



BOARD OF COUNTY COMMISSIONERS
FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of the application of:
Fredericksen – CR2024-0004

The Board of Canyon County Commissioners considers the following:

- 1) Conditional Rezone of approximately 2.74 acres from the “A” (Agricultural) and “R-1” (Single-Family Residential) zones to the “CR-R1” (Conditional Rezone-Single-Family Residential) zone.
- 1) This request includes a Development Agreement to restrict the development to four (4) conditions of approval (see **Attachment A**).

[Case No. CR2024-0004, Address: 21004 Foggy Lane, Caldwell, ID (Parcel Numbers: R34070011 and R34142010C), also referenced as a portion of the SW quarter of Section 17, T4N, R2W, BM, Canyon County, Idaho and portion of the NW quarter of Section 20, T4N, R2W, BM, Canyon County].

Summary of the Record

1. The record is comprised of the following:
 - A. The record includes all testimony, the staff report, exhibits, and documents in Case File CR2024-0004.
 1. All exhibits are located in the case staff report dated February 26, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-06-01 (Initiation of Proceedings), CCCO §07-06-07 (Conditional Rezones), CCCO §07-10-27 (Land Use Regulations (Matrix)), and Idaho Code §67-6511 (Zoning Map Amendments and Procedures).
 - a. Notice of the public hearing was provided per CCCO §07-05-01 and Idaho Code §67-6509.
 - b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See CCCO §07-06-07(1).*
 - c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See CCCO §07-05-01*
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act (“LLUPA”) and can establish its own ordinances regarding land use. *See I.C. §67-6504, §67-6511..*
3. The Board has the authority to hear this case and make its own independent determination. *See I.C. §67-6519, §67-6504, 67-6509 & 67-6511.*
4. The Board can sustain, modify or reject the Commission’s recommendations. *See CCCO §07-05-03.*
5. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.

6. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record. The County’s hearing procedures adopted per Idaho Code §67-6534, require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CR2024-0004, was presented at a public hearing before the Board of Canyon County Commissioners on February 26, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Board of Canyon County Commissioners decides as follows:

Conditional Rezone Standards of Evaluation

Standards of Evaluation – CCCO §07-06-07(6)A: The presiding party shall review the particular facts and circumstances of the proposed conditional rezone. The presiding party shall apply the following standards when evaluating the proposed conditional rezone:

County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	1	Is the proposed conditional rezone generally consistent with the comprehensive plan?
Analysis		<p>The proposed conditional rezone change is generally consistent with the Canyon County Comprehensive Plan.</p> <p>The Future Land Use Map in the 2030 Canyon County Comprehensive Plan (and City of Middleton’s Comprehensive Plan) designates the parcel as “industrial” (Staff Report Exhibits 3.B1, 3.B2.9, and 3.B2.10), but the properties to the east and south have a future zoning designation of “rural residential.” Additionally, the City of Caldwell has several subdivisions in the platting process to the south that contain residential and mixed-use zoning that will further trend this area towards residential (Staff Report Exhibits 3.B2.6, 3.B2.11, and 3.D7).</p> <p>The Comprehensive Plan states the following regarding the light industrial (M-1) and heavy industrial (M-2) zones:</p> <p style="padding-left: 40px;">“The M-1 district provides and encourages the grouping of light industrial uses capable of being operated such that location and appearance of buildings and the treatment of the land about them will be unobtrusive and not detrimental to surrounding uses.” (Page 27, 2030 Comprehensive Plan).</p> <p style="padding-left: 40px;">“The M-2 district encourages intensive industrial uses in suitable areas where residential, agricultural, commercial, or other uses would not be impacted or be impacted by heavy industrial operations.” (Page 27, 2030 Comprehensive Plan).</p> <p>The area north of the subject property has been industrial in nature due to ongoing gravel pit operations, which is likely why the Future Land Use Map in the Comprehensive Plan designates the subject property and those north of it “industrial.” However, any further industrial development south of the existing gravel pit operations would likely be obtrusive to the existing (and future) residential parcels south. Therefore, having the subject property continue to serve as a transition between the residential uses south and the industrial operations north will help group together industrial uses without having a negative impact on the area and be in harmony with the Comprehensive Plan’s goals and policies on compatibility and character.</p> <p>It is also important to note that Canyon County’s Comprehensive Plan states the following regarding the residential designation: “The residential designation is for residential development. Residential development should promote compatibility with the existing agricultural activity.” (Page 25, 2030 Comprehensive Plan). Although the request is not creating compatibility with agricultural activity, the request does promote compatibility with the existing (and future) residential uses found south and by acting as a transition with the industrial uses north of the subject property.</p>

