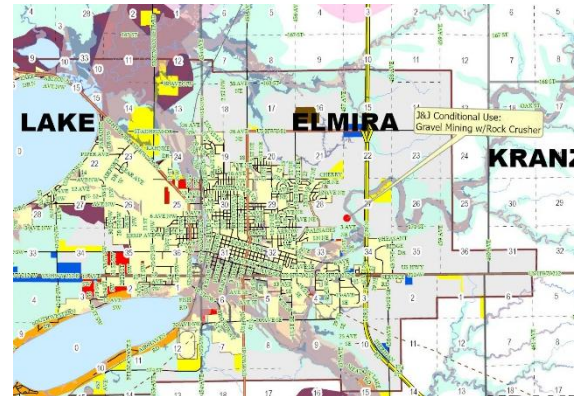


## History and Summary of J & J Land Sales LLC Gravel Pit Violations

**Owner/Operator: J&J Land Sales LLC**

**Property Description:** 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 5<sup>th</sup> P.M., (Elmira Township) Codington County, South Dakota, Codington County, South Dakota.

**Lat/Long (Existing Approach):** 44.904731°; -97.066056°



### History Summary:

1. May 20, 2015 – Conditional Use Permit issued to Clausen Construction on property owned by David Hardie on SE1/4 of Section 27-117-52 subject to conditions.
  - 13 Conditions attached to permit (permit presumed transferable by Board Action). (See: 06-01-15 Clausen BOA Letter)
  - Clausen chose not to exercise the permit, but property Owner (David Hardie) signed the Letter of Assurance on behalf of future operator Joel Shoemaker.
2. 2015 - 2022 – Property transfers for purposes of mining.
  - 2015 – David Hardie to James and Mary Nielsen
  - 2016 – Nielson to David Hardie and Joel Shoemaker
  - 2016-2021 Various transactions amongst Shoemaker's
  - 2021-2022 – Shoemaker to J & J Sales LLC
3. June 2025 – Neighboring property and township notified zoning officer that J & J may be mining 31<sup>st</sup> Street Right-of-way.
4. July 3, 2025 – Zoning Officer inspected site
  - verified location of westernmost piles, as being within right-of-way in certain portions. (See map **at right**)
5. July 2025 – continued to review present site and conditions to determine full scope of violations and determine corrective actions. Though other violations *may* have occurred throughout life of permit the following were observable:
  - Mining with expired permit.
  - Mining had occurred in right-of-way (& less than 65' from right-of-way).
  - No trees were planted to screen to the east
  - Greater than 5 acres remained unreclaimed.
6. August 6, 2025 – Letter sent notifying applicant of violations and ordering “cease and desist” all mining and hauling from site and ordering corrective actions with specified timeframe. (See: 08-04-25 J&J Gravel Pit 27-117-52; and Violations Listing) Summary:



- Cease mining and hauling of mined materials
  - Reclaim right of way and all property within 65' of right-of-way to original grade and/or 3:1 grade on or before September 11, 2025. (Hauling of mined materials may resume after reclamation has been verified by zoning officer.)
  - Reclaim all but five (5) acres by September 20, 2026.
7. August 22, 2025 – Notification of violation sent as witnessed by zoning officer. (See: *08-22-25 J&J Gravel Pit 27-117-52*)
    - Gravel being hauled from site despite cease and desist order.
  8. September 9, 2025 – Gravel from site being hauled off while cease and desist order in place.
  9. September 10, 2025 – Left message ordering hauling to cease (with manager)
  10. September 16, 2025 – Met with operator on site to verify reclamation of right-of-way and setback area. Discussed questions regarding further reclamation. Allowed hauling of previously mined materials. Notified of violation/hauling of materials on September 9, 2025
  11. September 17, 2025 – Letter notifying operator (formally) that hauling may resume of previously mined materials, due to completion of reclamations of required setback area. Formal notification of violation. Answered question regarding whether piles and internal driving areas may be considered “reclaimed” in accordance with reclamation plan. Recommended submitting reclamation plan for which the zoning officer may determine completion of reclamation prior to May 20, 2026. (See: *09-17-25 J&J Gravel Pit 27-117-52*)
  12. December 2025 – March 2026 – Concrete rubble hauled to site. (Zoning officer not asked to make determination of use.)
  13. March 31, 2026 – Reclamation plan submitted electronically.
  14. March 31, 2026 – Application for mining permit emailed. Staff notified applicant that deadline had passed for April Meeting (as set by Board of Adjustment By-Laws), and that application could be heard on May 18, 2026.
  15. April 1, 2026 – Application submitted for gravel mine on same property.
  16. May 6, 2026 – Operator crushes and removes crushed concrete. (Previously mined gravel being removed.)
  17. May 7, 2026 – Operator crushes and removes crushed concrete. (Previously mined gravel being removed.) (See: *05-08-26 J&J Gravel Pit 27-117-52*)

**Items included in the record:**

- a. 06-01-15 Clausen BOA Letter
- b. 08-04-25 J&J Gravel Pit 27-117-52
- c. Violations Listing
- d. 08-22-25 J&J Gravel Pit 27-117-52
- e. 09-17-25 J&J Gravel Pit 27-117-52
- f. 05-08-26 J&J Gravel Pit 27-117-52