



BOUNDARY COUNTY CONDITIONAL USE PERMIT APPLICATION

P.O. Box 419, Bonners Ferry, Idaho 83805
Phone: (208) 267-7212

FILE #:

26-0032

APPLICATION REQUEST:

The applicant is requesting a conditional use permit to allow:

*The continued existence of an accessory dwelling unit built in 2010.
Use is conditionally allowed at Section(s) of Boundary County Land Use Ordinance*

15.10.4.2.

APPLICANT INFORMATION:

Applicant/Landowner:	<i>Peyton Living Trust / Mary Yeatts, Martha Walker, Alan Mills</i>		
Mailing Address:			
City:		State:	Zip:
Site Address:	<i>684 / 686 Chute Canyon Way</i>		
Phone:	<i>N/A</i>	Email:	<i>N/A</i>

REPRESENTATIVE INFORMATION:

Representative's name:	<i>Mary Yeatts, Trustee, Peyton Living Trust</i>		
Company name:	<i>N/A</i>		
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project:	<i>Martha E. Walker / Daughter - Peyton Living Trust</i>		
Mailing Address:			
City:		State:	Zip:
Phone:		Email:	

TO BE COMPLETED BY COUNTY:

Zone District: Rural Residential	Overlay Zones:	<input type="checkbox"/> Airport <input type="checkbox"/> Flood	<input type="checkbox"/> Wetland <input checked="" type="checkbox"/> None	<input type="checkbox"/> Bonners Ferry ACI <input type="checkbox"/> Moyie Springs ACI	Received: RECORDED
Floodplain: Zone X	Panel #: 1602070575B	Development Permit #: n/a			DEC 22 2025 Receipt #: 33958

PARCEL INFORMATION:

Parcel #'s: RP003200000R80A	Parcel acreage: 5.09
Current Zoning: Rural Residential	Current Use: Residential
Comprehensive plan designation:	
What zoning districts border the project site?	
North: Residential	East:
South: Privately owned; Agriculture	West:
What are the current adjacent land uses?	
North: Residential	South: Privately owned; Agriculture
East: Residential	West: Residential
Within Area of City Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	If yes, which city?

Please describe in detail all applicable uses/plans for subject property, including:

Setbacks: Front: 400 ft	Side 1: 42 ft	Side 2: 250 ft	Real: 433 ft
Size of buildings: 36' x 52'			
Type of unit: Single family home	# of units: 1		
Machinery to be located on site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Storage area on site? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Pole Building)		
Expected start date: 2010	Expected completion date: 2010		
Expected # of employees daily: N/A	Expected # of customers/visitors daily: 12		
Days and hours of operation: N/A	Traffic (vehicles per day): N/A		
Advertising sign, size, location: N/A	Lighting plans: No		
Water: <input type="checkbox"/> Well <input checked="" type="checkbox"/> Three Mile Water Assn.	Sewer: <input type="checkbox"/> Bonners Ferry <input checked="" type="checkbox"/> Septic <input type="checkbox"/> Community		
Proposed access and whether public or private: Chute Canyon Way			

NARRATIVE STATEMENT: Use separate sheet if necessary.

How does the proposed conditional use permit application meet at a minimum the following standards of Section 7.7 of Boundary County Land Use Code 9B18LOV2?

Confirm the application and site plan are sufficient to demonstrate the full scope of the proposed use.
Confirm the proposed use conforms with the applicable standards of the ordinance.

- How is the use to be designed and operated so as to minimize adverse impacts on surrounding properties and uses?
The single family home built in 2010 was intended to be used as a guest cottage for family and friends. To the best of our knowledge there has not been any adverse impacts on the surrounding properties and uses.
- How do the impacts of the proposed use compare with the impacts of the existing uses within the zone?
Same use - single family residential dwellings.
- How will applicant address concerns related to water and sewer services, traffic and access, electricity, fire protection, County Road & Bridge and other reviewing agencies?
All utilities have been in place since the dwelling unit was built in 2010; private driveway in place; up-to-date with annual North Bench Fire District dues; no impact on roads or traffic.

4. What is the potential benefit to the community offered by the proposed use?

Provides potential homestead property use for buyers with extended family; potential for use as a rental property (residential) or as a VRBO or Air BnB for visiting tourists.

5. How will concerns raised by the public be adequately addressed? (If no concerns have been raised at time of application, the landowner should address this section at the public hearing.)

To our knowledge there have been no public concerns raised since this dwelling unit was built in 2010.

