WA

CODINGTON COUNTY
CONDITIONAL USE PERMIT APPLICATION

APPLICANT (PRINT): J&J Land Sales LLC **PHONE:** 605-432-7966

ADDRESS: 1002 S Madison Street Milbank, SD 57252

OWNER (PRINT): **PHONE:**
IF DIFFERENT THAN APPLICANT

ADDRESS:

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF CODINGTON COUNTY, SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (PLEASE PRINT OR TYPE)

S1/2 NW1/4 LESS LOTS H1-H2 & W1/2 SW1/4 AND E1/2 SW1/4 LESS LOT H1

33-117-52

GENERAL AREA OR STREET ADDRESS: 522 31st Street NE

EXISTING LAND USE: Gravel Pit/Agriculture **EXISTING ZONING:** AG

SIZE OF PARCEL: ACRES 211.39 LOT DIMENSIONS: WIDTH LENGTH DEPTH

SURROUNDING LAND USE

NORTH: Agriculture
SOUTH: Agriculture/Comercial
EAST: Agriculture
WEST: Agriculture

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT
(ATTACH A SEPARATE SHEET OF PAPER IF NECESSARY)

Continue the existing mining and crushing activities, as allowed by the previous conditional use permit.

All mining and crushing activities will be in accordance with South Dakota Statutes and Laws.

SIGNATURE OF APPLICANT (Colin Paulsen)

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT)

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

1. NORTH DIRECTION
2. DIMENSIONS OF PROPOSED STRUCTURE
3. STREET NAMES
4. OTHER INFORMATION AS MAY BE REQUESTED
5. LOCATION OF PROPOSED STRUCTURE ON LOT
6. DIMENSIONS OF FRONT AND SIDE SETBACKS
7. LOCATION OF ADJACENT EXISTING BUILDINGS

PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

Gravel Mine W/ Rock Crusher
3.04.02.4

DATE FILED WITH ZONING OFFICE: 4-10-26
FEE PAID (NON-REFUNDABLE):
DATE OF HEARING: 5-18-2026
ACTION BY BOARD OF ADJUSTMENT: YES NO
DATE FILED:

COND. USE #
BUILDING PERMIT #

J&J Land Sales LLC Conditional Use Permit Application

Operator/Owner: J&J Land Sales LLC – 1002 S Madison St, Milbank, SD 57252
Location: Codington County, South Dakota – Elmira Township
Parcel(s) Address/Legal: 522 31st Street NE - S1/2 NW1/4 LESS LOTS H1-H2 & W1/2 SW1/4 AND E1/2 SW1/4 LESS LOT H1
Total Property Area: 211.39 Acres

Adjacent Land Owners: James Orris Living Trust (West), Michael Wudel Living Trust (South), and J&J Land Sales LLC (West and North). Interstate 29 is adjacent to the East.

Proposed Disturbance Area: Phased, not to exceed active limits defined below. Five (5) total acres for mining and crushing, not including haul roads, topsoil (south), and stockpiles.

Project Description: This is a new application to operate the existing gravel pit for mining and crushing activities.

Existing Site Conditions: Existing gravel pit located in the south-central portion of the property. Agricultural land surrounding pit. A natural creek corridor traverses the property (north–south). Soils consist of topsoil overlying sand/gravel deposits.

Proposed Plan: The proposed activities include mining and crushing of construction materials, including: sand, gravel, rocks, crushed concrete, recycled asphalt, and other similar materials. Mining will occur over the next several years, ending when the property can no longer be mined or the property is developed. The existing gravel pit will be utilized until it is deemed necessary to move to the south for material. Eventually, the mining will occur on the other side of Willow Creek, but that is not anticipated within the next five (5) years. Equipment involved in this operations includes, but is not limited to: bulldozers, scrapers, front-end loaders, crusher, screener, trucks – on-road and off-road, etc. Standard construction noise levels are anticipated with these operations, with the standard hours of operation from 6 am to 8 pm. Times can vary depending on weather and time of year. Dust will be monitored and controlled by the use of water. No crushing activities will occur if it is deemed a risk to the surrounding roads/interstate.

