



Christian County Commission

100 West Church St, Room 100
Ozark, MO 65721

SCHEDULED

Meeting: 02/06/24 09:00 AM
Department: County Clerk
Category: Meeting Items
Prepared By: Madi Hires Raines
Initiator: Madi Hires Raines
Sponsors:

MEETING ATTACHMENTS (ID # 5435)

DOC ID: 5435

Meeting Attachments

ATTACHMENTS:

- 06 FEB 2024 FINANCIAL STATEMENT 2023 (PDF)
- 06 FEB 2024 FOREST SERVICE ROAD EASEMENT - CHORN RD (PDF)
- 06 FEB 2024 REZONING HEARING CASE NO. 2023-0320(GABE PHILLIPS - INTEGRITY LANDSCAPES) (PDF)
- 06 FEB 2024 ORDER NO. 02-06-2024-01 CASE NO. 2023-0320 (INTEGRITY LANDSCAPES, LLC) (PDF)

2023 FINANCIAL STATEMENT I
CHRISTIAN COUNTY, MISSOURI

COUNTY FUNDS	BALANCE 1/1/2023	RECEIPTS & TRANSFERS IN	DISBURSEMENTS & TRANSFERS OUT	BALANCE 12/31/2023
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101 - Christian County General Fund	\$ 8,237,997.12	\$ 18,833,130.19	\$ 18,091,048.76	\$ 8,980,078.55
201 - Co. Law Enforcement	5,880,841.21	3,249,301.27	2,629,422.58	6,500,719.90
205 - Federal Forfeiture I	101,379.41	68,228.81	23,504.91	146,103.31
208 - Law Enforcement Training	5,994.17	15,697.02	13,421.94	8,269.25
210 - Civil Process	93,810.90	50,623.13	12,414.89	132,019.14
212 - Inmate Prisoner Detainee Security	20,632.76	11,136.22	13,152.45	18,616.53
215 - Sheriff's Conceal Carry	290,467.79	45,486.37	41,252.52	294,701.64
219 - Family Violence	-	2,820.00	2,820.00	-
220 - L.E.P.C.	25,630.42	1,322.73	1,475.56	25,477.59
221 - Road Sales Tax	3,810,277.99	6,056,576.83	5,005,287.79	4,861,567.03
222 - CART	139,327.56	2,223,803.81	2,356,964.36	6,167.01
231 - Common I	1,910,411.74	3,226,829.40	3,143,765.29	1,993,475.85
232 - Common II	1,504,361.82	2,815,720.02	2,985,741.73	1,334,340.11
233 - Bridge	1,486,752.70	511,800.16	176,570.40	1,821,982.46
235 - Road & Bridge Capital Requests	1,228,681.78	572,882.64	62,381.00	1,739,183.42
241 - Assessment	1,354,230.49	1,246,214.40	1,040,839.66	1,559,605.23
250 - L.E.S.T	729,003.25	3,166,131.15	3,363,718.00	531,416.40
255 - L.E.R.F.	119,054.97	52,058.80	-	171,113.77
256 - Juvenile Justice Preservation Fund	-	-	-	-
260 - P.A. Training	9,241.30	6,354.04	6,070.77	9,524.57
265 - Delinquent Taxes	15,059.16	6,833.40	4,119.18	17,773.38
268 - Adm. Handling Cost	22,335.95	186,732.00	182,454.63	26,613.32
269 - Law Library	21,409.73	45,367.34	14,628.81	52,148.26
271 - Record Retention	136,110.48	38,918.47	9,024.63	166,004.32
272 - Record Technology	550,685.25	126,184.19	36,546.26	640,323.18
275 - Tax Maintenance	154,330.49	176,984.02	126,330.99	204,983.52
280 - Building Inspection	764,645.27	420,955.05	296,456.04	889,144.28
285 - County Elections	33,381.93	81,288.29	109,472.80	5,197.42
288 - Elections 5%	23,213.14	14,704.22	428.03	37,489.33
289 - HAVA	28,331.92	21,703.44	28,570.00	21,465.36
320 - CDBG Grant	-	-	-	-
420 - Stone Hollow NID	40,843.59	25,559.08	23,462.39	42,940.28
425 - Building Bond Retirement	-	-	-	-
430 - River Downs West NID	40,578.51	46,916.56	43,675.64	43,819.43
450 - Project Fund - Judicial Expansion	-	-	-	-
455 - 2017 Bond Debt Service Fund	0.03	628,149.97	628,150.00	-
550 - 2020 CARES Act Funding	-	-	-	-
555 - ELECTIONS-2020 CARES ACT	-	-	-	-
560 - ARPA Funds	15,966,491.42	768,000.49	2,169,873.58	14,564,618.33
701 - Ozark Fire - FPD # 1	-	5,042,097.27	5,041,286.22	811.05
702 - Nixa Fire - FPD # 2	-	4,368,690.79	4,364,778.64	3,912.15
703 - Brookline Fire - FPD # 3	-	84,066.82	84,066.82	-
704 - Rogersville Fire - FPD # 4	-	178,366.75	178,360.16	6.59
705 - Clever Fire - FPD # 5	-	328,377.02	328,370.06	6.96
706 - Billings Fire - FPD # 6	-	265,821.92	265,808.31	13.61
707 - Highlandville Fire - FPD # 7	-	366,222.52	366,208.94	13.58
708 - Sparta Fire - FPD # 8	-	317,422.58	317,402.83	19.75
709 - Chadwick Fire - FPD # 9	-	76,436.44	76,432.18	4.26
711 - Chadwick R - 1 School	-	101,794.89	101,757.81	37.08
712 - Nixa R - 2 School	-	103,502.48	77,977.56	25,524.92
713 - Sparta R - 3 School	-	10,134.95	9,903.61	231.34
714 - Billings R - 4 School	-	4,783.52	4,704.57	78.95
715 - Clever R - 5 School	-	23,896.23	23,807.27	88.96
716 - Ozark R - 6 School	-	103,797.17	99,394.63	4,402.54
717 - Spokane R - 7 School	-	10,008.09	9,858.62	149.47
718 - Bradleyville R - 8 School	-	4,991.52	4,991.52	-
719 - Marionville R - 9 School	-	79.37	79.37	-
720 - Republic R - 10 School	-	734.20	734.20	-
721 - Ava R - 17 (R-1) School	-	1,380.79	1,380.79	-
722 - Logan Rogersville (LR R-71)	-	4,456.38	4,405.80	50.58
723 - Fordland R - 78 School	-	59.53	59.53	-
740 - Billings Special Road	-	437,776.60	437,759.22	17.38
742 - Garrison Special Road	-	13,514.87	13,514.85	0.02
744 - Ozark Special Road	-	1,961,861.61	1,961,498.03	363.58
745 - Selmore Special Road	-	43,036.50	43,035.30	1.20

2023 FINANCIAL STATEMENT
CHRISTIAN COUNTY, MISSOURI

COUNTY FUNDS		BALANCE 1/1/2023	RECEIPTS & TRANSFERS IN	DISBURSEMENTS & TRANSFERS OUT	BALANCE 12/31/2023
746 - South Sparta Special Road		-	24,078.82	24,078.65	0.17
747 - Stoneshire Special Road		-	6,289.31	6,287.74	1.57
760 - R.O.W. & WATERSHED		22,251.00	-	-	22,251.00
761 - Ambulance		-	1,865,301.38	1,864,457.31	844.07
762 - C.E.R.F.		43.63	1,166,615.54	1,166,606.53	52.64
763 - Health Department		-	287.38	3.40	283.98
764 - Junior College		-	2,731,827.13	2,730,562.69	1,264.44
765 - Library		-	3,166,070.02	3,164,789.94	1,280.08
766 - Senate Bill 40		-	1,252,075.88	1,251,563.83	512.05
767 - Senior Citizens Service		-	783,944.15	783,624.43	319.72
770 - Capital Schools		45,416.06	205,812.52	198,432.19	52,796.39
771 - Tax Sales Surplus		60,136.93	160,941.73	59,444.81	161,633.85
772 - School Building Revolving		-	4,198.70	4,198.70	-
773 - Unclaimed Funds		10,354.57	-	2,569.43	7,785.14
780 - Drug Court		100,564.53	22,133.86	6,514.94	116,183.45
781 - DWI Court		134,133.77	45,837.16	5,157.46	174,813.47
782 - Veteran's Court		5,939.28	278.34	1,157.32	5,060.30
783 - Circuit Clerk *4108		865,083.36	2,185,187.14	1,995,565.92	1,054,704.58
784 - Circuit Clerk Account		-	-	-	-
785 - Recorder's Fund		48,568.37	682,611.13	682,638.26	48,541.24
786 - Collector's Fund Collections *2564		15,874.36	42,781.28	50,878.17	7,777.47
787 - Collector's Surtax		154,449.29	814,329.02	800,295.67	168,482.64
788 - Protested Tax		5.24	480,806.96	146,965.86	333,846.34
789 - Collector EFT Fund		60,499,091.68	111,827,804.30	106,844,358.14	65,482,537.84
790 - Sheriff's Fund *2001		10,285.02	281,333.43	273,107.50	18,510.95
791 - Commissary Fund *9461		43,119.18	372,264.48	214,140.96	201,242.70
792 - Detention Center *7689		265,312.79	112,953.53	120,957.55	257,308.77
793 - Evidence *7881		84,081.95	1,618.87	15,272.30	70,428.52
794 - Sheriff Escrow *7201		5.00	-	-	5.00
795 - Collector's Misc *3211		96,379.64	27,767,514.97	27,751,649.69	112,244.92
796 - Municipal Courts *2300		28,418.85	1,485.18	103.26	29,800.77
797 - Circuit Clerk - MODOT *9202		150,535.88	-	150,535.88	-
798 - County Clerk Square *2594		-	467.47	431.47	36.00
799 - Planning & Development Fees		-	-	-	-
998 - Pool Cash Fund - Schools		-	-	-	-
TOTALS		\$ 107,385,564.63	\$ 214,604,574.00	\$ 206,776,972.43	\$ 115,213,166.20