	<p>The request aligns with the following goals and policies of the 2030 Comprehensive Plan:</p> <ul style="list-style-type: none"> • <u>Property Rights G1.01.00</u>: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” • <u>Property Rights P1.01.01</u>: “No person shall be deprived of private property without due process of law.” • <u>Property Rights P1.01.03</u>: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” • <u>Population P2.01.01</u>: “Plan for anticipated population and households that the community can support with adequate services and amenities.” • <u>Population G2.02.00</u>: “Promote housing, business, and service types needed to meet the demand of the future existing population.” • <u>Land Use and Community Design P4.01.01</u>: “Maintain a balance between residential growth and agriculture that protects the rural character.” • <u>Land Use and Community Design P4.01.02</u>: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.” • <u>Land Use and Community Design G4.03.00</u>: “Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning. “ • <u>Land Use and Community Design P4.03.02</u>: “Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns.” • <u>Land Use and Community Design G4.04.00</u>: “Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County’s agricultural and rural character.” • <u>Land Use and Community Design P4.04.02</u>: “Align planning efforts in areas of city impact.” • <u>Land Use and Community Design P4.07.01</u>: “Plan land uses that are compatible with the surrounding community.” • <u>Housing G11.01.00</u>: “Encourage opportunities for a diversity of housing choices in the County.” • <u>Housing G11.02.00</u>: “Maintain the rural character of Canyon County while providing sufficient housing without fragmenting agricultural land and natural resources.” • <u>Agriculture P12.01.02</u>: “Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.” 	
<p>Criteria Met? Yes</p>	<p>2</p>	<p>When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?</p>
<p>Analysis</p>	<p>In consideration of the surrounding land uses, the proposed conditional rezone to Single-Family Residential (CR-R-1) is more appropriate than the current zoning designation of partially Agricultural (A) and partially Single-Family Residential (R-1).</p> <p>The land uses within 1 mile of the subject property vary between industrial, residential, and agricultural uses. To the north, there are existing gravel pits and industrial operations, along with some agricultural uses. To the east, there are existing gravel pit operations and some agricultural uses. To the west, there are existing gravel pit operations, industrial operations, and some residential uses. To the south, there is some residential development, agricultural operations, and some industrial uses (Staff Report Exhibits 3.B2.1, 3.B2.3, and 3.B2.6). Per correspondence with the City of Caldwell, the annexed properties to the south will be developed into residential, mixed-use, and some commercial developments, which will further trend this area towards being more residential in nature (Staff Report Exhibit 3.D7).</p>	

The subject property is located 0.34 miles from Middleton’s city limits. The closest annexed properties are found to the west and are zoned Light Industrial and Mixed Use (which allows for medium and high density residential along with commercial uses) (Staff Report Exhibits 3.B2.10 and 3.B4). The City of Caldwell’s limits are found 0.07 miles to the south of the subject property. The closest annexed properties to the southwest and southeast are currently approved to be residential subdivisions (Vassar Heights and Midland Meadows). The annexed properties further south (closer to Hwy 20-26 – McAllister, Eagle Rock etc.) are likely to be mixed-use, commercial, and residential subdivisions per correspondence with the City of Caldwell (Staff Report Exhibits 3.B2.6, 3.B2.11, and 3.D7). The anticipated development within both the City of Middleton and the City of Caldwell limits will further trend this area to contain more residential uses. Despite nearby gravel pits and industrial uses, the anticipated development is more appropriate than its current zoning designation based on these development trends. (Staff Report Exhibits 3.B2.1, 3.B2.3, 3.B2.4, 3.B2.6, 3.B2.10, 3.B2.11, 3.B4, and 3.D7).

Pursuant to Canyon County ordinance 07-10-25(3), the purpose of the “R-1” zoning district is to promote and enhance predominantly single-family living areas at a low-density standard. This use matches what is currently taking place on the subject property and the parcels south (Staff Report Exhibits 3.B2.1 and 3.B2.3).

