

# Codington County

## Planning Commission / Board of Adjustment

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Watertown, SD 57201-3048

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May 8, 2026

J&J Land Sales LLC  
1002 S Madison St  
Milbank, SD 57272

RE: Occupancy Violations and review of reclamation plan

This letter is written to serve as formal notice of violation of the Codington County Zoning Ordinance. On May 6, 2026, based upon notification by Elmira Township Clerk, the Zoning Officer visited the site for which you made application on April 1, 2026 to operate a gravel mine and rock crushing operation described as: The South Half of the Northwest Quarter, Less Lots H1-H2, and the West Half of the Southwest Quarter of Section 27, Township 117 North, Range 52 West of the 5th P.M., (Elmira Township) Codington County, South Dakota, Codington County, South Dakota. On that visit the zoning officer observed a rock crusher on site crushing concrete which had been hauled to the site in months prior and trucks leaving the site hauling the crushed materials. (See Pictures below.) Further on May 7, 2026, the zoning officer observed the rock crusher still in place crushing concrete. As you are aware, your permit to mine and crush materials expired on May 20, 2025. Any use of the above-described property for crushing materials (or mining) prior to the issuance of a conditional use permit is considered an Occupancy Violation of Section 4.02.05. Each day constitutes a separate violation. As you are aware from past notices of violation, in accordance with Section 1.02.03 Each violation (ie, loaded truck) carries a maximum penalty of a \$500 fine and up to 30 days in jail. This will be forwarded to the Codington County State's Attorney for prosecution including any legal remedies deemed fit to cease operations without a permit.

Finally, thank you for submitting the reclamation plan prior to submitting your conditional use permit application. All components of the reclamation plan meet the requirements of the zoning ordinance for such a plan except, as noted in the September 17, 2025 letter, access roads are actually listed as a portion of the mine that needs to be reclaimed. Therefore the "5 acres of 'open' area..." does include access roads. Thus, the reclamation plan and reclamation prior to applying for permit must account for access roads remaining to be included as "open." As would be any areas covered by piles. The zoning officer intends to ask the Board of Adjustment to extend the deadline for reclamation of all but five (5) acres to June 20, 2026 if it determines such reclamation is still necessary at your requested application hearing.

A copy of this notice of violation will be kept with a copy of your conditional use permit application.

Sincerely,

Luke Muller  
Codington County Zoning Officer

cc: Allison Bakken; Codington County States Attorney; 14 – 1<sup>st</sup> Ave. SE; Watertown, SD 57201  
Brian Olson; Elmira Township Clerk; 1733 43<sup>rd</sup> Ave; Watertown, SD 57201