When it is determined to move operations to the south, the existing topsoil to the south will be stripped prior to any excavation and stored separately from any other materials or subsoil. The topsoil will be seeded, as to comply with South Dakota law. The buffer along Willow Creek will be maintained and no mining or grading activities will occur within the creek. Erosion control measures will be maintained to ensure erosion and sediment will

not reach the creek, as to comply with South Dakota law. Weeds will also be controlled if they are deemed to be a nuisance.

Any grading of the reclaimed areas will have fill and topsoil placed as to achieve historical slopes and conditions and will comply with the requirements regarding slopes and maintaining positive drainage.

The plan for the land is to eventually develop it into residential and/or commercial property, following the long term plans for the City of Watertown. Before development, the land will likely be used for agriculture or be left as native vegetation.

All setbacks will adhere to Codington County and the State of South Dakota ordinances and laws.

The Haul Roads within the property will be maintained by J&J Land Sales LLC. The Haul Route will continue to be the use of 31st Street to the south, utilizing Highway 212 to the south.

An ongoing Stormwater Pollution Prevention Plan will be in place and utilized during the operation of the gravel pit. This will adhere to South Dakota laws and regulations. This plan will be kept onsite at all times, allowing for it to remain a living document.

A Reclamation Plan was also submitted on behalf of this application.

