

CERTIFIED COPY OF ORDER

199 -2021

STATE OF MISSOURI }
County of Boone } ea.

May Session of the April Adjourned

Term. 20 21

In the County Commission of said county, on the 6th day of May 20 21

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby adopt the Findings of Fact and Conclusions of Law relative to a conditional use permit for Mertens Construction Company Inc. for storage of overburden from quarry on adjacent property on 14 acres at 2201 W. Williams Road, Sturgeon, MO.

Done this 6th day of May 2021.

ATTEST:

Brianna L. Lennon
Brianna L. Lennon
Clerk of the County Commission

Daniel K. Atwill

Daniel K. Atwill
Presiding Commissioner

Justin Aldred

Justin Aldred
District I Commissioner

Janet M. Thompson

Janet M. Thompson
District II Commissioner

CONDITIONAL USE PERMIT BOONE COUNTY, MISSOURI

PROPERTY OWNER: Mertens Construction Company Inc.

ADDRESS: 2201 W. Williams Road, Sturgeon, MO

LEGAL DESCRIPTION: As described in the Warranty Deed recorded in Book 4698 Page 54, Records of Boone County Missouri.

TAX PARCEL: 02-800-34-00-003.00

ZONING: A-2 Agriculture

DATE APPROVED: April 27, 2021

CONDITIONAL USE: Storage of overburden from quarry on adjacent property.

CONDITIONS OF APPROVAL:

- 1) That a screening plan be submitted to the Director of Resource Management that screens the property to the west and south, limiting any visual impact of this activity.
- 2) That the use of this property be limited to the identified use as an overburden storage area. Any modification of that use will require a new conditional use permit.
- 3) That a 50' setback from property lines for storage of overburden material be established along the west and south.

VOID DATE: Void if not used for 12-month period.

EXPIRATION DATE: N/A

ORDER OF APPROVAL

The Boone County Commission through its presiding officer hereby approves issuance of the above conditional use permit as prescribed above, subject to the conditions of approval specified above. Subject to the conditions for issuance and use of this permit, the Commission finds in issuance of this permit that all requirements for issuance are satisfied and that the Commission further makes its findings of fact and conclusions of law in accordance with the provisions, shown below, validating issuance of this permit. This permit shall not be valid unless countersigned by the Director of the Boone County Department of Planning and Building Inspection and shall expire unless the use authorized hereunder is exercised within one year after the approval date shown above or is discontinued for a continuous period of 12-months. This permit shall also be revocable for violation of any term or condition contained in this permit upon the complaint of the director and a showing of good cause upon order of the Boone County Commission in accordance with the regulations applicable hereto.

ATTEST:

Branna L. Lennor
County Clerk

BOONE COUNTY, MISSOURI
BOONE COUNTY COMMISSION

by David K. Kistner
Presiding Commissioner

APPROVED:

[Signature]
Director, Boone County Resource Management Department

Dated: 5.6.2021

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject to the conditions of approval, the Boone County Commission finds and concludes in issuance of this permit that:

1. The establishment, maintenance, operation and use of the conditional use permit issued hereunder will not be detrimental to or endanger the public health, safety, comfort or general welfare, and
2. The conditional use permit issued hereunder will not be injurious to the use and enjoyment of other property in the immediate vicinity of the property which is the subject matter of this permit with respect to the purposes already permitted by these regulations, and
3. The conditional use permit and authorized uses thereunder will not substantially diminish or impair property values of existing properties in the neighborhood surrounding the property which is the subject matter of this permit, and
4. All necessary public facilities for use of the land subject to this permit are or will be available if the conditions for issuance are satisfied, and
5. The conditional use permit issued hereunder and the authorized uses under such permit will not impede the normal or orderly development or improvement of surrounding property for the uses permitted within the zoning district, and
6. The grant of this conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public roads and that adequate access points to the subject property from public streets are available, and
7. The uses authorized by this conditional use permit are otherwise in conformity with the regulations pertaining to the zoning districts in which the uses are located and that there is a public necessity for the issuance of the conditional use permit hereunder.

The Commission, by authorizing issuance of the conditional use permit hereunder, further concludes as a matter of law that issuance of the permit is proper under the zoning

regulations of Boone County in effect at the time of issuance and the general statutes and laws of this state.

Additional Findings:

The County Commission further finds as fact in support of issuance of this conditional use permit the following to be true:

Under the conditions established by this conditional use permit, this facility can be operated such that it will have no impact on the neighborhood, existing utilities, property values or road access.