Adjacent Existing Conditions (Staff Report Exhibits 3.B2.1, 3.B2.3):

Direction	Existing Use	Primary Zone	Other Zone
N	Industrial (Gravel Pits and Other Uses) and Agricultural Uses	A, M-1	Middleton City Limits
S	Agricultural, Residential, and some Industrial Uses	R-1, R-R, A, and M-1	Caldwell City Limits
E	Industrial (Gravel Pits) and Agricultural Uses	A	Caldwell City Limits
W	Industrial, Agricultural, and some Residential Uses	A and M-1	Middleton City Limits

“A” (Agricultural), “R-R” (Rural Residential), “R-1” (Single-Family Residential), “C-1” (Neighborhood Commercial), “C-2” (Service Commercial), “M-1” (Light Industrial), “CR” (Conditional Rezone)

Surrounding Land Use Cases:

There have not been any Canyon County land use cases within the past 5 years, but the City of Caldwell and City of Middleton appear to have recent land use cases in this area, per the Subdivision Map and Report (Staff Report Exhibits 3.B2.6).

It is important to note that Highway District No. 4 recently obtained approval to extend their conditional use permit for their gravel pit duration 120 feet to the east of the subject property. The Highway District states, “If the County approves the conditional rezone of the Fredericksen property, future residents should be clearly informed that an active gravel mining operation will continue in proximity, along with the associated impacts of living adjacent to multiple gravel pits” (Staff Report Exhibit 3.D3.1). To address concerns about proximity to gravel pits and industrial operations, the Board of Canyon County Commissioners added condition of approval #4.

See Analysis for 07-06-07(6)A3 & A4 of this document for additional review.

Criteria Met?	3	Is the proposed conditional rezone compatible with surrounding land uses?
	Yes	
Analysis	<p>The proposed conditional rezone change to Conditional Rezone Single-Family Residential (CR-R-1) is compatible with surrounding land uses.</p> <p>Per the applicant’s letter of intent, the proposed conditional rezone is intended to facilitate the development of two (2) residential parcels (with an average parcel size of 1.37 acres) (Staff Report Exhibits 3.A2 and 3.A3). Adding one (1) additional residence to this area will not negatively affect the surrounding area. The</p>	

	<p>land uses to the south and west are currently and planned for predominantly residential and mixed-use development (Staff Report Exhibits 3.B2.9, 3.B2.10, and 3.B2.11). Additionally, the current platted subdivisions and subdivisions in the platting process have an average lot size of 0.39 acres and 0.31 acres, respectively, which are approximately 1 acre less than the applicant’s average parcel size (Staff Report Exhibit 3.B2.6). It is also important to note that per CCCO §07-02-03, §07-10-27, and §07-14-25, the property owner could apply for a secondary residence, which would result in the same net number of single-family residences (with secondary residences restricted).</p> <p>The proposed development is not anticipated to interfere with the gravel pits to the north, as there will be a 50’ buffer on the boundary abutting the subject property’s northern boundary per CU2003-284</p> <p>Pursuant to Canyon County Ordinance 07-02-03, land uses are compatible if: a) they do not directly or indirectly interfere or conflict with or negatively impact one another, and b) they do not exclude or diminish one another’s use of public and private services. A compatibility determination requires a site-specific analysis of potential interactions between uses and potential impacts of existing and proposed uses on one another. Ensuring compatibility may require mitigation from or conditions upon a proposed use to minimize interference and conflicts with existing uses.</p> <p><i>See Analysis for 07-06-07(6)A2 & A4, of this document for additional review.</i></p>	
Criteria Met?	4	Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?
Yes		
Analysis	<p>The proposed conditional rezone will not negatively affect the character of the area. Any necessary measures to mitigate impacts are detailed below.</p> <p>Character of the Area: The surrounding area contains a mix of gravel pits, agricultural, industrial, and residential uses. To the north, there are existing gravel pits and industrial operations, along with some agricultural uses. To the east, there are existing gravel pit operations and some agricultural uses. To the west, there are existing gravel pit operations, industrial operations, and some residential uses. To the south, there are some residential uses, agricultural operations, and some industrial uses (Staff Report Exhibits 3.B2.1, 3.B2.3, and 3.B2.6). Per correspondence with the City of Caldwell, the annexed properties to the south will be developed into residential, mixed-use, and some commercial developments, and the City of Middleton is planned to have mixed-use development to the west, which will further trend this area towards being residential in nature (Staff Report Exhibits 3.B2.6, 3.B2.10, 3.B2.11, 3.B4, and 3.D7).</p> <p>The following measures will be implemented to mitigate the impact The applicant has suggested restricting the development to two (2) parcels and restricting secondary residences, which will limit residential density near the gravel pits north of the property, which has been added as conditions of approval #2 and #2b (Staff Report Exhibits 3.A2, 3.A3, and 3.A9). The Board of Canyon County Commissioners also added a condition that restricts future division of the subject property, so if a property owner desires to divide the property further in the future, they will have to reapply for a rezone of the property, and the project can be reevaluated at that time (see condition of approval #2a).</p> <p>Due to the request being located in proximity to existing gravel pits and where future industrial growth is planned for, the Board of Canyon County Commissioners requires a disclosure to be added to the record of survey associated with the future administrative land division decision stating the following: “Current and future property owners understand they are choosing to live in an industrial area, which may include noises, smells, dust, vibrations, traffic impacts, and lights that may be a nuisance to residential uses to address potential compatibility issues.” (See condition of approval #4).</p>	
Criteria Met?	5	Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone?
Yes		
Analysis	<p>The project will have adequate sewer, water, drainage, irrigation, and utilities to accommodate the proposed conditional rezone based on the analysis contained herein.</p>	