6. Will the proposed use constitute a public nuisance, impose undue adverse impacts to established surrounding land uses or infringe on the property rights of surrounding property owners? What mitigations could be offered to reduce potential impacts?

No. This dwelling unit has been used as a guest house for visiting family members and friends and temporary housing in 2019-2020 for daughter who was caring for her elderly parents (original owners of property).

7. Does the proposed use place an unfair burden on Boundary County taxpayers with costs not offset by the potential benefits of the proposed use?

No. Property taxes have been paid in full every year since the dwelling was built in 2010.

SITE SKETCH – Applicant may attach separate site plan. Plan shall include property boundaries, adjoining streets, parking areas, accesses, existing and proposed structures and dimensions, setbacks from all structures to property lines, proposed signs, lighting locations, outdoor storage, and other pertinent details to allow a thorough understanding of the project.



Attached

REQUIRED:

APPLICATION CHECKLIST:			
COPY OF DEED:	<input checked="" type="checkbox"/> <i>Attached</i>	ACCESS & EASEMENT INFO:	<input type="checkbox"/> Attached <i>N/A</i>
WATER WILL SERVE LETTER:	<input type="checkbox"/> <i>N/A</i> Attached	SEWER WILL SERVE LETTER:	<input type="checkbox"/> Attached <i>N/A</i>
SITE PLAN:	<input type="checkbox"/> <i>N/A</i> Attached	APPLICATION FEE:	<input checked="" type="checkbox"/> Included

Submit with application fee to:
Boundary County Planning & Zoning
P.O. Box 419
Bonners Ferry, ID 83805

I hereby certify that all the information, statements, attachments, and exhibits submitted herewith are true to the best of my knowledge. I further grant permission to Boundary County employees and representatives, elected or appointed officials to enter upon the subject land to make examinations, post the property or review the premises relative to the processing of this application.

Landowner's signature: Mary Yeatts, Trustee Date: 12/19/2025

Landowner's signature: _____ Date: _____

684 Chute Canyon Way,
Bonners Ferry, ID 83805
December 19, 2025

Boundary County Planning & Zoning
P. O. Box 419
Bonners Ferry, ID 83805

To Whom This May Concern,

We would like to take the opportunity to address the accessory dwelling unit in question at 684 Chute Canyon Way, a property owned by our parents, Tom and Betsy Peyton, from 2009 until their deaths in 2021.

Upon our parents' retirement in 1999 they moved from the Washington, DC area to Boundary County to live closer to our father's brother who resided in Bonners Ferry, and to enjoy a more peaceful lifestyle, leaving behind lots of family and friends. The one-story single-family dwelling in question was built in 2010 as a guest cottage for friends and family members (including children and grandchildren) to stay when they visited our parents from various parts of the country, at various times of the year.

In 2019, our parents began declining in health and the cottage was used more frequently as temporary housing for their oldest daughter (Mollie) and her husband as they traveled back and forth from Seattle, for extended stays to care for their parents. Betsy passed away in June 2021, and Tom died in October 2021.

It took 3 ½ years to sort through our parent's belongings and prepare their property for sale in accordance with their wishes detailed in their living trust. The property was placed with a local realtor for sale in May of this year. When a prospective buyer recently inquired about the possibility of using the guest cottage as a rental house, it was discovered that the square footage of the cottage exceeded the allowable square footage for an accessory dwelling unit according to the Rural Residential zoning codes. We, the survivors of Tom and Betsy Peyton, were completely unaware of the code violation, but we knew our father was very meticulous and attentive to rules and regulations, and we are certain that there was no intentional breach of the code requirements. There were no formal architectural drawings or blueprints used to build the cottage that we know of. To the best of our knowledge, a respected and trusted friend from their church, who was also an experienced local builder familiar with the building codes and requirements in Boundary County, constructed the cottage for them.

To our knowledge, there have been no complaints or adverse impacts related to the size of the accessory dwelling unit over the past 15 years.

We appreciate your consideration in this unfortunate matter. The property has been removed from the real estate market for the winter to allow time to resolve this matter. We hope to place it back up for sale in the Spring.