DEBT & LIABILITY

Bonded Debt		Balance 1/1/2023	Principal PRINCIPAL PAID	Principal Balance 12/31/2023	Interest & Fees
River Downs West NID Series 2014		\$ 442,973.95	\$ 27,064.12	\$ 415,909.83	\$ 16,611.52
Stone Hollow - NID Series 2016		234,013.73	\$ 16,715.27	217,298.46	6,747.12
Judicial Center Special Obligation Bonds		7,455,000.00	\$ 400,000.00	7,055,000.00	226,150.00
Total Bonded Debt		\$ 8,131,987.68	\$ 443,779.39	\$ 7,688,208.29	\$ 249,508.64

EMPLOYEE COMPENSATED LIABILITY \$9,797.74

TOTAL ASSESSED VALUATION

Real Estate	\$1,414,510,690
Personal Property	\$356,455,980
Railroad & Utilities	\$42,288,893
Total Assessed Valuation	\$1,813,255,563

PROPERTY TAX LEVIES

Description		Levy Amount
Countywide General Revenue		0.0446
Common I Road District		0.0948

**Subject to 50% sales tax rollback

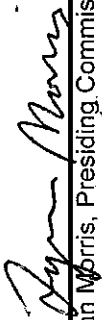
DELINQUENT TAXES BY YEAR

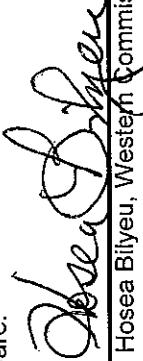
		Real	Personal	Total
2023		3,063,118.66	3,706,615.75	6,769,734.41
2022		409,125.54	615,684.05	1,024,809.59
2021		149,073.77	229,933.63	379,007.40
2020		-	128,463.21	128,463.21
2019		12,090.24	109,210.35	121,300.59
2018		-	107,559.02	107,559.02
2017		1,110.61	105,390.83	106,501.44

2023 FINANCIAL STATEMENT
CHRISTIAN COUNTY, MISSOURI

COUNTY FUNDS	2016	BALANCE 1/1/2023	RECEIPTS & TRANSFERS IN	DISBURSEMENTS & TRANSFERS OUT	BALANCE 12/31/2023
Total Amount of Delinquent Taxes		-	102,134.99	102,134.99	
		3,634,518.82	5,104,991.83	8,739,510.65	

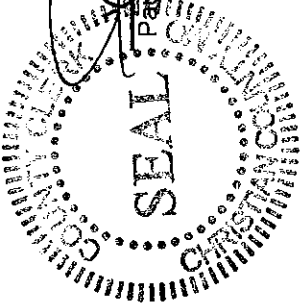
We, Lynn Morris, Hosea Bilyeu and Bradley A. Jackson, duly elected commissioners of the County Commission of Christian, County, Missouri, and I, Paula Brumfield, County Clerk of said County, certify that the above and foregoing is a complete and correct statement of every item of information required in section RSMo 50.815 for the year ending December 31, 2023, and we have checked every receipt from every source and every disbursement of every kind and to whom and for what each disbursement was made, and each receipt and disbursement is accurately included in the above foregoing totals based on reports provided by Amy Dent, County Auditor from TYLER, the county's accounting software.


Lynn Morris, Presiding Commissioner


Hosea Bilyeu, Western Commissioner


Bradley A. Jackson, Eastern Commissioner


Paula Brumfield, County Clerk



2-6-2024



Recording Date/Time: 02/06/2024 at 12:07:03 PM

Instr #: 2024L01264

Book: 2024 Page: 1245

Pages: 15

Fee: \$66.00 S 20240001179

COURTHOUSE CHRISTIAN COUNTY MISSOURI



Kelly Hall
Recorder of Deeds

Auth ID: AVA2306

Contact Name: CHRISTIAN COUNTY

Use Code: 751

FS-2700-9f (09/2020)

OMB No. 0596-0082

**U.S. DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

PUBLIC ROAD EASEMENT

AUTHORITY:

National Forest Roads and Trails Act, 16 U.S.C. 532-538

This public road easement (hereinafter "easement") dated this 24 day of January, 2024, is granted by the United States, acting through the United States Department of Agriculture, Forest Service (hereinafter "grantor"), to CHRISTIAN COUNTY, of the State of Missouri, UNITED STATES (hereinafter "grantee").

100 W CHURCH ST, ROOM 100, OZARK, MO 65721

The grantor hereby grants to the grantee, subject to existing easements and other valid existing rights, a non-exclusive, permanent easement for construction, reconstruction, operation, and maintenance of a public road for a state or county highway that is wholly or partly within or adjacent to and serving the National Forest System that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System and the use and development of its resources (hereinafter "public road"). The grantee shall record this easement within 90 days of the date it is granted and shall provide a copy of the recorded easement to the authorized officer.

In consideration of this permanent easement, the grantee is providing a reciprocal benefit to the grantor in the form of construction, as needed, operation, and maintenance of the public road.

This easement is located on lands in the County of Christian, State of Missouri.

This easement is 30.00 feet wide and 4,750.00 feet long and covers approximately 3.27 acres in the Sec. 20, T. 25 N., R. 18 W., 5TH PRINCIPAL MERIDIAN, Christian County, Missouri, ("the easement area"), as shown on the map attached as an appendix to this easement. This and any other appendices are hereby incorporated into this easement.

SEE APPENDIX A FOR LEGAL DESCRIPTION - PAGE 11
SEE APPENDIX B FOR LOCATION MAP - PAGE 12

COMMON I
CHORN ROAD

I. GENERAL TERMS

A. **AUTHORITY.** This easement is issued pursuant to the National Forest Roads and Trails Act, 16 U.S.C. 532-538, and 36 CFR Part 212, Subpart A, and 36 CFR Part 251, Subpart B, as amended, and is subject to their provisions.

B. **AUTHORIZED OFFICER.** The authorized officer is the Regional Forester or Forest or Grassland Supervisor with delegated authority pursuant to Forest Service Manual 2700.

C. **AMENDMENT.** This easement may be amended at any time by written agreement of the grantor and the grantee.

D. **COMPLIANCE WITH LAWS, REGULATIONS, AND OTHER LEGAL REQUIREMENTS.** In exercising the rights and privileges granted by this easement, the grantee shall comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the easement area, to the extent they do not conflict with federal law, regulation, or policy. The grantor assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

E. **RESERVATIONS.** All rights not specifically and exclusively granted to the grantee are reserved to the grantor, including:

1. The right of access to the easement area, including a continuing right of physical entry to the easement area for inspection, monitoring, or any other purpose consistent with any right or obligation of the United States under any law or regulation.

2. The right to use or authorize others to use any portion of the easement area for non-highway purposes, provided that such use does not interfere with the free flow of traffic or impair the full use and safety of the public road.

3. The right to locate Forest Service and other U.S. Department of Agriculture informational signs inside the easement area and outside the cuts and fills for the public road.

4. The right to administer and dispose of all natural resources, including timber, in the easement area, subject to the grantee's right to cut vegetation under clause III.D.

F. **ASSIGNABILITY.** This easement is not assignable.

II. IMPROVEMENTS

A. **LIMITATIONS ON USE.** Nothing in this easement gives or implies permission to build or maintain any structure or facility or to conduct any activity unless specifically provided for in this easement. Any use not specifically authorized by this easement must be proposed in accordance with 36 CFR 251.54 or 251.61. Approval of such a proposed use through issuance of a new easement or easement amendment is at the sole discretion of the authorized officer.

B. **DRAWINGS.** All drawings for construction or reconstruction of the public road, as well as revisions to those drawings, must be prepared by a professional engineer, architect, landscape architect, or other qualified professional acceptable to the authorized officer. These drawings and drawing revisions must have written approval from the authorized officer before they are implemented. The grantee shall not establish any borrow, sand, or gravel pits; stone quarries; permanent storage areas; road operation and maintenance facilities; camps; supply depots; or disposal sites in the easement area, unless shown on approved construction drawings or

otherwise approved by the authorized officer. The authorized officer may require the grantee to furnish as-built drawings, maps, or surveys upon completion of the work.

