

**CUSTER COUNTY ORDINANCE
ORDINANCE NO. 2026-05**

AN ORDINANCE AMENDING CUSTER COUNTY ZONING ORDINANCE #2007-09 relating to Recreational Vehicle Parks, Mobile/Manufactured Home Parks, Conditional Use Permits, Zoning Districts Lot Splits and Boundary Line Adjustments, Official Schedule of Regulations, Definitions, Large Scale Energy Projects Regulations, Lighting, and Signs.

WHEREAS, The Planning and Zoning Commission having held a Public Hearing on July 2nd, 2026 at 5:00 P.M. and recommended their findings to the Board of County Commissioners of Custer County.

WHEREAS, the Board of County Commissioners held a Public Hearing on July 27th, 2026 at 5:00 P.M. and there being public input taken into consideration;

NOW THEREFORE, the Board of Commissioners of Custer County ordains as follows:
CUSTER COUNTY ORDINANCE #2007-09 will be amended as follows:

Article II DEFINITIONS:

Advertising Signs: A sign that promotes a business, service, product, event, location, or a commercial establishment.

Applicant: An applicant is a person, business, or organization that submits an application to the Custer County planning and zoning department for approval of a proposed land use, development, and/or change in use.

BOCC: The Custer County Board of Commissioners.

Chemical, Pesticide, and Fertilizer Storage and Manufacturing: Substances stored in secure and properly designed facilities that comply with federal and state regulations. Refer to US EPA for more information.

Conditional Use Permit: A special permit that may be granted by the planning and zoning commission that allows a property to be used in a way that is compatible with the surrounding area and the county's Comprehensive Plan.

Contractors Yard: A lot or are used by a contractor for the storage, maintenance, or processing of equipment and materials related to construction activities. This includes vehicles, supplies, facilities necessary for building, hauling, excavation, drilling, and similar trades.

Crop Production and Associated Activities: Crop production is the process of growing and managing crops for food, fiber, and other uses through various agricultural practices.

Cultural Facilities: A publicly accessible establishment that promotes, display, or benefits cultural, educational, artistic, workshops and/or heritage activities such as museums, theaters,

and art galleries. They serve as a place for various forms of expression and engagement within the community.

Day Use: An area in which human occupation is limited to day use, and does not include overnight sleeping accommodations. Areas can be open for public access only during daylight hours, typically between sunrise and sunset, or where specific hours of operation have been identified. Overnight use in these areas is specifically prohibited.

Fish and Wildlife Management Projects: Fish and wildlife management projects are planned, coordinated efforts designed to restore, enhance, protect, and sustain fish, wildlife, and invertebrate species and their habitats. These projects are typically implemented by federal, state, tribal, or local agencies, non-governmental organizations, and private partners to address conservation priorities, support biodiversity, and maintain healthy ecosystems.

Grain Silo: A structure used for storing bulk agriculture materials such as wheat, rice, corn, and barley, etc.

Growing and Harvesting: The process of cultivating plants for food, fiber, or other products, involving techniques such as sowing, watering, and fertilizing. Then collecting mature crops for consumption or sale.

Land Development: Any changes to improved or unimproved real estate, including, but not limited to, lot splits, boundary line adjustments, subdivisions, conditional use permits, buildings or other structures, mining, filling, grading, paving, excavation or drilling operations.

Large-Scale Energy Project: Projects that are capable of producing as per nameplate 10 megawatts (MW) or more; encumber 2.5 or more acres of land; or structural improvements exceeding 60 feet in height that produce power via the harnessing of wind, solar, geo-thermal, nuclear, fuels, digesters, or other energy forms of transmission or storage; or in the case of BESS nameplate capacity of ninety-one (91) Kilowatts (KW) or more.

Outdoor Amusement Facility: A facility for entertainment and amusement activities which primarily take place outdoors.

Potato Cellar: A structure used for storage of potatoes and other root crops.