X

Jamie Andrews

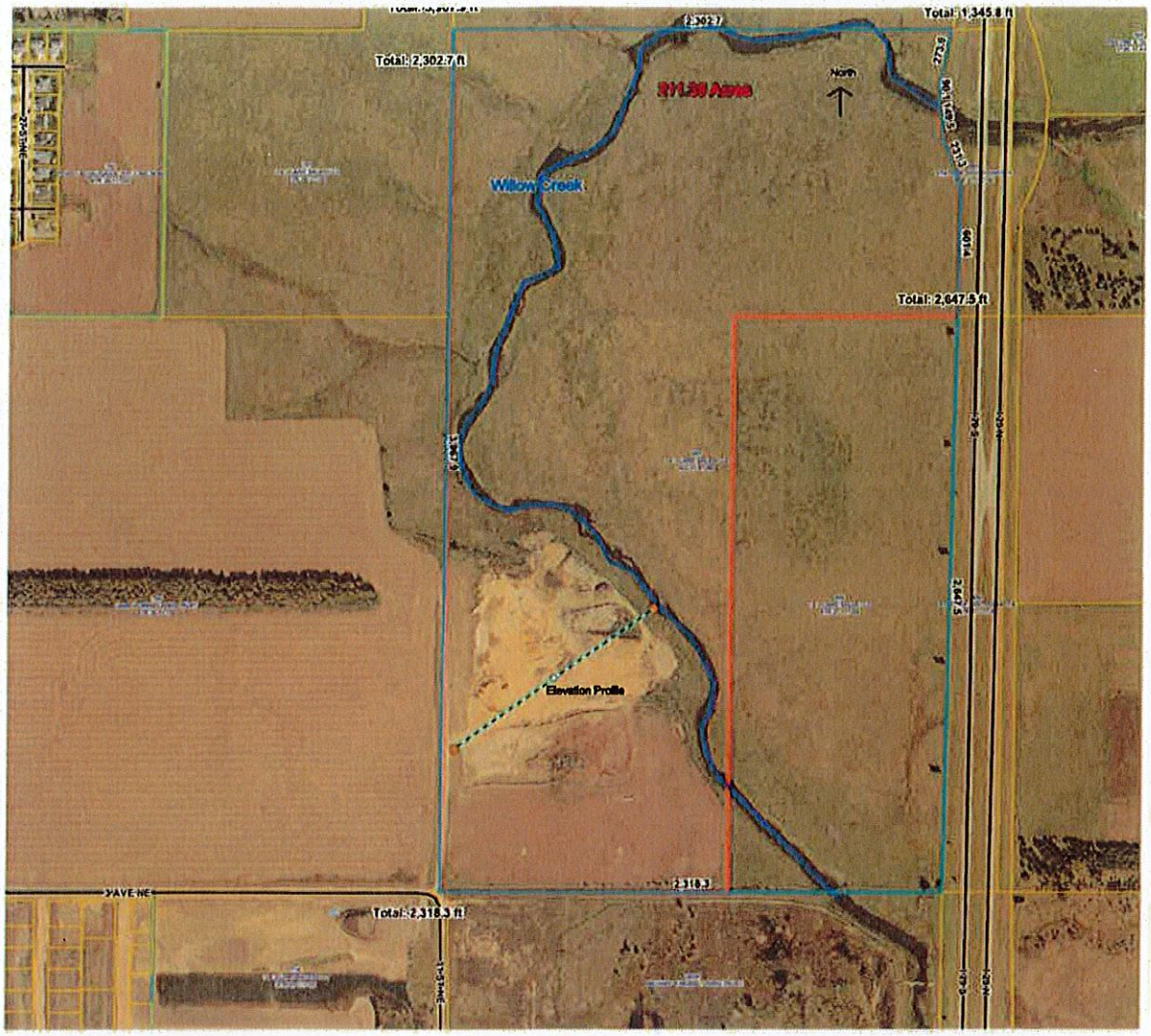

Figure 1 - Sketch for Application

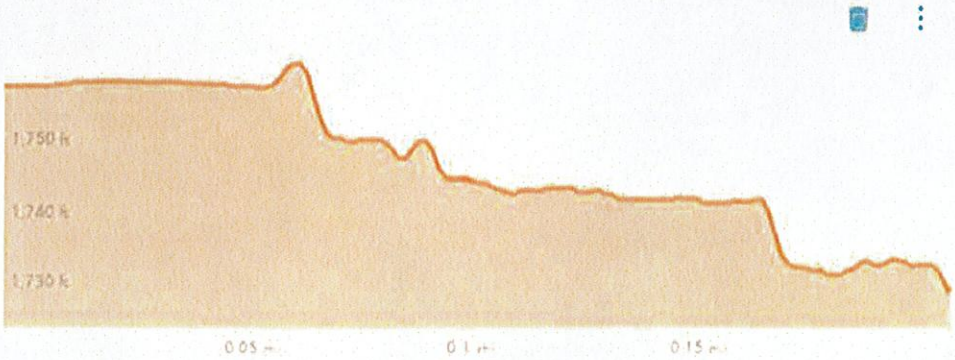

Figure 2 - Elevation Profile

J&J Land Sales LLC Reclamation Plan for Existing Gravel Pit

Operator: J&J Land Sales LLC
Location: Codington County, South Dakota – Elmira Township
Parcel(s) Address/Legal: 522 31st Street NE - S1/2 NW1/4 LESS LOTS H1-H2 & W1/2 SW1/4 AND E1/2 SW1/4 LESS LOT H1
Total Property Area: 211.39 Acres

Proposed Disturbance Area: Phased, not to exceed active limits defined below. Five (5) total acres for mining and crushing, not including haul roads, topsoil (south), and stockpiles. Figure 2 will show this.

Project Description: This is the reclamation plan for the existing gravel pit. This is to aid in the new application to operate the gravel pit for mining and crushing activities.

Existing Site Conditions: Existing gravel pit located in the south-central portion of the property. Agricultural land surrounding pit. A natural creek corridor traverses the property (north–south). Soils consist of topsoil overlying sand/gravel deposits.

Plan:

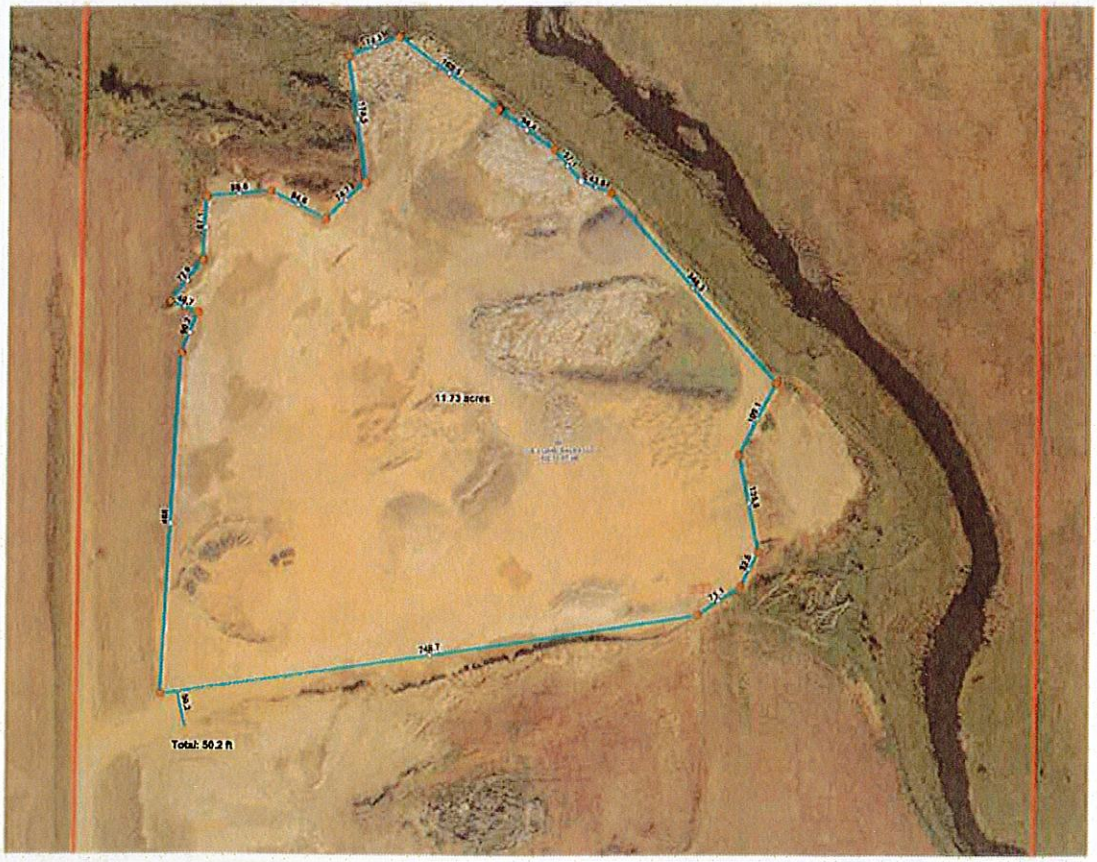

Figure 1- Existing Gravel Pit

As you can see from Figure 1, the total area for the existing gravel pit is roughly 11.73 acres.