III. OPERATIONS

A. CONSTRUCTION, RECONSTRUCTION, OPERATION, AND MAINTENANCE OF THE PUBLIC ROAD. The grantee shall have the right and obligation to construct, reconstruct, operate, and maintain the public road for a state or county highway consistent with applicable state law for public highways. The Forest Service assumes no responsibility for construction, reconstruction, operation, and maintenance of the public road.

B. NONDISCRIMINATION. The grantee and its assignees, agents, employees, contractors, and lessees shall not discriminate against any person on the basis of race, color, sex (in educational and training programs), national origin, age, or disability or by curtailing or refusing to furnish accommodations, facilities, services, or use privileges offered to the public generally. In addition, the grantee and its assignees, agents, employees, contractors, and lessees shall comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended, Section 504 of the Rehabilitation Act of 1973, as amended, Title IX of the Education Amendments of 1972, as amended, and the Age Discrimination Act of 1975, as amended. The grantee shall include and require compliance with the above nondiscrimination provisions in any third-party agreement made with respect to the operations authorized under this easement. The Forest Service shall have the right to enforce the foregoing nondiscrimination provisions by suit for specific performance or by any other available remedy under the laws of the United States or the State in which the violation occurs.

C. RESOURCE PROTECTION DURING ROAD MAINTENANCE. The grantee shall conduct any maintenance of the public road so as to avoid damaging adjacent National Forest System lands.

D. PREVENTION AND CONTROL OF SOIL EROSION. Consistent with applicable federal and state highway safety standards, the grantee shall provide for prevention and control of soil erosion in the easement area and on adjacent National Forest System lands that may occur during construction, operation, and maintenance of the public road, including maintenance of any terracing, water bars, leadoff ditches, or other preventive works and reshaping of slopes following slides that may be necessary to control or prevent soil erosion and disposal of any associated waste. The grantee shall vegetate and keep vegetated with species approved by the authorized officer all earth cut or fill slopes feasible for revegetation and any other locations in which ground cover is destroyed.

E. CUTTING, DISPOSAL, AND PLANTING OF VEGETATION. This easement does not authorize the cutting of trees, brush, shrubs, and other plants ("vegetation"). Vegetation may be cut, destroyed, or trimmed only after the authorized officer or the authorized officer's designated representative has approved in writing and marked or otherwise identified what may be cut, destroyed, or trimmed. The grantee shall notify the authorized officer when approved cutting, destruction, or trimming of vegetation has been completed. The Forest Service shall determine in advance of felling the method of disposal of trees felled in the easement area that meet utilization standards. Disposal may be by sale or without charge per 36 CFR Part 223, as may be most advantageous to the United States. Debris from felling that does not meet utilization standards shall also be disposed of according to methods determined by the Forest Service. Planting of vegetation in the easement area must have prior written approval from the authorized officer.

F. PESTICIDE USE

1. Authorized Officer Concurrence. Pesticides may not be used in the easement area to control pests, including undesirable woody and herbaceous vegetation (including aquatic plants), insects, birds, rodents, or fish without prior written concurrence of the authorized officer. Only those products registered or otherwise authorized by

the U.S. Environmental Protection Agency and appropriate State authority for the specific purpose planned shall be authorized for use within areas on National Forest System lands.

2. **Pesticide-Use Proposal.** Requests for concurrence of any planned uses of pesticides shall be provided in advance using the Pesticide-Use Proposal (form FS-2100-2). Annually the grantee shall, on the due date established by the authorized officer, submit requests for any new, or continued, pesticide usage. The Pesticide-Use Proposal shall cover a 12-month period of planned use. The Pesticide-Use Proposal shall be submitted at least 60 days in advance of pesticide application. Information essential for review shall be provided in the form specified. Exceptions to this schedule may be allowed, subject to emergency request and approval, only when unexpected outbreaks of pests require control measures which were not anticipated at the time a Pesticide-Use Proposal was submitted.

3. **Safety Plan.** Before applying pesticides in the easement area, the grantee shall submit to the authorized officer a safety plan that includes, at a minimum, a precise statement of the treatment objectives; a description of equipment, materials, and supplies to be used, including pesticide formulation, quantities, and application methods; a description of the lines of responsibility for project planning, project monitoring, and after-action review; a description of any necessary interagency coordination; a copy of the current Pesticide-Use Proposal for the easement; a description of the process by which treatment effectiveness will be determined; and a spill plan, communications plan, security plan, and, when required by applicable local requirements, a provision for prior notification to sensitive individuals.

4. **Reporting.** By September 30th annually, the grantee shall submit to the authorized officer a written report of each pesticide application project completed during the previous 12-month period. The report shall contain information pertaining to the pesticide application projects as requested by the authorized officer.

5. **Labeling, Laws, and Regulations.** Label instructions and all applicable laws and regulations shall be strictly followed in the application of pesticides and disposal of excess materials and containers. No pesticide waste, excess materials, or containers shall be disposed of in any area administered by the Forest Service.

IV. RIGHTS AND LIABILITIES

A. **VALID EXISTING RIGHTS.** This easement is subject to all valid existing rights. Valid existing rights include those derived from mining and mineral leasing laws of the United States. The grantor is not liable to the grantee for the exercise of any such right.

B. **ABSENCE OF THIRD-PARTY BENEFICIARY RIGHTS.** The parties to this easement do not intend to confer any rights on any third party as a beneficiary under this easement.

C. **NO WARRANTY OF ACCESS, AREA SUITABILITY, OR SERVICES.** This easement authorizes the use and occupancy of lands or easements of the grantor for the purposes identified in this easement. The Forest Service does not make any express or implied warranty of access to the easement area, of the suitability of the easement area for the authorized uses, or for the furnishing of road or trail maintenance, other than as expressly provided for in this easement; water; fire protection services; search and rescue services; or any other services by a government agency, utility, association, or individual.

D. **RISK OF LOSS.** The grantee assumes all risk of loss to the easement area, in whole or in part, due to public health and safety or environmental hazards. Loss of use and occupancy of the easement area may result from but is not limited to theft, vandalism, fire and any fire-fighting activities (including prescribed burns), environmental contamination, avalanches, rising waters, winds, falling limbs or trees, and other forces of nature. If the authorized officer determines that any portions of the easement area cannot be safely occupied due to a public health or safety or environmental hazard, this easement shall terminate as to those portions of the easement area.

Termination under this clause shall not give rise to any claim for damages, including lost profits, by the grantee against the Forest Service.

E. DAMAGE TO UNITED STATES PROPERTY. The grantee has an affirmative duty to protect from damage the land, property, and other interests of the United States that are associated with the use and occupancy authorized by this easement. Damage includes but is not limited to destruction of or damage to National Forest System lands, fire suppression costs, and destruction of or damage to federally owned improvements.

1. The grantee shall be liable for all injury, loss, or damage, including fire suppression costs, prevention and control of the spread of invasive species, and the costs of rehabilitation or restoration of natural resources, resulting from the grantee's use and occupancy of the easement area. Compensation shall include but not be limited to the value of resources damaged or destroyed, the costs of restoration, cleanup, or other mitigation, fire suppression or other types of abatement costs, and all administrative, legal (including attorney's fees), and other costs.

2. The grantee shall be liable for damage to all roads and trails of the United States caused by use of the grantee or the grantee's heirs, assignees, agents, employees, or contractors to the same extent as provided under clause IVE.1, except that liability shall not include reasonable and ordinary wear and tear.

F. ENVIRONMENTAL PROTECTION

1. Compliance with Environmental Laws. The grantee shall in connection with the use and occupancy authorized by this easement comply with all applicable federal, state, and local environmental laws and regulations, including but not limited to those established pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251 et seq., the Oil Pollution Act, as amended, 33 U.S.C. 2701 et seq., the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., the Toxic Substances Control Act, as amended, 15 U.S.C. 2601 et seq., the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, 7 U.S.C. 136 et seq., and the Safe Drinking Water Act, as amended, 42 U.S.C. 300f et seq.

2. Definition of Hazardous Material. For purposes of clause IV.F, "hazardous material" shall mean (a) any hazardous substance under section 101(14) of CERCLA, 42 U.S.C. 9601(14); (b) any pollutant or contaminant under section 101(33) of CERCLA, 42 U.S.C. 9601(33); (c) any petroleum product or its derivative, including fuel oil, and waste oils; and (d) any hazardous substance, extremely hazardous substance, toxic substance, hazardous waste, ignitable, reactive or corrosive materials, pollutant, contaminant, element, compound, mixture, solution or substance that may pose a present or potential hazard to human health or the environment under any applicable environmental laws.

3. Oil Discharges and Release of Hazardous Materials. The grantee shall immediately notify all appropriate response authorities, including the National Response Center and the authorized officer or the authorized officer's designated representative, of any oil discharge or of the release of a hazardous material in the easement area in an amount greater than or equal to its reportable quantity, in accordance with 33 CFR Part 153 and 40 CFR Part 302. For the purposes of this requirement, "oil" is as defined by section 311(a)(1) of the Clean Water Act, 33 U.S.C. 1321(a)(1). The grantee shall immediately notify the authorized officer or the authorized officer's designated representative of any release or threatened release of any hazardous material in or near the easement area which may be harmful to public health or welfare or which may adversely affect natural resources on federal lands.