<p>Sewer: Per the applicant’s letter of intent and land use worksheet, sewer will be provided with individual septic systems for the proposed lots (Staff Report Exhibits 3.A2 and 3.A4).</p> <p>Per Southwest District Health (SWDH), the proposal does not require a Nutrient Pathogen Study. A site evaluation has not been completed, and test holes have not been conducted to determine the feasibility of the septic system on the parcel, but there are no concerns with the use or request for rezoning if the applicant meets all of SWDH’s requirements (Staff Report Exhibit 3.D1).</p> <p>Water: Per the land use worksheet, water is proposed to be provided via individual wells (Staff Report Exhibit 3.A4). Individual wells are anticipated to adequately provide services to the potential one (1) additional dwelling (with secondary residences being restricted). Future development shall comply with IDWR standards at the time of building permit submittal.</p> <p>Drainage: Per the applicant’s land use worksheet, stormwater is retained on site (Staff Report Exhibit 3.A4).</p> <p>Irrigation: Per email correspondence with the applicant, the property does currently have surface irrigation water rights. The applicant plans to divide the water rights between the parcels (Staff Report Exhibit 3.A9).</p> <p>The applicant is located within Mason Creek Ditch Co.’s jurisdiction. Agency comments were sent out on May 15, 2025 and October 30, 2025, and no comments were received by the irrigation district.</p> <p>Utility: Per the applicant’s letter of intent, there is an electrical power source on Foggy Lane that they can access for a future residence (Staff Report Exhibit 3.A2).</p> <p>Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on May 15, 2025, and October 30, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any utilities needed.</p>		
Criteria Met?	6	Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?
Yes		
Analysis	<p>The proposed conditional rezone will not require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns created by the proposed development (Staff Report Exhibit 3.D3).</p> <p>Highway District No. 4 (HD#4) has no objection to the conditional rezone as the applicant is to use Foggy Lane’s paved approach (a private road) from Lincoln Road (a public road), which meets ACCHD Standard Drawing SD-106 and is suitable for the proposed residential use. Additionally, the proposed one (1) new residential parcel is not anticipated to significantly impact the existing or planned transportation network, and any traffic impacts from the development will be mitigated by traffic impact fees, which are collected at the time of building permit issuance (Staff Report Exhibit 3.D3).</p> <p>Idaho Transportation Department stated the department has no comments or concerns to make at this time for the proposed conditional rezone, as it does not meet the thresholds for a Traffic Impact Study or pose a safety concern (Staff Report Exhibit 3.D10).</p>	
Criteria Met?	7	Does legal access to the subject property for the conditional rezone exist or will it exist at the time of development?
Yes		
Analysis	<p>The subject property will have legal access for the conditional rezone, and it will exist at the time of the development.</p>	