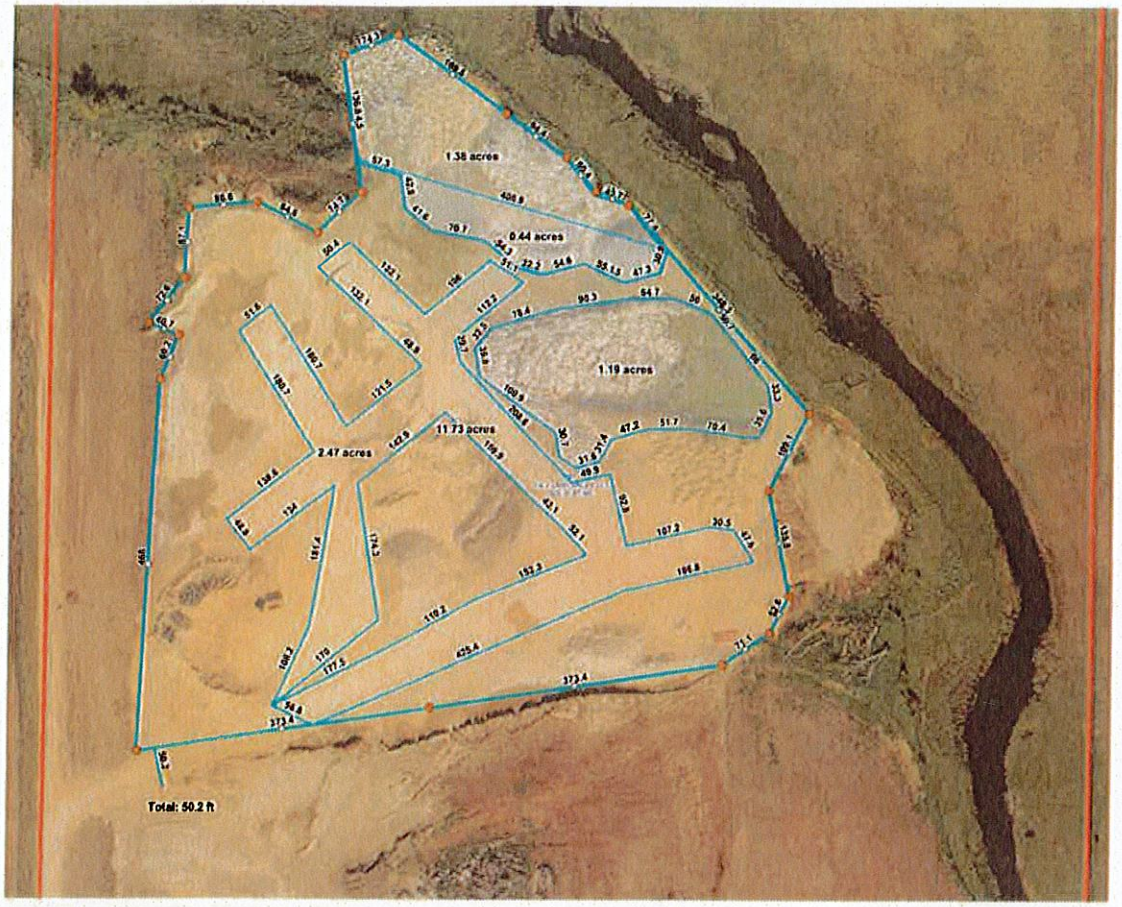

Figure 2 - Stockpile and Haul Roads

Figure 2 shows the area for stockpiles growing grass and haul roads. The total area for these equal 5.04 Acres. The total area allowed for mining and crushing activities is only 6.69 Acres.