Processing Timber and Forest Products: The series of operations that transform raw wood from harvested trees into usable, finished products. It is one of three steps in the forest products industry, following forestry (tree growth and management) and harvesting (cutting and transporting logs).

P&Z: The Custer County Planning and Zoning Commission.

Quarry/Industrial Extraction: Surface-level removal of rock, sand, gravel, and other non-metallic minerals from the Earth's crust for use in construction, manufacturing, and other

industrial applications. It is a form of open-pit or surface mining that differs from mining because it targets the rock itself.

Recreational Vehicle Lot/Hookup: A parcel of ground ~~in a recreational vehicle park~~ on private property intended to be used as a place to park a recreational vehicle for ~~temporary dwelling purposes~~ personal use. If the number of Recreational Vehicle Lot/Hookup exceeds 2 on a single parcel, then the use will be categorized as a Recreational Vehicle Park.

Record of Survey: A map recorded in the County Clerk's office, based on the legal description of an entire parcel, or proposed parcels, and any changes to existing parcels. See Article II(B) For lot split and boundary line regulations.

Residential Use: A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings

Site Plan: A site plan is a scale drawing, or a series of such drawings, that illustrates all those details of a proposed development needed to demonstrate compliance with this ordinance, including the location of existing and proposed buildings, setbacks, structure dimensions and other features of the site.

Timber and Forest Production: A timber production forest is primarily managed for the production of forest products such as timber, pulp, and fuelwood, focusing on sustainable harvesting practices to ensure that our forests continue to provide economic benefits without compromising the ecological integrity.

Unapproved Land Use: A situation where a property owner or developer alters how land is used without obtaining the necessary approvals from the local zoning authority. This can include changing a parcels zoning classification (rezoning), operating a use that is prohibited in the current zoning, or making structural or operational changes that violate zoning rules, without a variance, conditional use permit, or other formal authorization.

Venue: A place where events of a specific type are held such as weddings, reunions, meetings, etc.

Article III ESTABLISHMENT OF ZONING DISTRICTS AND ZONING OVERLAYS

SECTION B: ZONING DISTRICTS

1. Original parcels that have been in existence prior to November 10, 2003 and have not been subsequently divided since that date may be eligible for up to three lot splits to create 4 parcels depending upon the size of the original parcel and the number of previous divisions of the parcel. This act can be done through the lot split process and application.
 - a. All reconfigured parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.

2. The adjusting of common property lines or boundaries between adjacent parcels for the purpose of accommodating a transfer of land or rectifying a disputed property line location is allowed through the boundary line adjustment process and application.
 - a. The resulting boundary line adjustments shall not create any additional parcels and all reconfigured parcels shall contain sufficient area and dimension to meet minimum requirements for zoning and building purposes.
 - b. Boundary Line Adjustments within a platted subdivision require an amended plat and proper public hearing procedures.

Agricultural District (A):

Zone A- This zone shall have a minimum lot size of 20 acres. ~~Original parcels that have been in existence prior to November 10, 2003 and have not been subsequently divided since that date may be eligible for up to three lot splits depending upon the size of the original parcel and the number of previous divisions of the parcel.~~

Article VI OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:

Modify regulations for Accessory Dwellings: See attached chart.
 Modify regulations for Recreational Vehicle Park: See attached chart.
 Modify regulations for Recreational Vehicle Lot: See attached chart.
 Modify regulations for Electrical Power Plants: See attached chart.
 Modify regulations for Electrical Substations: See attached chart.
 Modify regulations for Advertising Signs: See attached.
 Add Regulations for Large Scale Energy Projects: See attached chart.
 Modify Special Land Use District regulations: See attached chart.