Sincerely,

Mary (Mollie) Yeatts

Martha (Beth) Walker

Alan Mills

BR 2008/57



STATE OF IDAHO
County of Boundary } ss.
Filed by: Glenda L. Pinkerton
on 16 June 2008 at 4:20 PM
Glenda Poston
County Recorder Glenda L. Pinkerton
Fee \$ 3.00 Way By Deputy
Mail to PO Box 848, Bonners Ferry, Idaho 83805

WARRANTY DEED

238034

In consideration of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by, grantor, DAVID K. PINKERTON and OLENDA L PINKERTON, husband and wife, grantor does hereby grant, bargain, sell and convey unto THOMAS ROSSER PEYTON and MARY ELIZABETH BRYNER MILLS PEYTON, INITIAL TRUSTEES of the TOM & BETSY PEYTON LIVING TRUST, grantee, whose address is PO Box 848, Bonners Ferry, Idaho 83805, the following described property:

Lot R8 of Chute Canyon Estates, according to the plat on file with the Boundary County, Idaho, Recorder.

SUBJECT TO such rights, easements, covenants, restrictions and zoning regulations as appear of record or by use upon the premises.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the grantee, its heirs and assigns forever. And the grantor does hereby covenant to and with the said grantee that it is the owner in fee simple of said premises and that they are free from all encumbrances, and that it will warrant and defend the same from all lawful claims whatsoever.

The single number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

DATED this 16 day of June, 2008.