4. Remediation of Release of Hazardous Materials. The grantee shall remediate any release, threat of release, or discharge of hazardous materials that occurs in connection with the grantee's activities in the easement area, including activities conducted by the grantee's agents, employees, or contractors and regardless of whether those activities are authorized under this easement. The grantee shall perform remediation in accordance with applicable law immediately upon discovery of the release, threat of release, or discharge of hazardous materials. The grantee shall perform the remediation to the satisfaction of the authorized officer and at no expense to the United States. Upon revocation or termination of this easement, the grantee shall deliver the easement area to the Forest Service in compliance with all applicable laws and regulations and free and clear of contamination.

G. INDEMNIFICATION OF THE UNITED STATES. The grantee shall indemnify, defend, and hold harmless the United States for any costs, damages, claims, liabilities, and judgments arising from past, present, and future acts or omissions of the grantee in connection with the use and occupancy authorized by this easement. This indemnification and hold harmless provision includes but is not limited to acts and omissions of the grantee or the grantee's heirs, assignees, agents, employees, contractors, or lessees in connection with the use and occupancy authorized by this easement which result in (1) violations of any laws and regulations which are now or which may in the future become applicable; (2) judgments, claims, demands, penalties, or fees assessed against the United States; (3) costs, expenses, and damages incurred by the United States; or (4) the release or threatened release of any hazardous material into the environment. The authorized officer may prescribe terms that allow the grantee to replace, repair, restore, or otherwise undertake necessary curative actions to mitigate damages in combination with or as an alternative to monetary indemnification.

V. REVOCATION, SUSPENSION, AND TERMINATION

A. REVOCATION. The authorized officer may revoke all or part of this easement:

1. By condemnation; or
2. Based on a finding of abandonment of the easement after a continuous 5-year period of non-use, provided:
 - (a) The easement or segment of the easement is not being preserved for prospective future use;
 - (b) The authorized officer gives the grantee written notice of the revocation; and
 - (c) If the grantee administratively appeals the revocation within 60 days of receipt of the notice, the revocation is upheld on appeal.

B. IMMEDIATE SUSPENSION. The authorized officer may immediately suspend this easement in whole or in part when necessary to protect public health or safety or the environment. The suspension decision shall be in writing. The grantee may request an onsite review with the authorized officer's superior of the adverse conditions prompting the suspension. The authorized officer's superior shall grant this request within 48 hours. Following the onsite review, the authorized officer's superior shall promptly affirm, modify, or cancel the suspension.

C. APPEALS AND REMEDIES. Written decisions by the authorized officer relating to administration of this easement, other than revocation or suspension decisions, are subject to administrative appeal pursuant to 36 CFR Part 214, as amended. Revocation of this easement for non-use is subject to administrative appeal pursuant to 7 CFR Part 1, Subpart H, as amended, provided the grantee files an appeal within 60 days of receipt of the notice of revocation. Immediate suspension under clause V.B is subject to administrative appeal pursuant to 7 CFR Part 1, Subpart H, as amended. Revocation or suspension of this easement shall not give rise to any claim for damages by the grantee against the grantor.

D. **TERMINATION.** This easement shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Termination of this easement shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this easement is not subject to administrative appeal and shall not give rise to any claim for damages by the grantee against the grantor. This easement shall terminate:

1. If the grantee does not record this easement in each county where the lands underlying this easement are located within 90 days of the date this easement is granted; or
2. All or in part, upon the written agreement of the grantor and the grantee.

VI. MISCELLANEOUS PROVISIONS

A. **MEMBERS OF CONGRESS.** No member of or delegate to Congress or resident commissioner shall benefit from this easement either directly or indirectly, except to the extent the authorized use provides a general benefit to a corporation.

B. **CURRENT ADDRESSES.** The grantor and the grantee shall keep each other informed of current mailing addresses.

C. **SUPERIOR CLAUSES.** If there is any conflict between any of the preceding printed clauses and any of the following clauses, the preceding printed clauses shall control.

D. **Invasive Species Prevention and Control (R9-D1).** The grantee shall be responsible for the prevention and control of noxious weeds and invasive species arising from the authorized use. For the purpose of this clause, noxious weeds and invasive species include those species recognized as such by name of federal, state, or local authority name of federal, state, or local authority. When determined to be necessary by the authorizing officer, the grantee shall develop a plan for noxious weed and invasive species prevention and control. Such plans must have prior written approval from the authorizing official and upon approval, shall be attached to the easement as an appendix.

E. **Operation and Management Plans (R9-X2).** The attached operation and/or management (maintenance) plan, when currently approved by the authorized officer will become a part of this authorization. Its terms and conditions are binding on the grantee.

F. **Archaeological-Paleontological Discoveries(X-17).**

The grantee shall immediately notify the Authorized Officer of all antiquities or other objects of historic or scientific interest, including but not limited to historic or prehistoric ruins, fossils, or artifacts discovered in connection with the use and occupancy authorized by this easement. The grantee shall leave these discoveries intact and in place until directed otherwise by the Authorized Officer. Protective and mitigative measures specified by the Authorized Officer shall be the responsibility of the grantee.

G. **Signs (X-29).**

Signs or advertising devices erected on National Forest System lands shall have prior approval by the Forest Service as to location, design, size, color, and message. Erected signs shall be maintained or renewed as necessary to neat and presentable standards, as determined by the Forest Service.

THIS EASEMENT IS GRANTED SUBJECT TO ALL ITS TERMS.

BEFORE THIS EASEMENT IS GRANTED, DOCUMENTATION MUST BE PROVIDED TO THE AUTHORIZED OFFICER OF THE AUTHORITY OF THE SIGNATORY FOR THE STATE OR COUNTY PUBLIC ROAD AUTHORITY TO BIND IT TO THE TERMS OF THIS EASEMENT.

On FEBRUARY 6, 2024, we, the Christian County Commission, have read, understood, and accepted the terms of this easement.


Lynn Morris, Presiding Commissioner


Bradley Jackson, Eastern Commissioner


Hosea Bilyeu, Western Commissioner

ATTEST:

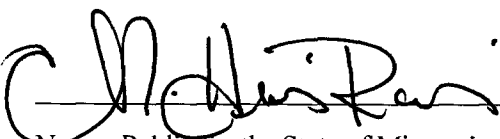

County Clerk



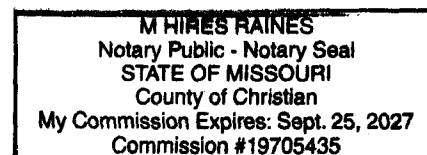
STATE OF MISSOURI

COUNTY OF CHRISTIAN

On FEBRUARY 11, 2024, before me, a notary public in the State of MISSOURI, personally appeared Lynn Morris, Bradley Jackson, and Hosea Bilyeu, known to me to be the persons who signed this easement as the grantees.


Notary Public for the State of Missouri

My commission expires: 09.25.2027



On 1/24/24, the United States, through the United States Department of Agriculture, Forest Service, has executed this easement pursuant to delegations of authority in 7 CFR 2.60(a)(2), 36 CFR 251.52, and FSM 2732.04c.

UNITED STATES OF AMERICA

Michael A Crump

1/24/24

Michael A. Crump, Acting Forest Supervisor
Mark Twain National Forest
USDA Forest Service

DATE

STATE OF MISSOURI

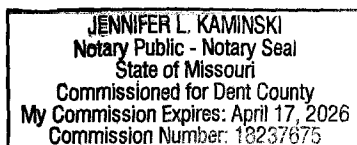
COUNTY OF Dent

On 1/24/24, before me, a notary public in the State of Missouri, personally appeared Michael A Crump, known to me to be the person who signed this easement as the grantee.

Jennifer L Kaminski

Notary Public for the State of Missouri

My commission expires: 04/17/2026



According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond, to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. Response to this collection of information is mandatory. The authority to collect the information is the Organic Administration Act, 16 U.S.C. 551. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at [How to File a Program Discrimination Complaint](#) and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

The Privacy Act of 1974 (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552) govern the confidentiality to be provided for information received by the Forest Service.