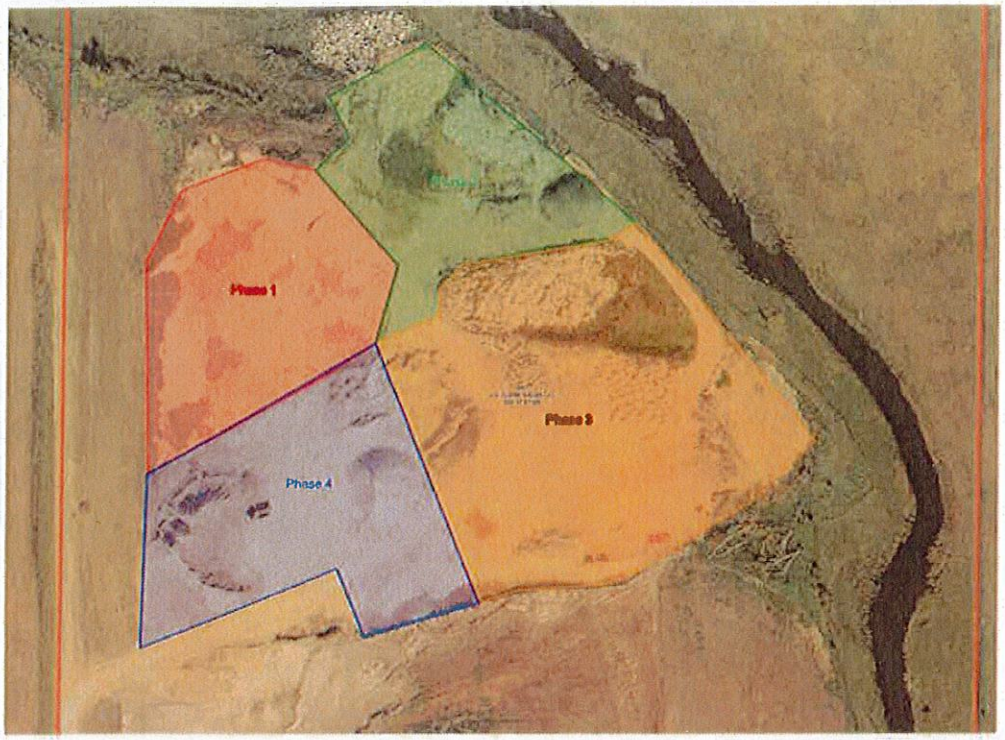

Figure 3 - Reclamation Phase Plan

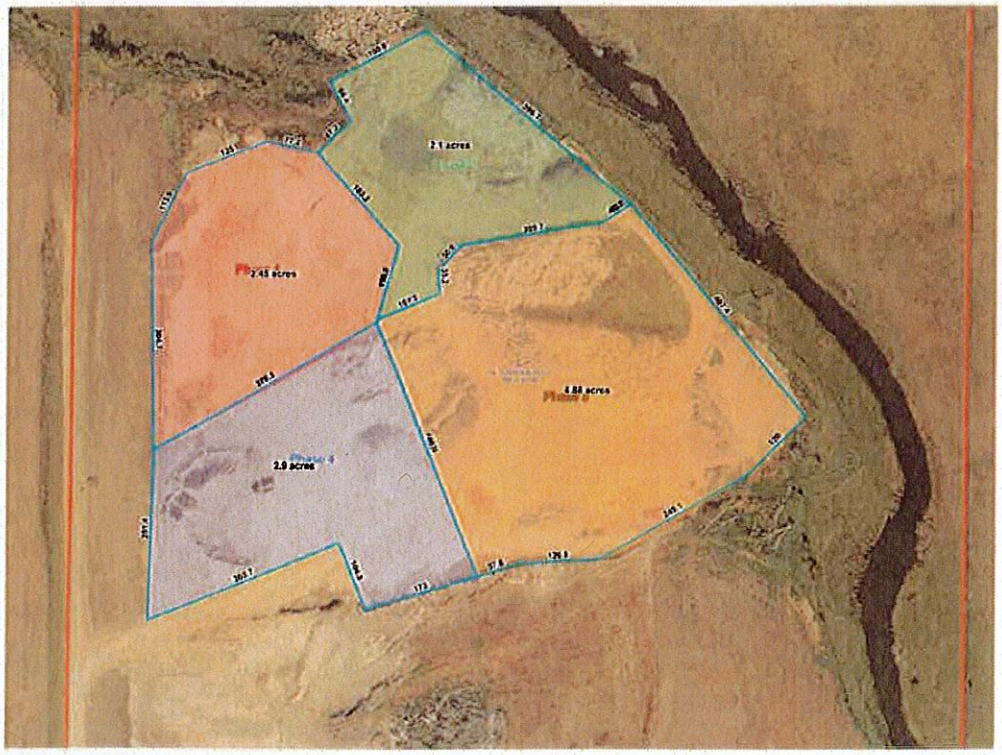

Figure 4 - Phase Area Sizes

Figures 3 and 4 shows the phased plan for reclamation on the existing gravel pit site. Phase 1 (~2.45 Acres) will be reclaimed in the spring of 2026. Phase 2 (2.1 Acres) will be reclaimed in the fall of 2026 or spring of 2027. Phase 3 (4.88 Acres) and Phase 4 (2.9 Acres) will happen when it is determined that the mining activities are needed to the south of the current pit. It is anticipated this will occur in the next 2-4 years.

The existing topsoil to the south will be stripped prior to any excavation and stored separately from any other materials or subsoil. The topsoil will be seeded, as to comply with South Dakota law. The buffer along Willow Creek will be maintained and no mining or grading activities will occur within the creek. Erosion control measures will be maintained to ensure erosion and sediment will not reach the creek, as to comply with South Dakota law.

Final grading of the reclaimed area will have fill and topsoil placed as to achieve historical slopes and conditions and will comply with the requirements regarding slopes and maintaining positive drainage.

The plan for the land is to eventually develop it into residential and/or commercial property, following the long term plans for the City of Watertown. Before development, the land will likely be used for agriculture or be left as native vegetation.

