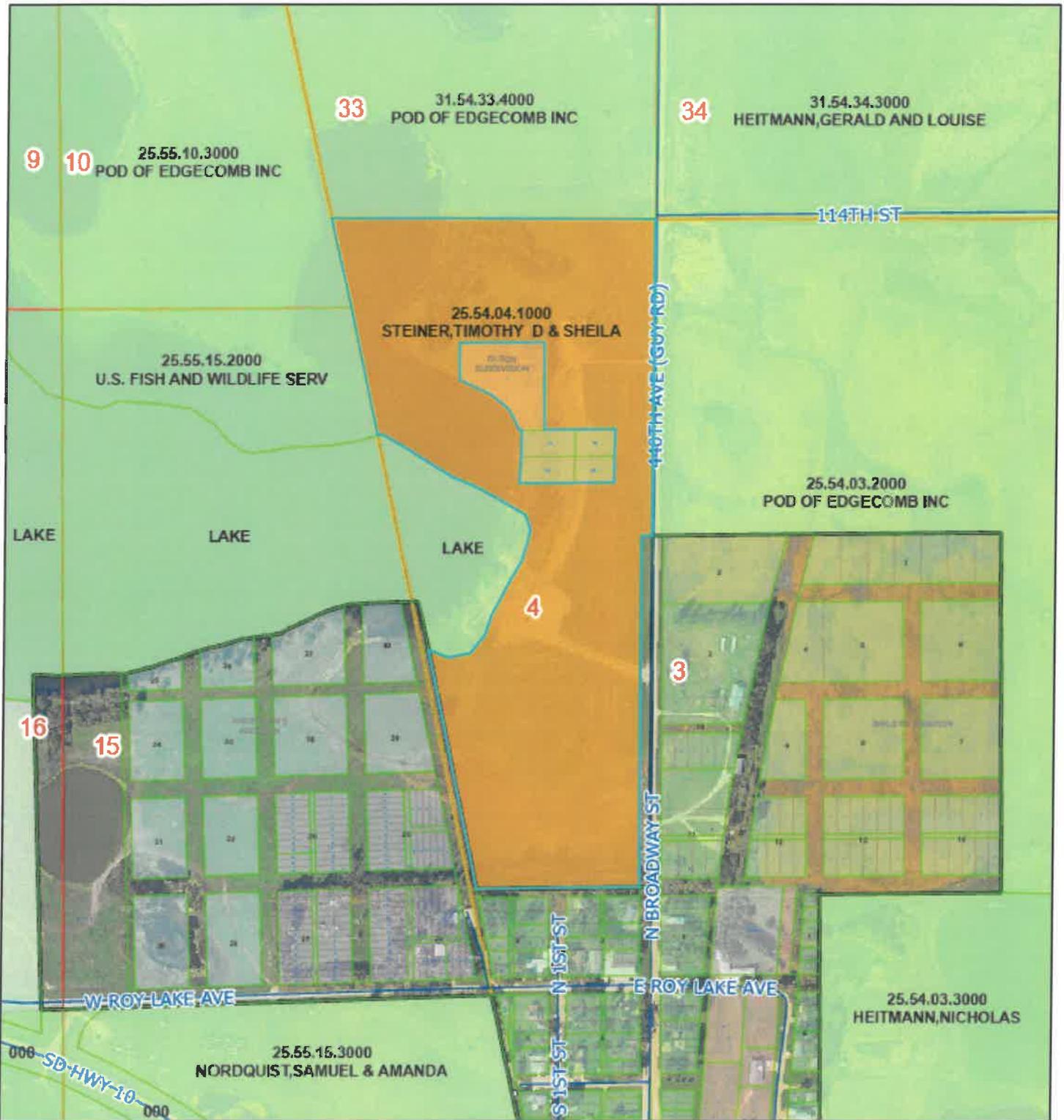
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|--------------------------|---------------------------------------|
| PLAT | GIBSON FIRST COTTONWOOD LAKE ADDITION |
| ANDERSON'S ADDITION | OLSON SUBDIVISION |
| BAILEY'S ADDITION | TOWNSHIPS |
| FORMER RAILROAD PROPERTY | SECTIONS |
| LAKE CITY ADDITION | CITY_LIMIT |
| LAKE VIEW ADDITION | PARCELS |



MARSHALL COUNTY WEB VIEWER



2/12/2026, 12:42:28 PM

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- PLAT**
- ANDERSON'S ADDITION
 - BAILEY'S ADDITION
 - FORMER RAILROAD PROPERTY
 - LAKE CITY ADDITION
 - LAKE VIEW ADDITION

- ZONING**
- Agricultural District
 - Lake Front Residential District
 - TOWNSHIPS
 - SECTIONS
 - CITY_LIMIT
 - PARTI...