Appendix A

Public Road Easement for Christian County, Missouri Ava Ranger District

Chorn Road

An easement for ingress and egress being over and across Section 20 in Township 25 North, Range 18 West of the Fifth Principal Meridian, Christian County, Missouri and being more particularly described as follows:

Beginning at a point on the South line of said Section 20 in the centerline of Chorn Road, approximately 2,250 feet East of the Southwest corner of said Section 20, said point being the Point of Ingress; thence Northerly, along said centerline, approximately 4,750 feet to the South Right-of-Way line of Persimmon Hollow Road, the Point of Egress and the end of said easement

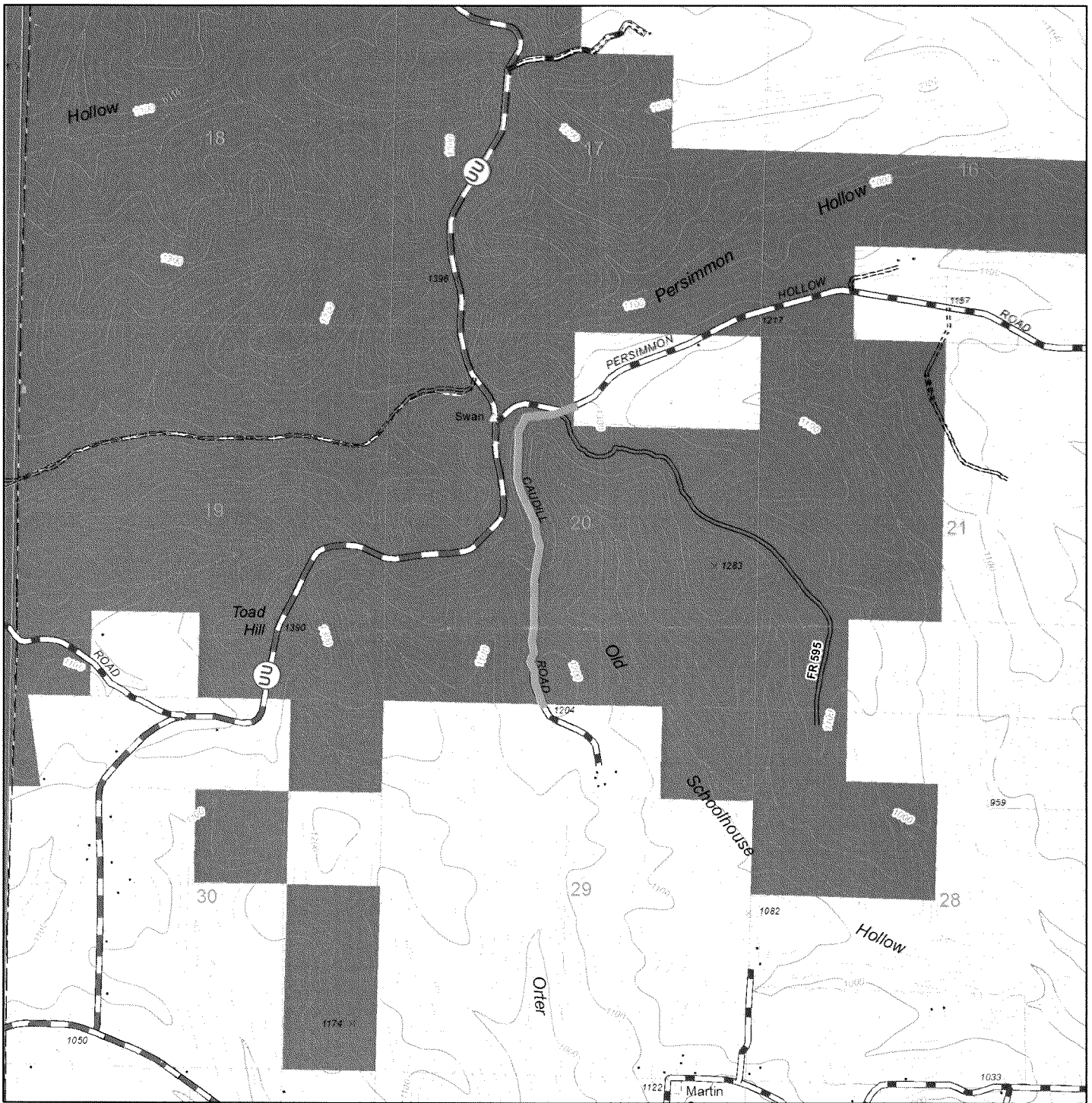
The aforementioned easement is approximately 0.90 miles in length being the total aggregate, and being a strip of land 30 feet wide, 15 feet each side of the centerline, containing approximately 3.27 acres, more or less.



FRTA Easement AVA2306 Christian County, Chorn Road

APPENDIX B

Mark Twain National Forest
Ava/Cassville/Willow Springs Ranger District



Authorization Information

Name: Christian County Chorn Road
Authorization ID: AVA2306
Primary Use Code: 751
Area: 4750.00' X 30.00' = 3.27 acres
Expiration Date: None
Legal Description: T25N, R18W, S20
Road Number(s): Chorn (Caudill) Road

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Legend

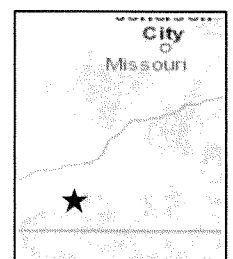
0 0.1 0.2 0.3 0.4 0.5 Miles

OWNERSHIP STATUS

- NON-FOREST SERVICE
- USDA FOREST SERVICE

AVA2306

MISSOURI
CHRISTIAN



Map Author: CatherineMcRae Map Creation Date: 7/17/2023

APPENDIX C
OPERATION AND MAINTENANCE PLAN
for
National Forest Roads and Trails Act, 16 U.S.C. 532-538 (FRTA) Public Road
Easement
Christian County, Missouri
AVA2306
January 23, 2024

This Operation and Maintenance Plan (Plan) is attached to and made a part of the authorization identified above.

The purpose of this plan is to provide Christian County, Missouri, (Grantee) with a serviceable road, and to reasonably minimize impacts to National Forest System (NFS) land and resources. The USDA-Forest Service (Grantor) and Grantee shall jointly review maintenance and operation activities annually, or as otherwise determined to be necessary by Grantor. Either party may propose to amend or revise this Plan. Grantor shall ultimately determine those items necessary to reasonably minimize impacts to NFS land and resources.

In addition to standard provisions within the parent text of the authorization, and as a condition of successful performance under the terms of the authorization, Grantee shall perform, provide and/or pay for reasonable road maintenance on the authorized road in accordance with the following provisions.

Any activities by the Grantee that may result in **ground-disturbance** on National Forest **outside of the existing disturbed area** will be evaluated by the Forest Service before implementation.

A. ROAD SURFACE BLADING

Surface blading involves keeping the native or aggregate surface of the road in a condition to facilitate grantee traffic, minimize additional future maintenance, reduce erosion, and provide proper drainage. Surface blading also includes maintaining the crown, inslope or outslope of the traveled way and shoulders, drainage dips, lead-off and roadside ditches, berms, turnouts, and removal of debris and other irregularities that prevent normal runoff from the road surface.

1. Grantee shall perform all aspects of surface blading as often as necessary and to the standards required to facilitate grantee traffic and proper drainage.
2. Grantee shall perform surface blading in such a manner as to preserve the existing road profile and cross section, and to conserve surface materials.
3. No road surface material may be bladed into the ditch or onto the road shoulders, forming a berm.
4. Prevent undercutting of existing roadside cut slopes and berms.

5. Remove/Repair all ruts, holes, or other surface flaws.
6. Restore surface material to a uniform depth on the traveled way at completion of blading.

B. SLIDE REMOVAL AND SLUMP REPAIR

1. Deposit slide/slump material at a location off NFS land.
2. Grantee shall not establish any borrow, sand or gravel pits, stone quarry, or permanent material storage areas unless specifically authorized.

C. DITCH CLEANING

1. Ditch cleaning involves removing and disposing of all debris from lead-off and roadside ditches, to provide an unobstructed path to drain water away from the road.
2. Dispose of all debris removed from ditches off NFS land.

D. DRAINAGE STRUCTURES

Drainage structures are culverts, low-water crossing, bridges, and other structures meant to divert water from the road. Erosion control measures, such as building water bars, will be taken as needed to reduce rutting and soil-runoff on the road under easement.

1. Grantee shall regularly inspect drainage structures to assure they are working properly.
2. Grantee shall clear the inlet and outlet channels of drainage structures of debris, such as; leaves, limbs, and logs, that could cause plugging or prevent the free flow of water within the authorized right-of-way. Any maintenance required outside authorized right-of-way shall be approved by the USDA Forest Service prior to commencement of work.
3. Dispose of all debris removed from structures off NFS land.
4. Make necessary repairs to ensure the proper functioning of drainage structures, within the authorized right-of-way.

E. MISCELLANEOUS STRUCTURES

Miscellaneous structures include retaining walls, guard rails, cattle guards, fences, and any other similar existing structures that have been installed to provide safe and efficient operation of the road. All miscellaneous structures must be in conformance with the Manual on Uniform Traffic Control Devices (MUTCD).

F. CLEARING ROADSIDE VEGETATION

This work consists of cutting and disposing of all vegetative growth from the road surface, shoulders, drainage structures, or within the road's authorized right-of-way, including trees, which cause unacceptable reduction of sight distance, reduces safe and efficient travel, or impedes the flow of water or diverts water from drainage structures.

1. Cut low shrubs and brush only when they restrict sight distance, impede road maintenance, and are not necessary to help reduce erosion. In general, do not cut low

shrubs and brush if the road surface can be adequately maintained without doing so. Dispose of shrubs, brush, small trees (less than 6" in diameter) and other vegetation by chipping, removing to a designated disposal areas, or by lopping and scattering.

2. Along the road, felling or removal of trees that are greater than 5" in diameter and is dead, shaggy-barked, hollow, or dying will be done Nov 1st-April 1st unless they have been pre-approved by the USFS district biologist.

G. NOXIOUS WEEDS AND EXOTIC PLANTS

Grantee has an affirmative responsibility to prevent the introduction and spread of noxious weeds and/or exotic plants on the authorized right-of-way during all phases of authorized operations and maintenance activities. Noxious weeds and exotic plants of concern consist of all species recognized by the State of Missouri.