Article VIII Performance Standards

SECTION E: MOBILE/MANUFACTURED HOME PARKS AND RECREATIONAL VEHICLE PARKS

1. A Mobile/Manufactured Home Park must meet the following minimum requirements and all listed Information must be included with application for the Planning and Zoning Commission to Review.
 - A. A Scaled Map of the entire area scheduled for development including:
 1. A vicinity map showing the relationship of the proposed plat to the surrounding area.
 2. The existing land use and zoning of the subject parcel and **the** surrounding adjacent parcels.
 3. Locations of all current and proposed water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features.
 4. Location widths, and names of all current existing and platted streets, railroads, utility right of ways, public areas. A statement designating the method of disposal of sewage within the park as well as a statement indicating the method by which culinary water will be provided within the park.

5. Interior roads must meet standards for approval by the fire protection road districts for the area.
 6. Locations of home sites, structures, communal areas.
 7. Mobile/Manufactured Home Parks in the floodplain must also have topography made by contours related to USGS survey datum, direction of flow, location and extent of areas subject to inundation whether such inundation be frequent, periodic, or occasional.
 - B. Screened from public view by aesthetically acceptable fences, walls, or living plant areas.
 - C. Must have a live-on-site manager, that will be available 24 hours a day.
 - D. Written Regulations/Rules for the Mobile/Manufactured Home Park that address noise, glare, odor, fumes, aesthetics, etc.
 - E. Trash receptacles and/or dumpsters must be provided, and removed once a week at minimum.
 - F. Electricity and water must comply with local and state requirements.
 - G. A site plan and approval from District Health Department as to the proposed water sewage disposal system shall accompany the application.
 - H. A site plan and approval from Idaho Department of Water Resources as to the proposed water supply system shall accompany the application.
 - I. Plan for all streets, and they shall be constructed at owner's expense in accordance to local highway jurisdiction standards.
 - J. Plan for all utility lines, and they shall be constructed at owner's in accordance to local and state laws.
 - K. Plan for an adequate storm drainage system constructed at owner's expense. The type, extent, location and capacity of said drainage facilities shall be by a registered engineer at the owner's expense.
 - L. Maximum of 4 dwellings per acre, and must be on permanent foundations.
2. An RV Campground (RV Park) must meet the following minimum requirements, and all listed information must be included with application for the Planning and Zoning Commission to Review.
- A. A Scaled Map of the entire area scheduled for development including:
 1. A vicinity map showing the relationship of the proposed plat to the surrounding area.
 2. The existing land use and zoning of the subject parcel and the surrounding adjacent parcels.
 3. Locations of all current and proposed water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features.
 4. Location widths, and names of all current existing and platted streets, railroads, utility right of ways, public areas. A statement designating the method of disposal of sewage within the park as well as a statement indicating the method by which culinary water will be provided within the park.

5. Interior roads must meet standards for approval by the fire protection road districts for the area.
 6. Locations of intended R.V. Sites, including camp host site, structures, bathrooms, fire pits,
 7. RV Parks in the floodplain must also have topography made by contours related to USGS survey datum, direction of flow, location and extent of areas subject to inundation whether such inundation be frequent, periodic, or occasional.
- B. Setbacks for campsites must be compliant with zoning regulations.
 - C. Screened from public view by aesthetically acceptable fences, walls, or living plant areas.
 - D. Must have an on-site manager or "Camp Host" site, this site shall be clearly marked.
 - M. Written Regulations/Rules for the R.V. Park that address noise, glare, odor, fumes, aesthetics, etc.
 - E. Trash receptacles and/or dumpsters must be provided, and removed weekly at a minimum.
 - F. Hook-Ups for electricity and/or water if provided, must comply with local and state requirements.
 - G. A site evaluation from District Health Department as to the proposed water sewage disposal system shall accompany the application.
 - H. A site evaluation from Idaho Department of Water Resources as to the proposed water supply system shall accompany the application.

Article XII Conditional Use Permits

SECTION F: APPEAL

If any affected persons ~~applicant~~ are not satisfied with the action by the Planning and Zoning Commission they may appeal the action to the Board of County Commissioners within 30 day after they have been notified of the Planning and Zoning Commission's decision.