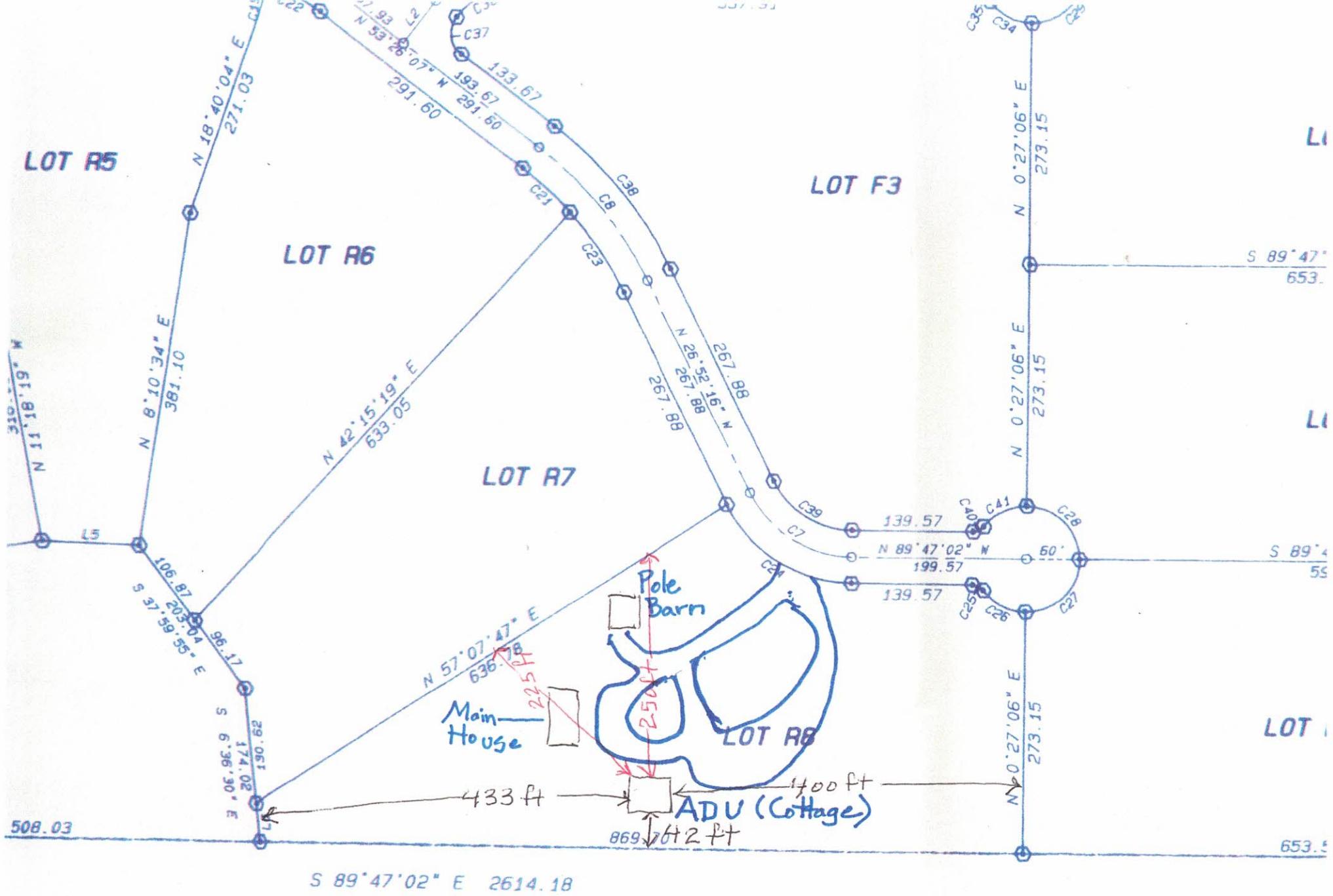
David K. Pinkerton
DAVID K. PINKERTON

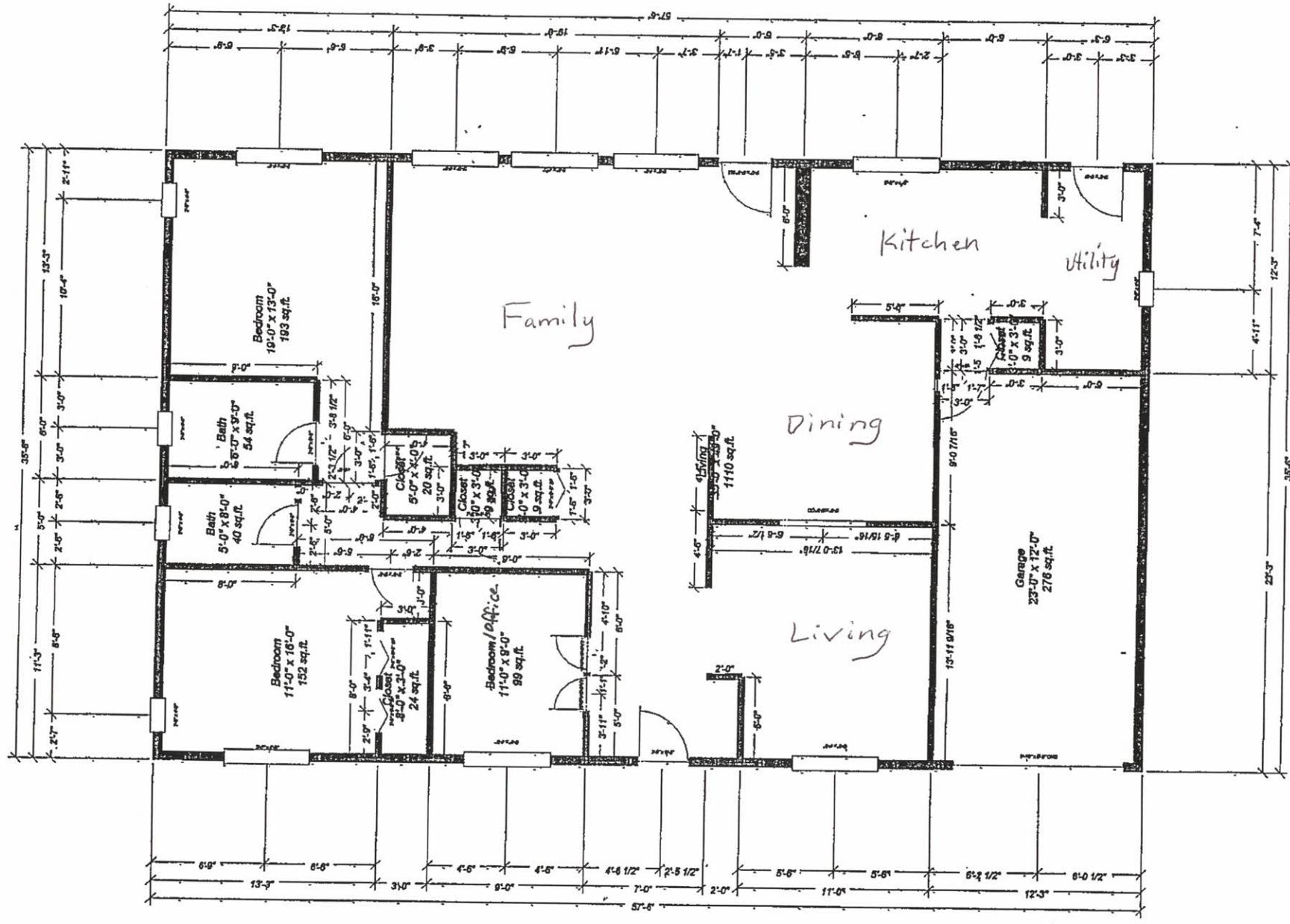
Olenda L. Pinkerton
OLENDA L. PINKERTON

State of Idaho }
County of Boundary } ss.