	<p>In 2021, Foggy Lane was created via RD2021-0028 to serve four (4) parcels created by the administrative land division process (AD2018-0121). This private road provides access from Lincoln Road (a public road). The applicant has been working to become a part of the access easement and road user’s maintenance agreement (RUMA) that is currently in place for the three (3) parcels south that take access off of Foggy Lane (Staff Report Exhibit 3.A8). At the time of an administrative land division, proof of access will be required to be provided.</p> <p>It is important to note that Canyon County does not have documentation that the private road has been certified by an engineer, so this would need to be completed prior to any additional residential structures being built off the private road per CCCO §07-10-03.</p>	
<p>Criteria Met?</p>	<p>8</p>	<p>Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?</p>
<p>Analysis</p>	<p>The proposed use is not anticipated to impact essential public services and facilities, including, but not limited to schools, police, fire, and emergency medical services.</p> <p>Schools: The subject property is serviced by Vallivue School District #139. It is not anticipated that any impacts or accommodations will be needed, as one (1) additional lot is requested. Agency comments were sent out on May 15, 2025 and October 30, 2025, and no comments were received by the school district.</p> <p>Police: The subject property is under the jurisdiction of the Canyon County Sheriff’s Office. The Canyon County Sheriff’s Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out on May 15, 2025 and October 30, 2025, and no comments were received by the Sheriff’s Office.</p> <p>Fire Protection: The subject property is under the jurisdiction of Caldwell Rural Fire District (CRFD). A comment letter was received from CRFD on October 20, 2025, which stated the fire district “...can approve the applicant’s request regarding rezoning subject to compliance with all the following code requirements and conditions set forth by the 2018 International Fire Code (IFC) as adopted by the Idaho State Fire Marshal’s Office.” CRFD also stated in their comment letter that the project is approximately 2.8 miles from the nearest fire station and will have an estimated response time of 6 minutes (Staff Report Exhibit 3.D6).</p> <p>Emergency Medical Services: Canyon County Ambulance District sent estimated response times on October 17, 2025, for three (3) nearby stations: Station M53 has an estimated response time of 4.57 minutes, Station M52 has an estimated response time of 8.11 minutes, and Station M51 has an estimated response time of 13.18 minutes (Staff Report Exhibit 3.D4).</p> <p>Historical Interest A comment letter was received from the Idaho State Historic Preservation Office, which stated, “Our office consulted historic aerial images and maps in addition to the Idaho Cultural Resources Information System to identify cultural resources in the area. The project location is located within a potentially highly important archaeological site (10CN68) that may be associated with the Ward Massacre Site...Therefore, we strongly recommend an archeological inventory be conducted to identify any cultural resources within the project area (Staff Report Exhibit 3.D11).</p> <p>A comment letter was also received from Canyon County’s Parks, Cultural, and Natural Resources Department, which outlined the history of the Ward Massacre, which occurred in August 1854, and that research suggests that the incident took place across a wide area (about a 1-mile area- which would include the subject property). The comment letter further states that “construction work that might follow the approval of this proposal may have the potential to unearth archaeological sites and historic resources related to an extremely sensitive event.” Canyon County Parks and Natural Resources Department hopes to work with the property owner on conducting a professional survey of the area, or if historic or archaeological materials are inadvertently discovered during future construction, that the landowners are</p>	

interested in working with the department (Staff Report Exhibit 3.D12). The Board of Canyon County Commissioners is not requiring an archeological inventory at this time.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Board of Canyon County Commissioners approves Case #CR2024-0004, a conditional rezone of Parcels R34070011 and R34142010C approximately 2.74 acres, from the "A" (Agricultural) zone to the "CR-R-1" (Conditional Rezone-Single-Family Residential) zone subject to conditions of the development agreement (Attachment A).

DATED this 17th day of March, 2026.

CANYON COUNTY BOARD OF COMMISSIONERS

- Motion Carried Unanimously
- Motion Carried/Split Vote Below
- Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	_____	<input checked="" type="checkbox"/>	_____
 _____ Commissioner Brad Holton	<input checked="" type="checkbox"/>	_____	_____
 _____ Commissioner Zach Brooks	<input checked="" type="checkbox"/>	_____	_____

Attest: Jess Urresti, Clerk

By: 

Deputy

Date: 3/17/26

ATTACHMENT A
CONDITIONS OF APPROVAL

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. The subject property (Parcels R34070011 and R34142010C), approximately 2.74 acres, shall be divided in compliance with Chapter 7, Article 18 (Administrative Land Divisions) of the Canyon County Code of Ordinance (CCCO) in substantial compliance with the letter of intent and conceptual site plan (**Staff Report Exhibits 3.A2 and 3.A3**).
 - a. Further divisions of the subject property are prohibited.
 - b. Secondary residences are prohibited.
3. The developer shall comply with CCCO §07-06-07 (4): Time Requirements: "All conditional rezones for a land use shall commence within two (2) years of the approval of the board."
 - a. Commencement (or "commence") shall be as defined in CCCO §07-02-03 (Definitions Enumerated).
4. At the time of the administrative land division decision, a note shall be added to the recorded survey associated with the decision, which states: Current and future property owners understand they are choosing to live in an industrial area, which may include noises, smells, dust, vibrations, traffic impacts, and lights that may be a nuisance to residential uses.