A parcel of land may not have more than one opposing Conditional Use Permits. The county will not accept an application for a new conditional use permit until all processes have been finalized on any open application.

1. If an applicant wishes to apply for different conditional use permit after one has been issued and all processes have been finalized, then the first approved conditional use permit shall be voided.

Article XVII SIGNS:

SECTION E: Prohibited signs

~~3. Lighted Signs~~

SECTION F: In Commercial, Light Industrial, and Industrial Zoning Districts, each legally created parcel of land may have the following on-premise signs and displays:

1. One Pole sign, projecting sign, or banner sign, with the size of the sign not to exceed one hundred fifty (150) square feet in size, unless approved by a Conditional Use Permit.

2. Lighted Signs
3. Real property for sale or under construction. On-premise unlighted signs may be installed as necessary to advertise the sale of, or construction on real property. These signs shall not exceed thirty-two (32) square feet in size, and a height of twelve (12) feet.

Article XVIII LIGHTING:

SECTION A: PURPOSE

- ~~1. To protect against direct glare of excessive lighting;~~
2. To provide safe roadways for motorists, cyclists and pedestrians
3. To prevent light trespass within the Central Idaho Dark Sky Reserve ~~all areas of the county;~~

SECTION C: DEFINITIONS

"Light pollution" means any adverse effect of manmade light including, but no limited to, light trespass, ~~up lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.~~

"Light Trespass" occurs when artificial light from a neighboring property shines into your dwelling.

SECTION D: CRITERIA

~~Any new outdoor lighting installed or any existing lighting being replaced shall meet the requirements of the local electric company for be High Pressure Sodium lamps including a full cut off shade. Ordinance 2010-04~~

Article XX RECREATIONAL VEHICLES:

~~3. The RV shall not be used as a dwelling. The owners must have a primary residence other than the RV. There shall be no mail service to this type of use. An RV may be used as an accessory dwelling for the owners of the property during construction of a dwelling on the same property as the RV site. If an RV is being used as an accessory dwelling or seasonal dwelling, the owners must obtain a proper zoning certificate with septic approval and a physical address. Upon completion of the residence or expiration of the zoning certificate for the residence, the use of the RV shall revert to the temporary or intermittent use allowed under this provision.~~

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CUSTER COUNTY, IDAHO on this 10th day of August, 2026.

COUNTY OF CUSTER
BOARD OF COUNTY COMMISSIONERS

Randy Cogalitto
Chairman

ATTEST

Shirley Thompson
Clerk of the Board of
County Commissioners



269242

USE	A	T-A	R	I	C	S
RESIDENTIAL	A	T-A	R	I	C	S
Single Family Dwelling	P	P	P		C	C
Two Family Dwelling	C	C	C		C	C
Accessory Dwelling	P	P	C	P	P	P
Manufactured/Mobile Home Parks	C	C			P	C
Bed & Breakfast, Bording House Dwellings	P	P	C		P	C
Hotels and Motels/Inns	C	C	C		P	C
Vacation Rentals/Cabins	P	P	P		P	P
Multi-Family		C	C		P	C
Subdivision, Residential		P	P			C
Accessory Building	P	P	P	P	P	P
OUTDOOR RECREATION	A	T-A	R	I	C	S
Day Use Areas	P	P	P			P
Developed Campgrounds	C	C	C	P	P	C
Dude Ranch	P	C				P
Golf Courses	P	P	P		C	C
Guides, Outfitters	P	C		C	C	P
Hiking Trails	P	P	P			P
Marinas	P	C	C	C	C	C
Motor Speedway	C	C		C	C	C
Motorcycle Trails	C	C				C
Organized Recreation Camp	P	C	C		P	P
Outdoor Amusement Facility	C			C	P	C
Recreation Vehicle Parks	C	C	C	P	P	C
Recreational Vehicle Lot	P	P	P	P	P	P
Riding Trails, Pack Stations, Stables	P	C				P
Skiing Facilities	P	C	C			C
Shooting Range	C	C			C	C
Snowmobile Trails	P	C	C			P
RESOURCE MANAGEMENT & AGRICULTURE	A	T-A	R	I	C	S
Growing and Harvesting	P	P	P	P	P	P
Timber & Forest Products	P	P		P	P	P
Processing Timber & Forest Products	P			P	C	P
Crop Production & Associated Activities	P	P	P	P	P	P
Grazing	P	P	P	P	P	P