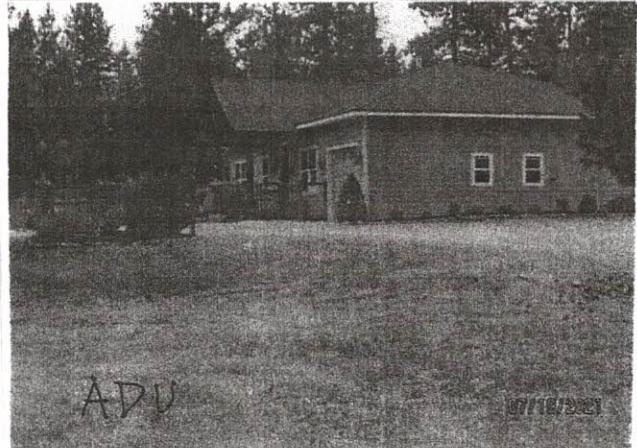
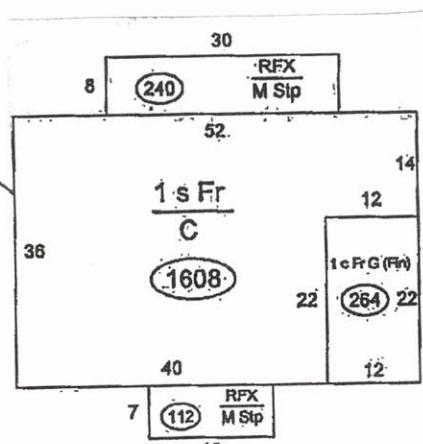
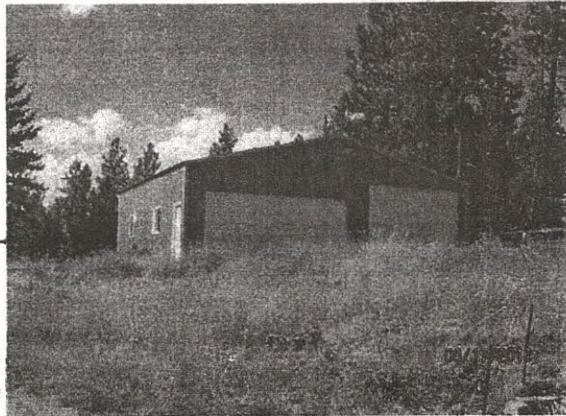
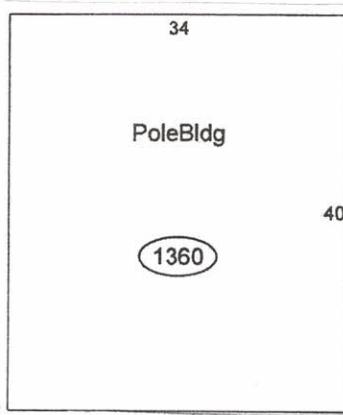
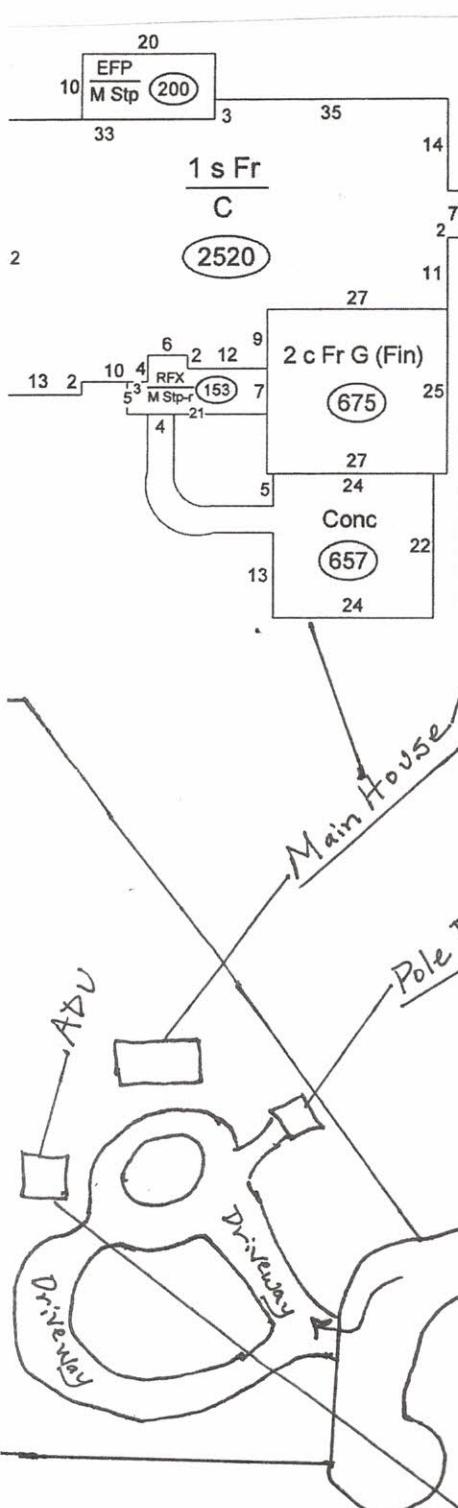
On this 16 day of June, 2008, before me, the undersigned Notary Public, personally appeared DAVID K. PINKERTON and OLENDA L PINKERTON, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Kelly Delaney
NOTARY PUBLIC FOR IDAHO
Residing in Naples
Commission Expires: 10/22/2013