1. Use of herbicide is not an authorized method of control.

H. MISCELLANEOUS ITEMS

1. Grantee shall not store materials or equipment used in the operation and maintenance of authorized right-of-way on NFS lands.



Christian County Planning & Zoning Commission Recommendation & Staff Report To the County Commission

HEARING DATE: February 6, 2024

CASE NUMBER: 2023-0320

APPLICANT: Gabe Phillips - Integrity Landscapes

LOCATION: 11724 US Hwy 160 – Spokane
Parcel 20-0.6-23-000-000-014.000

REQUEST: Change zoning of property to C-2 (General Commercial)

CURRENT ZONING: A-1 (Agriculture District)

CURRENT LAND USE: Vacant / Wooded

ADJACENT ZONING: North: A-1 East: A-1
South: M-2 West: A-1

ADJACENT LAND USES: Surrounding and nearby land uses include an electrical substation to the south, vacant land to the west, and dispersed single family residential to the north and east. US Hwy 160 runs from southwest to northeast along the northwest property line.

ATTACHMENTS:

1. Application
2. Site Maps
3. Photos of Site

PROJECT DESCRIPTION:

The applicant is proposing the change in zoning classification for one parcel totaling five acres from A-1 to C-2 so that it can be lawfully utilized for general commercial purposes allowed in the C-2 district. The current owner is looking to potentially expand their landscaping business to include a nursery and material storage.

BACKGROUND AND SITE HISTORY:

The property being considered for rezoning has historically been used as vacant, wooded, land.

PLANNING/LAND USE ANALYSIS:

Land Use Plan:

Christian County's future land use plan notes this property is designated for Commercial/Industrial use as shown on the Future Land Use Map within the 2022 Comprehensive Plan.

Compatibility:

The parcel to be re-zoned as C-2 is located adjacent to an industrial use to the south, and primarily agricultural uses in all other directions. The nearest single-family structure to the property appears to be approximately 400ft away to the north, across US Hwy 160.

Connectivity:

The property is fronted and has an approach accessing US Hwy 160.

PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

No specific provisions for landscaping or buffering have been offered or will be required at this time. Any specific requirements for a particular use would be administered and verified by staff prior to granting any certificate of occupancy.

Building Design:

Any new construction would be permitted by the building inspections department.

Access:

The parcel in question currently has access US Hwy 160.

Utility Services:

There are no known utilities besides electric currently at this site.

FACTORS LIMITING SITE DEVELOPMENT:

As with all zoning districts, the C-2 General Commercial district includes limitations on the specific land uses and activities which are permissible as well as limitations and requirements which control the extent to which a site can be developed.

Required setbacks

- Front yard – 50 feet plus an additional 10 feet because the property is fronted by highway
- Rear yard – 10 feet

- Minimum required open space – 30%
- Possible other distancing or buffering requirements associated with a specific use.

When the site is developed, the owner is required, according to Article 43, Section 9, to present plans which meet the various requirements listed therein as well as any other standard requirements of the County's development regulations.

Examples of other factors which can affect the site development are:

- Stormwater management requirements
- Access standards
- Parking requirements
- Existing easements

ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None anticipated at this time. Any proposed development or building permitting would be subject to the County's stormwater and erosion control regulations. Any impervious surface additions of 5000 sq ft or more would require a stormwater evaluation to be done to per the counties Stormwater & Erosion Control Regulations.

Groundwater Impact:

None anticipated at this time due to rezoning.

Floodplain/Sinkhole Impacts:

There are no known sinkholes or mapped floodplain areas on the property.

TRANSPORTATION ANALYSIS:

Traffic Impact:

The applicant will need to reach out to MoDOT to ensure the existing approach and expected traffic impact due to the increased intensity of land use meets MoDOT's requirements at the time of development.

PUBLIC COMMENT:

No public comment was offered either prior to, or during the public hearing.

STAFF COMMENTS:

The rezoning of the property from A-1 to C-2 would be fitting for the area given its frontage along US Hwy 160, and the designation of commercial/industrial from our future land use map. It would

also be appropriate given its proximity to the electrical sub station to the south, and relative distance to any residential structures.

RECOMMENDATIONS:

This request was reviewed by the Planning and Zoning Commission on January 15, 2024. After allowing an opportunity for public comment and consideration of the facts and evidence presented, a motion was made to recommend approval to the County Commission. The motion passed unanimously.

A handwritten signature in blue ink, appearing to read "Todd M. Wiesehan", is written over a horizontal line.

Todd M. Wiesehan, Executive Secretary
Christian County Planning and Zoning Commission



County of Christian
Planning and Development
1106 W. Jackson St.
Ozark, MO 65721

Case Number: 2023-0320
Date Received: 11-9-23
Received By: BH
Fee Paid: 650
Receipt # 1914/11920 Check # 1353

APPLICATION

PROPERTY OWNER / REPRESENTATIVE INFORMATION

Owner's Name Gabe Phillips Integrity Landscapes
Owner's Address 226 Tower View Ln Ozark, Mo 65721
Phone Number 417-459-0564 Fax # _____ Email gabe@integritylandscapesco.com
Representative's Name Gabe Phillips
Representative's Address 226 Tower View Ln
Phone Number 417-459-0564 Fax # _____ Email gabe@integritylandscapesco.com
Representative's Signature [Signature]

TYPE OF REQUEST

- | | |
|--|---|
| ☒ Rezoning <u>A-1 to C-2</u> | ☐ Amendment to PUD # _____ |
| ☐ Conditional Use Permit (CUP) | ☐ Variance |
| ☐ Amendment to CUP # _____ | ☐ Appeal |
| ☐ Planned Unit Development (PUD) | ☐ Vacation (Subdivision, Road etc) |

PROPERTY INFORMATION

Parcel Number 20.0.6-23.0000-0000-014.0000 Section 23 Township 25N Range 22W
Address / Location of Property 11724 US 160 Spokane, Mo 65754
Acreage Being Considered for Request 5 Existing Zoning A-1
Existing Land Use Farm
On-Site Wastewater System N/A Public Sewer Provider N/A

EXISTING OR PROPOSED WATER SUPPLY

On-Site Well ☒ Shared Well ☐
How many people serviced by Shared Well _____
Public Provider _____

Authorized Signature of Owner(s) _____

Date 11/9/23

Date _____

ACKNOWLEDGEMENT OF PROPERTY OWNER

STATE OF MISSOURI)

) SS.

COUNTY OF CHRISTIAN)

On this 9th day of Nov, in the year 2023 before me, the undersigned notary public, personally appeared Gabriel M. Phillips, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged that he/she/they executed the same for the purposes therein contained. In witness whereof, I hereunto set my hand and official seal.



Michelle L. Miller
Notary Public

OWNER AND REPRESENTATIVE MUST READ AND INITIAL THE FOLLOWING:

- GP Application for a Rezoning, CUP, PUD, Variance, Appeal, etc. does not guarantee approval of the request. No refunds will be granted. Non-payment of any required fee or charge will result in an incomplete application and the request will not be heard by the Christian County Planning Commission, the Christian County Commission, and/or the Christian County Board of Adjustment. Failure to pay the required fee or charge for a period of ninety days will constitute a withdrawal of the request.
- GP As required by the State Zoning Laws, a legal and must be placed in a local publication. A notice of public hearing will also be posted on the property by the County.
- GP The property owner authorizes Christian County staff to conduct on-site inspections relating to the request in order to ensure compliance with provisions of the Planning and Development and Building Inspection Regulations.
- GP All public hearings should be attended by the property owner or their representative. Failure to appear could result in the case not being heard as scheduled. Anyone in attendance will be given an opportunity to enter testimony into the record. A decision may be issued without the attendance of the applicant or representative.
- GP Christian County is not responsible for inaccurate information provided by the owner/representative. Submission of an inaccurate legal description could result in the need to re-advertise the request at the applicant's expense or making the decision void.
- GP All applications, submissions, and testimony at a public hearing are public record.