209242

Fish & Wildlife Management Projects	P	P	P	P	P	P
Mineral Extraction <i>Ordinance 2019-01</i>	C	C	C	C	C	P
CAFOs, Meat Packing, Processing Plant, Slaughterhouse Facilities, AFO, and Comercial Feedlots <i>Ordinance 2018-01</i>	C	C		C	C	C
Animal Hospital, Clinic	P	C	C	P	P	C
Animal, Exotic	C	C	C	C	C	C
Kennel <i>Ordinance 2010-04</i>	P	C	C		P	C
Roadside Stand	P	P		P	P	P
PUBLIC SERVICE FACILITIES (NOT FOR PERSONAL USE)	A	T-A	R	I	C	S
Airports, Heliports, and Landing Strips	C	C	C	C	C	C
Cultural Facilities	P	P	P		P	C
Educational Facilities (general)	P	P	P		C	C
Electrical Power Plant	€	€	€	P	€	C
Electrical Substations	€	€	€	P	€	C
Fire Protection Facilities	P	P	P	P	P	P
Historic Sites	P	P	P	P	P	P
Hospitals/Health Facilities		C	C	P	P	C
Professional Offices		C	C	C	P	C
Public Service Facility	C	C	C	P	P	C
Radio, Telephone, Television Broadcast, Relay Facilities/Communication Towers	C	C	C	C	C	C
Religious Facilities	P	P	P	P	P	P
Road & Water Crossing Structures	P	P	P	P	P	P
Sewage Lift Stations	C	C	C	C	C	C
Solid Waste Transfer Sites	C	C	C	C	C	C
Transportation Facilities	C	C	C	P	P	C
Utilities (Overhead)	P	P	P	P	P	P
Utilities (Underground)	P	P	P	P	P	P
Water Storage	C	C	C	C	C	C
Water and Waste Water Treatment Plants	C	C	C	C	C	C
COMMERCIAL AND INDUSTRIAL	A	T-A	R	I	C	S
Advertising Signs	C	C	C	P	P	C

209242

Batch Plants	C			P	C	C
Bulk Storage	C	C		P	C	P
Commercial	C	C	C	C	P	C
Communications Tower	C	C	C	C	C	C
Drive-Ins				C	P	C
Garage	P	C	C	P	P	C
Grain Silo	P	P		C	C	C
Heavy Industrial				P		C
Home Occupations	P	P	P	P	P	P
Industrial Park				P	C	C
Light Industrial	C	C		P	P	C
Parking Lot	C	C	C	P	P	C
Potato Cellar	P	P		P	C	P
Professional Offices	C	C	C	P	P	C
Quarry/Industrial Extraction	C			P	C	P
Research Facility	C			P	P	C
Commercial- Sand, Gravel, Road Fill Extractions <i>Ordinance 2019-01</i>	C	C	C	C	C	C
Private- Sand, Gravel, Road Fill Extractions <i>Ordinance 2019-01</i>	P	P				P
Self-Storage Facilities	C	C		P	P	C
Service Station	C	C	C		P	C
Wrecking Yards/Junk Yards	C			C	C	C
Contractors Yard	P	C		P	P	C
Chemicals, Pesticides, Fertilizer Storage & Manufacture	P	C		P	C	C
Large-Scale Energy Project				C		