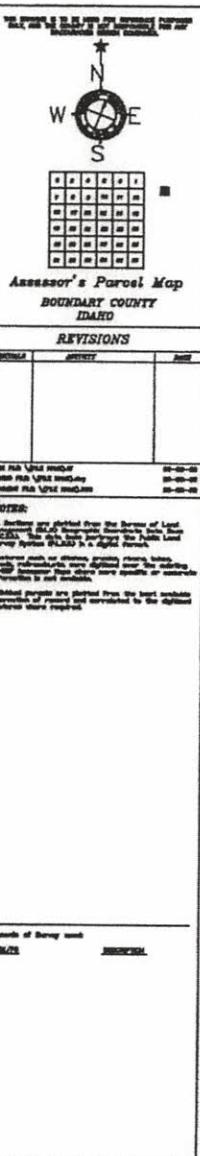
604 Chute Canyon Way



SEGREGATION REVISIONS

The revision dates below represent the file issue dates for the posting of the listed revisions.

Community Title
assumes no liability for
inaccuracies contained in
this map.



Chute Canyon Country Estates

Book 2 Plats, pg. 55



684 Chute Canyon Way
Peyton Living Trust ~



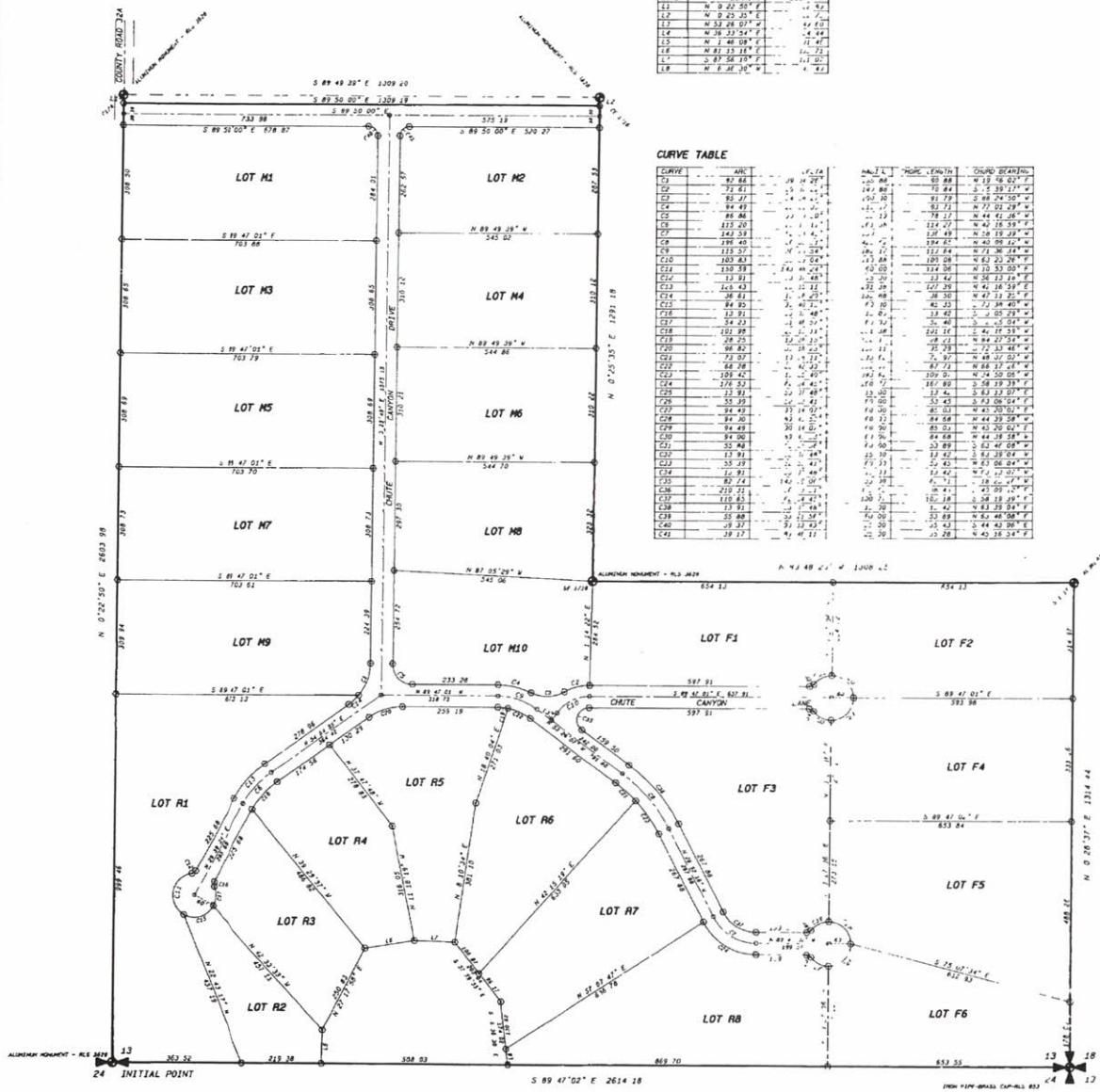
CHUTE CANYON COUNTRY ESTATES

SEC. 13, T62N, R1E, B.M.

BOUNDARY COUNTY, IDAHO

PAGE 1 OF 2

(SEE SHEET 2 OF 2 FOR CERTIFICATIONS)



LEGEND

FORMER EVIDENCE AS NOTED

~ COMPUTED & INIT - NOT SFT

BASIS OF BEARINGS

Bearings are based on reccy bearing along the east west meridian in Section 11, Township 66 North Range 1 East of the 6th Meridian as shown on record of Survey, BOOK E of surveys, page 11, 1911, Number 155941

COUNTY RECORDER

This plat was filed for record in the office of the recorder, July 31, 1994,
County, Idaho at the request of J. N. W. T. C. and duly recorded in Book 5 of Plats
August 1994 at 9:23 A.M. and duly recorded in Book 5 of Plats
page 55 as Instrument Number 174559

----- C. Thornton
County Recorder

County Sheriff

J.R.S. SURVEYING, INC.

Digitized by srujanika@gmail.com

Journal of the International Society.

PIERRE CALLEGARI, COURANT, 2010-11

ADVICE DEVELOPMENT A KINE KINSE

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IDAHO COUNTY IDAHO | JOB NO 93-8

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CHUTE CANYON COUNTRY ESTATES

SEC. 13, T62N, R1E, B.M. BOUNDARY COUNTY, IDAHO

SHEET 2 OF 2

COUNTY ROAD SUPERINTENDENT'S CERTIFICATION

I hereby certify that I have examined and found this

James E. Egan
Boundary County Road Superintendent

STATE HEALTH DEPARTMENT CERTIFICATION

A Sanitary Restriction accord. to the Idaho Code, Title 43, Chapter 1, Section 100, Sanitary Restriction Requirements, is filed herewith.

This Plat approved this 25th day of August, 1994.

J. E. Egan
Boundary Health District 1

Sanitary Restriction satisfied and filed this 25th day of August, 1994.

J. E. Egan
Boundary Health District 1

UTILITIES EASEMENT

The owners of the land platted hereon grant to the utility companies an easement 10 feet on each side of the front and rear lot lines as shown on the plat.

DEED RESTRICTIONS AND COVENANTS

1. The lots, if this subdivision shall not further divide, shall form a division proceeding, unless such division does not increase the total number of lots of the total subdivision as approved.
2. Only one single-family dwelling and the usual non-residential structures shall be allowed on the lots of this subdivision.

The owners of the land platted hereon are subject to the covenants and restrictions contained as recorded in Book 1, of the Plat of Plat No. 1, as instrument number _____.

COUNTY COMMISSIONERS' APPROVAL

This plat has been approved and accepted by the Board of County Commissioners of Boundary County Idaho this 25th day of August, 1994.