Unless otherwise posted, all Planning and Zoning Commission Hearings and Board of Adjustment Hearings are held at 1106 S. Jackson Street, Ozark, MO 65721. Office Phone: (417) 581-7242 Fax: (417) 581-4623

Site Photos – Case # 2023-0320 Phillips-Integrity Landscapes





PLANNING & ZONING COMMISSION RECOMMENDATION and STAFF REPORT

Request for Zoning Change

HEARING DATE: February 6, 2024

CASE NUMBER: 2023-0320

APPLICANT: Gabe Phillips - Integrity Landscapes

CURRENT ZONING: A-1 (Agriculture District)

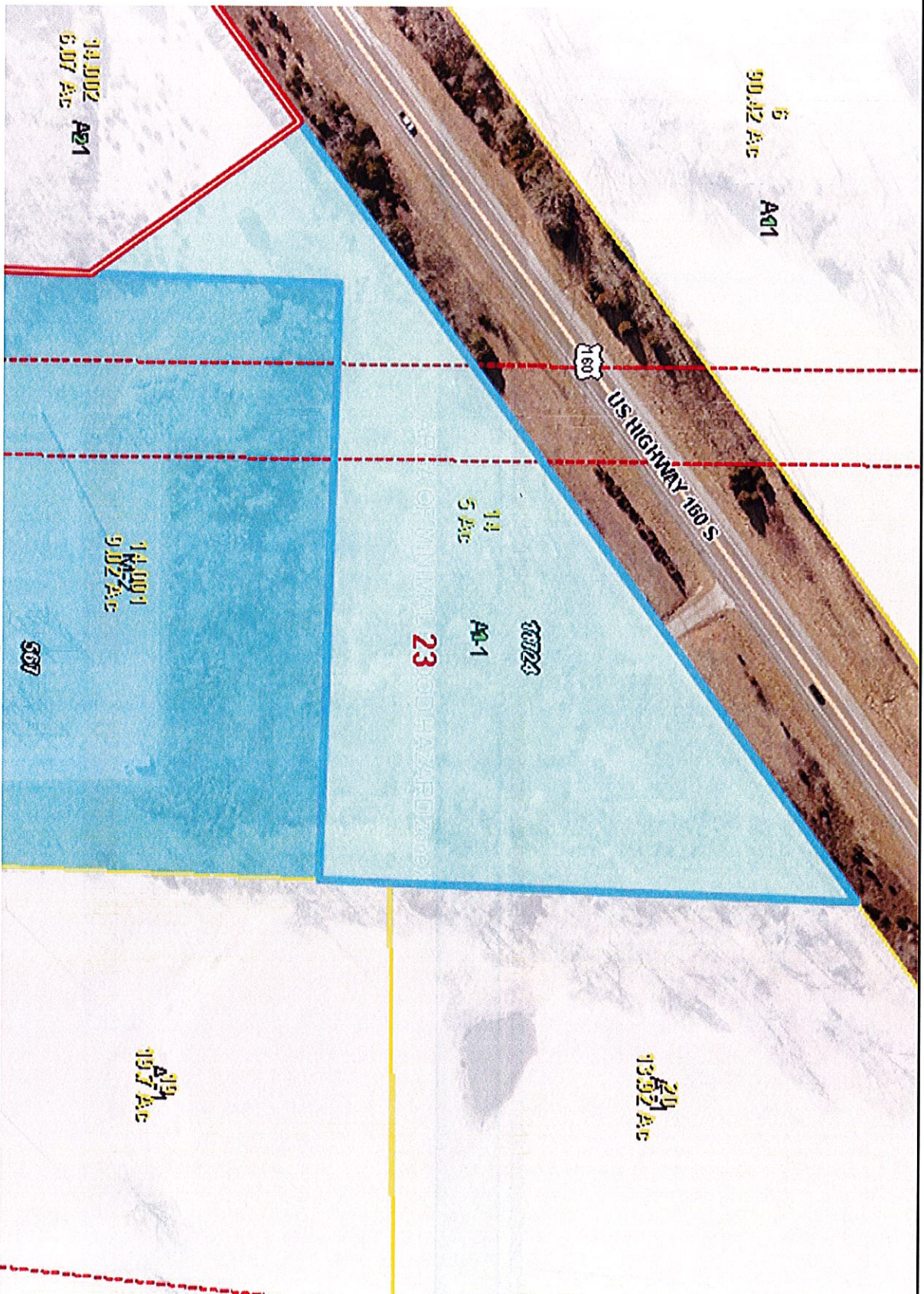
PROPOSED ZONING: C-2 (General Commercial)

1106 W. Jackson St., Ozark, MO 65721 (417) 581-7242

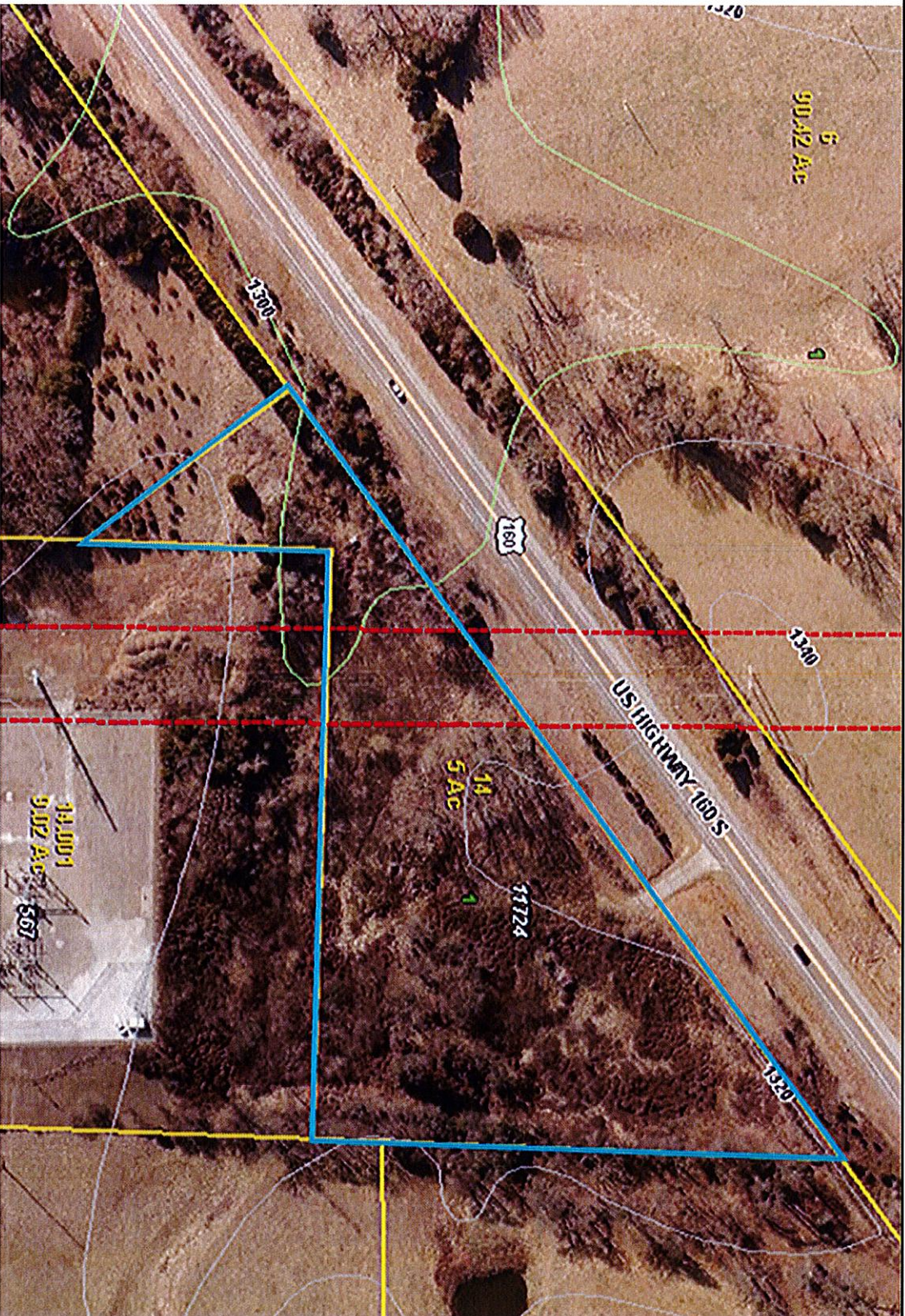


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Nearby Zoning



PROJECT DESCRIPTION: The applicant is requesting a change in zoning for this 5 acre parcel from A-1 to C-2 in order that it can be lawfully utilized for general commercial purposes as specified within the C-2 zoning district.



PLANNING / LAND USE ANALYSIS:

Land Use Plan:

Christian County's future land use plan notes this property is designated for Commercial/Industrial use as shown on the Future Land Use Map within the 2022 Comprehensive Plan.

Compatibility:

The parcel to be re-zoned as C-2 is located adjacent to an industrial use to the south, and primarily agricultural uses in all other directions. There is a fire station to the north on the same side of US Hwy 160. The nearest single-family structure to the property appears to be approximately 400ft away to the north, across US Hwy 160.

Connectivity:

The property is fronted by and has an existing access to US Hwy 160.



PROJECT/SITE ANALYSIS:

Landscaping and Buffering:

No specific provisions for landscaping or buffering have been offered or will be required at this time. Any specific requirements for a particular use would be administered and verified by staff prior to granting any certificate of occupancy.

Building Design:

Any new construction would be permitted by the building inspections department.

Access:

The subject parcel has existing access to US Hwy 160. Prior to site development, the applicant will need to assure that the point of access is acceptable to MoDOT for the intended use.

Utility Services:

There are no known utilities currently at this site. Provisions for water and wastewater will need to be approved by MoDNR and the Christian County Health Department respectively.



ENVIRONMENTAL ANALYSIS:

Stormwater Impact:

None anticipated at this time. Any proposed development or building permitting would be subject to the county's stormwater and erosion control regulations. Any impervious surface additions of 5000 sq ft or more would require a stormwater evaluation to be done to per the County's Stormwater & Erosion Control Regulations.

Groundwater Impact:

None anticipated at this time due to rezoning.

Floodplain/Sinkhole Impacts:

There are no known sinkholes or mapped floodplain areas on the property.