X

Jamie Andrews

SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT & NATURAL RESOURCES
SURETY BOND

Bond Number 929645618 Permit/License Number _____

Mine License _____ Mining/Milling Permit _____ Exploration Notice of Intent _____ Uranium Exploration Permit _____

KNOW ALL MEN BY THESE PRESENTS, That we (I) J & J Earthworks, Inc., 1002 S Madison St, Milbank SD 57252

as Principal, and Western Surety Company, 333 S Wabash Ave, Chicago IL 60604

a corporation organized and existing under the laws of the state of South Dakota and duly authorized to transact business in the state of South Dakota as surety, are held and firmly bound unto the state of South Dakota, acting through the

South Dakota Board of Minerals and Environment ("Board"), in the sum of Twenty Thousand Dollars and 00/100

($ 20,000.00) dollars, we bind ourselves, and each of our legal representatives, heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has received a Permit or License from the South Dakota Board of Minerals and Environment to conduct mining activities on the following described premises:

X State-wide Mining _____ See Attachment listing legal description to be mined

NOW, THEREFORE, The conditions of this obligation are such that if the above bound Principal, in conducting the above described operations complies with the requirements of the permit or license, reclamation plan, operating plan, post closure plan, SDCL Chapter 45-6, 45-6B, 45-6C, and 45-6D relating to mining, exploration, and uranium exploration, as applicable, and the Rules and Regulations adopted pursuant thereto, then this obligation shall be exonerated and discharged and become null and void; otherwise it will remain in full force and effect. This bond is not cancelable by the Surety for any reason including, but not limited to, non-payment of premiums or bankruptcy of the Principal. In the event the Surety becomes unable to fulfill its obligations under the bond for any reason, notice shall be promptly given to the Principal and to the South Dakota Department of Environment and Natural Resources, Minerals and Mining Program.

PROVIDED, However, the Surety shall not be liable under this bond for an amount greater in the aggregate than the sum designated above and provided by SDCL 56-2-12.

The Principal and Surety under this agreement hereby acknowledge that under the provisions of SDCL 34A-10-2.2 and 34A-10-2.3, all right and title in any bond or other security shall be in the state of South Dakota until such time as the Board, by order releases the security. Such bond or other security does not constitute an asset of the person required to provide it, and may not be canceled, assigned, revoked, disbursed, replaced or allowed to terminate without board approval. This bond or security may not be assigned for the benefit of creditors, attached, garnished, levied or executed on, or subject to process issued from any court except for the purpose of enabling the state to effectuate environmental cleanup or remediation.

I declare and affirm under penalties of perjury that this claim (petition, application, information) has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

_____	1002 S Madison Street, Milbank SD 57252
Principal's Signature	Principal's Mailing Address
_____	March 3, 2017
Title	Date
Western Surety Company	333 S Wabash Ave, Chicago IL 60604
Surety Company	Surety's Mailing Address
_____	March 3, 2017
Surety Executed By Jason Gusso, Attorney-In-Fact	Signed and Sealed this Date

(SURETY'S SEAL)

ACCEPTANCE

The South Dakota Board of Minerals and Environment accepts this surety bond in the amount of $_____

_____ _____

Chairman, South Dakota Board of Minerals and Environment Date

STATE OF South Dakota

COUNTY OF Lincoln

I, JA Miller Notary Public of Lincoln County, in the State of South Dakota, do hereby certify that Jason Gusso Attorney-in-Fact, of Western Surety Company who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed, and delivered said instrument, for and on behalf of the Western Surety Company for the uses and purposes therein set forth.

Given under my hand and notarial seal at my office in the City of Sioux Falls, SD in said County, this 3rd day of March A.D. 2017 .

Notary Public JA Miller

My Commission Expires: March 24, 2021

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Nick Gusso, Roger C Smith, Jason Gusso, Travis Gusso, J A Miller, Carol A Beckman, Individually

of Sioux Falls, SD, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hereof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 11th day of June, 2015.

WESTERN SURETY COMPANY

Paul T. Bruflat, Vice President

State of South Dakota
County of Minnehaha } ss

On this 11th day of June, 2015, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires
February 12, 2021

S. EICH
NOTARY PUBLIC
SOUTH DAKOTA

S. Eich, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 3rd day of March, 2017.

WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

Form F4280-7-2012

Authorizing By-Law

ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.