Ronald E. Kornet
Chairman, Board of County Commissioners

PLANNING COMMISSION APPROVAL

I hereby certify that this plat has been examined and approved this 25th day of August, 1994.

John C. Egan
Chairman, Boundary County Planning Commission

OWNER'S CERTIFICATE

Be it known that Boundary Development, Inc. and Michael A. Karnes and Phyllis A. Karnes, husband and wife, have caused to be laid out into lots the South Half of the Southeast Quarter (S1/2 SE1/4) and a portion of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) of Section Thirteen (13), Township Sixty-Two (62), North Range One (1) East of the Boise Meridian Boundary County, Idaho, more particularly described as follows:

Beginning at the South Quarter corner of said Section 13, thence, along the south line of the Section, S 49° 47' 02" E 2614.18 feet to the southeast corner of Section 13, thence, along the east line of the Section, N 028° 37' E 1314.44 feet to the northeast corner of the SE1/4 of the SE1/4, thence, along the north line of the SE1/4 of the SE1/4, N 89° 48' 20" W 1308.25 feet to the southeast corner of the NW1/4 of the SE1/4, thence, along the east line of the NW1/4 of the SE1/4, N 025° 35' E 1291.18 feet, thence, S 30° 00' E 1304.19 feet, thence, along the west line of the SE1/4, S 122° 50' W 2692.98 feet to the TRUE POINT OF BEGINNING, encompassing an area of 11.61 acres.

All streets and roads contained within the above described plat are hereby dedicated for public use.

Ken D. Huntington _____ Date _____
President, Boundary Development, Inc.

Donald B. Vickaryous _____ Date _____
Secretary, Boundary Development, Inc.

Michael A. Karnes _____ Date _____
Michael A. Karnes

Phyllis A. Karnes _____ Date _____
Phyllis A. Karnes

ACKNOWLEDGEMENT

State of Idaho

County of Boundary _____
I hereby certify that on this 25th day of August, 1994, before me the undersigned a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared to me _____, known to me to be the person(s) who executed the foregoing Owner's Certificate and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes herein stated.

WITNESS my hand and official seal on the day and year above mentioned

Notary Public in and for the State of Idaho
Residing at _____ My commission expires _____

ACKNOWLEDGEMENT

State of Washington

County of Clark _____
I hereby certify that on this 25th day of August, 1994, before me the undersigned a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared to me _____, known to me to be the person(s) who executed the foregoing Owner's Certificate and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes herein stated.

WITNESS my hand and official seal on the day and year above mentioned

Notary Public in and for the State of Washington
Residing at _____ My commission expires _____

SURVEYOR'S CERTIFICATION

I, James H. Staples, Idaho Land Surveyor No. 3628, do hereby certify that the plat hereon is a true and correct representation of a survey made by me in conformance with the laws of the State of Idaho (I.C. 50-1303 and I.C. 50-1304) and accepted methods and procedures of surveying.



COUNTY SURVEYOR'S CERTIFICATION

I hereby certify that I have examined the herein plat and determined that it complies with applicable state statutes and county ordinances regarding plats and subdivision regulations.



TREASURER'S CERTIFICATION

I hereby certify that the taxes on this plat have been fully paid up to and including the year 1993, dated this 25th day of August, 1994.

Alvina D. Hale
Boundary County Treasurer

WATER CERTIFICATION

All lots within Chute Canyon Subdivision will be serviced by the Three Mile Water District.

COUNTY RECORDER

This plat was filed for record in the Office of the Recorder of Boundary County, Idaho at the request of B.H. Surveying Inc. this 4th day of August, 1994 at 9:30 A.M. and duly recorded in Book 26 of Plats page 35, in instrument number 118559.

C. Shuster
County Recorder

J.R.S. SURVEYING, INC.	
PO BOX 6603-1415 SOUTH MAIN BONNERS FERRY, IDAHO 83805	
208-267-7555	
CHUTE CANYON COUNTRY ESTATES	
BOUNDARY DEVELOPMENT & HOME OWNERS	
DIN BY 205	2-15-94
SOL 12 TAX REC 8 M	SOL 2 OF 2
BOUNDARY COUNTY, IDAHO	
JUN 19 1994	



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8
4

684 / 686 Chute Canyon Way

Entering property - Driveway
mailbox marker



684/686 Chute Canyon Way



ADU 1086 11 de C - Wm



ADU 686 Photo Canyon Way



684/686 White Canyon Way