This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and small dark spots, characteristic of old paper. The left edge of the page is bound, showing the inner hinge and some stitching. The overall tone is a warm, off-white or light cream.

requirements which control the extent to which a site can be developed.

Required setbacks

-

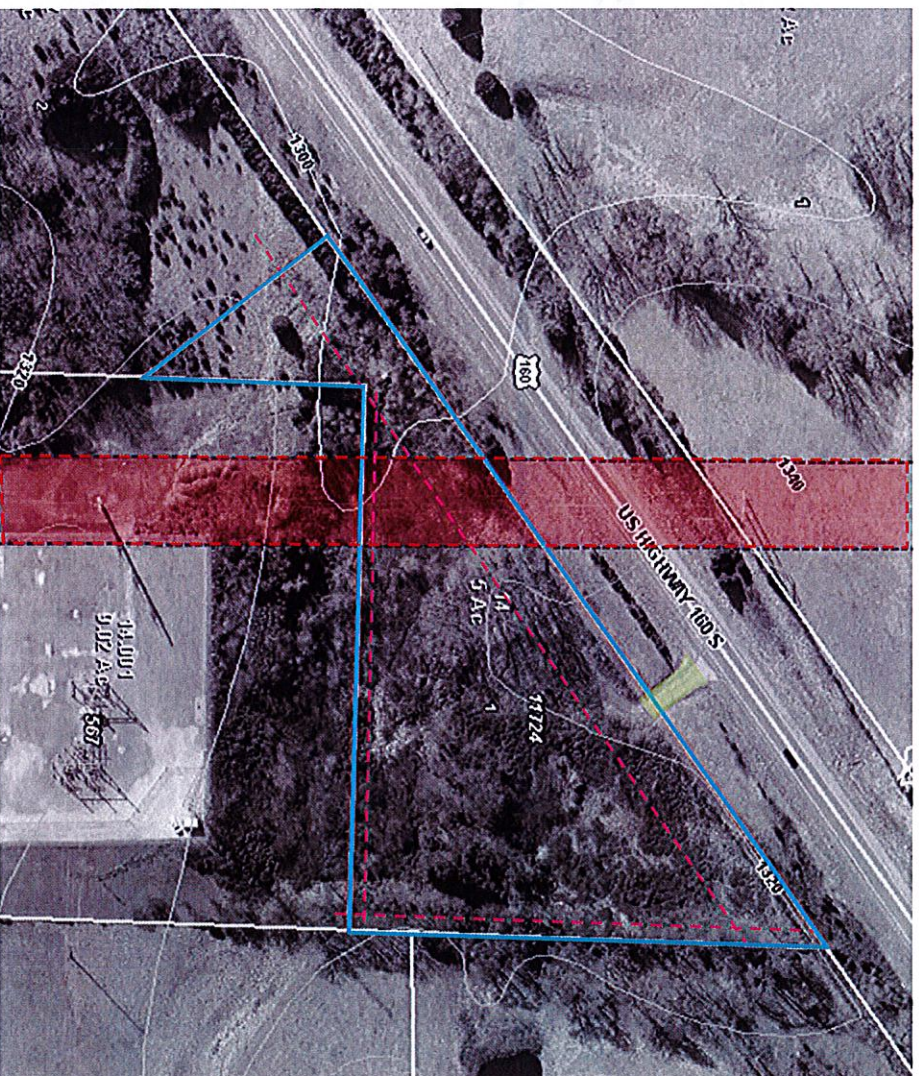


FACTORS LIMITING SITE DEVELOPMENT:

When the site is developed, the owner is required, according to Article 43, Section 9, to present plans which meet the various requirements listed therein as well as any other standard requirements of the County's development regulations.

Examples of other factors which can affect the site development are:

- Stormwater management requirements
- Access standards
- Parking requirements
- Existing easements



STAFF COMMENTS:

This change in zoning would allow for a productive land use in an appropriate location.

RECOMMENDATIONS:

This request was reviewed by the Planning and Zoning Commission on January 15, 2024. After allowing an opportunity for public comment and consideration of the facts and evidence presented, a motion was made to recommend approval to the County Commission. The motion passed unanimously.



**ORDER OF THE
CHRISTIAN COUNTY COMMISSION
OZARK, MISSOURI**

DATE ISSUED: February 6, 2024
SUBJECT: CASE NUMBER 2023-0320
TEXT:

INTEGRITY LANDSCAPES, LLC petitions the Christian County Commission to rezone a 5 acre tract of land from A-1 (Agricultural District) to C-2 (General Commercial District) in order to lawfully permit land use compatible with surrounding parcels and be reflected as such on the Christian County Zoning Map at 11724 US HIGHWAY 160 S, SPOKANE, MO 65754, located within Parcel 20-0.6-23-0-0-14.000 which is legally described as follows:

A PART OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION TWENTY-THREE (23), TOWNSHIP TWENTY-FIVE NORTH (T25N), RANGE TWENTY-TWO WEST (R22W) OF THE FIFTH P.M. IN CHRISTIAN COUNTY, MISSOURI MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN (PLS-2122) SET AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NE 1/4, SAID SEC. 23, THENCE S 88°21'35" E, ALONG THE SOUTH LINE OF THE SW 1/4 OF THE NE 1/4, SAID SEC. 23, 687.95 FEET; THENCE N 01°57'22" E, 371.21 FEET TO AN IRON PIN AND SAID IRON PIN MARKS THE POINT OF BEGINNING; THENCE N 01°57'22" E, 252.98 FEET TO AN IRON PIN (PLS-2591); THENCE S 88°15'58" E, 629.58 FEET TO AN IRON PIN (PLS—2591) SET ON THE EAST LINE OF THE SW 1/4 OF THE NE 1/4, SAID SEC. 23; THENCE N 01°57'36" E, 551.51 FEET TO AN IRON PIN SET AT THE POINT OF INTERSECTION OF SAID EAST LINE WITH THE SOUTHERLY BOUNDARY LINE OF MISSOURI STATE HIGHWAY ROUTE 160; THENCE S 54°04'13" W, ALONG SAID SOUTHERLY BOUNDARY LINE 494.19 FEET TO A STEEL POST MARKER; THENCE S 53°51'54" W, ALONG SAID SOUTHERLY BOUNDARY LINE 499.15 FEET TO AN IRON PIN; THENCE S 36°08'06" E, 248.44 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINS 5.00 ACRES AND IS SUBJECT TO AN INGRESS/EGRESS EASEMENT DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN (PLS—2122) SET AT THE SOUTHWEST CORNER OF THE SW 1/4 OF THE NE 1/4, SAID SEC. 23, THENCE S 88°21'35" E, ALONG THE SOUTH LINE OF THE SW 1/4 OF THE NE 1/4, SAID SEC. 23, 687.95 FEET; THENCE N 01°57'22" E, 371.21 FEET TO AN IRON PIN; THENCE N 36°08'06" W, 248.44 FEET TO AN IRON PIN SET ON THE SOUTHERLY LINE OF MISSOURI STATE HIGHWAY ROUTE 160 AND SAID IRON PIN MARKS THE POINT OF BEGINNING OF SAID INGRESS/EGRESS EASEMENT; THENCE N 53°51'54" E, ALONG THE SOUTHERLY BOUNDARY OF MISSOURI STATE HIGHWAY ROUTE 160, 499.15 FEET TO A STEEL POST MARKER; THENCE N 54°04'13" E, ALONG THE SOUTHERLY BOUNDARY OF MISSOURI STATE HIGHWAY ROUTE 160, 180.05 FEET; THENCE S 35°55'47" E, 25.00 FEET; THENCE S 54°04'13" W, 180.01 FEET; THENCE S 53°51'54" W, 499.10 FEET; THENCE N 36°08'06" W, 25.00 FEET TO THE POINT OF BEGINNING OF SAID INGRESS/EGRESS EASEMENT.

WHEREAS, the Christian County Planning and Zoning Commission did, during public hearing on January 15, 2024, review this request and hear public comment; and

WHEREAS, they subsequently issued a recommendation for approval of this request by a unanimous vote.

NOW, THEREFORE, after additional review of this case and having heard additional public comment the Christian County Commission did this day, upon a motion by Commissioner Bilyeu, seconded by Commissioner Jackson, by a unanimous vote to approve this request.

IT IS HEREBY ORDERED that the zoning classification for the above described property be changed and reflected on the Christian County Zoning map as C-2 (General Commercial) and thereby subject to all pertinent requirements contained within the Zoning Regulations for Christian County, Missouri.

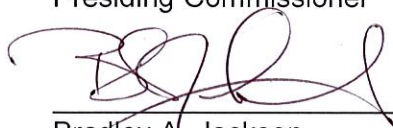
Done this 6th day of February, 2024, at 10:15 a.m.

CHRISTIAN COUNTY COMMISSION



Lynn Morris
Presiding Commissioner

Yes ☒
Dated: 2-6-24



Bradley A. Jackson
Commissioner, Eastern District

Yes ☒
Dated: 2-6-24



Hosea Bilyeu
Commissioner, Western District

Yes ☒
Dated: 2-6-24

ATTEST:



Paula Brumfield
County Clerk

