



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: Peyton Living Trust / Mary Yeatts, Martha Walker, Alan Mills

Mailing Address:

City:

State:

Zip:

Site Address: 684/686 Chute Canyon Way

Subdivision: Chute Canyon
Country Estates

Phone: N/A

Email: N/A

REPRESENTATIVE INFORMATION:

Representative's name: Mary Yeatts, Trustee, Peyton Living Trust

Company name: N/A

Mailing Address:

City:

State:

Zip:

Phone:

Email:

ADDITIONAL APPLICANT/REPRESENTATIVE INFORMATION:

Name/Relationship to project: Martha E. Walker / Daughter - Peyton Living Trust

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: DEC 22 2025
Floodplain: Zone X	Panel #: 1602070575B	Development Permit #: n/a	Receipt #: 33958	

PARCEL INFORMATION:

Parcel #'s: <u>RP003200000R80A</u>	Parcel acreage: <u>5.09</u>
Current Zoning: <u>Rural Residential</u>	Current Use: <u>Residential</u>
Comprehensive plan designation:	
What zoning districts border the project site?	
North: <u>Residential</u>	East:
South: <u>Privately owned; Agriculture</u>	West:
What are the current adjacent land uses?	
North: <u>Residential</u>	South: <u>Privately owned; Agriculture</u>
East: <u>Residential</u>	West: <u>Residential</u>
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: <u>400 ft</u>	Side 1: <u>42 ft</u>	Side 2: <u>250 ft</u>	Real: <u>433 ft</u>
Size of buildings: <u>36' x 52'</u>				
Type of unit: <u>single family home</u>	# of units: <u>1</u>			
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 (<u>Pole Building</u>)			
Expected start date: <u>2010</u>	Expected completion date: <u>2010</u>			
Expected # of employees daily: <u>N/A</u>	Expected # of customers/visitors daily: <u>12</u>			
Days and hours of operation: <u>N/A</u>	Traffic (vehicles per day): <u>N/A</u>			
Advertising sign, size, location: <u>N/A</u>	Lighting plans: <u>No</u>			
Water: <input type="checkbox"/> Well <input checked="" type="checkbox"/> <u>Three Mile</u> Water Assn.	Sewer: <input type="checkbox"/> Bonners Ferry <input checked="" type="checkbox"/> Septic <input type="checkbox"/> Community			
Proposed access and whether public or private: <u>Chute Canyon Way</u>				

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.

1. 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.

2. 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.

3. 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 2019-2021 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"/> Attached	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

BA-2008157



Boundary Abstract Company Since 1915
Div. P.D.

STATE OF IDAHO
County of Boundary SS.
Filed by: Glenda Poston
on 6-1-68 at 4:20
Glenda Poston
County Recorder
By Deputy
Fee \$ 3.00
Mail to Da

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 OLENDIA I. PINKERTON, husband and wife, grantor does hereby grant, bargain, sell and convey unto THOMAS ROSSER PEYTON and MARY ELIZABETH BRYNER MILLS PEYTON, INITIALTRUSTEES 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.

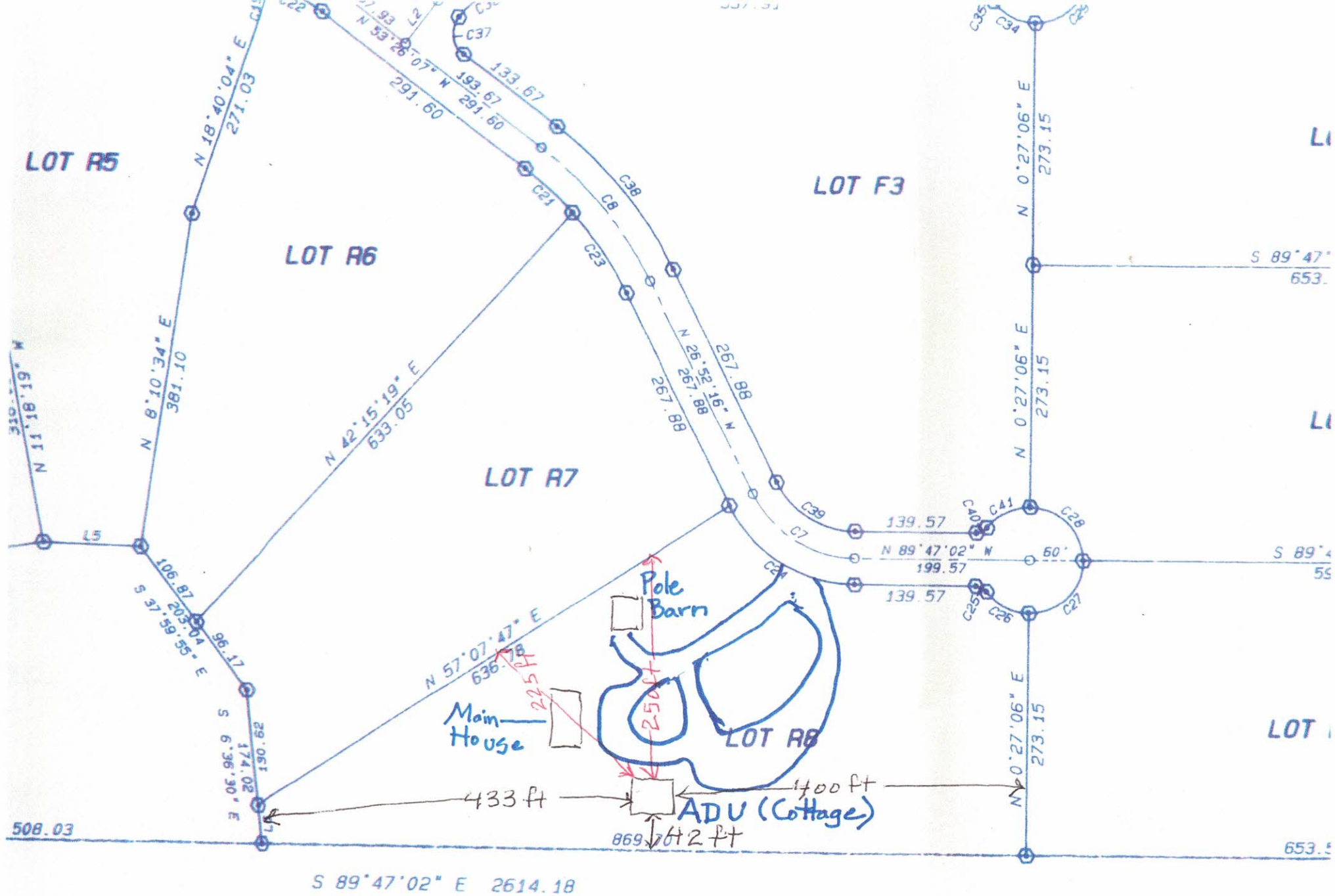
David K. Pinkerton
DAVID K. PINKERTON

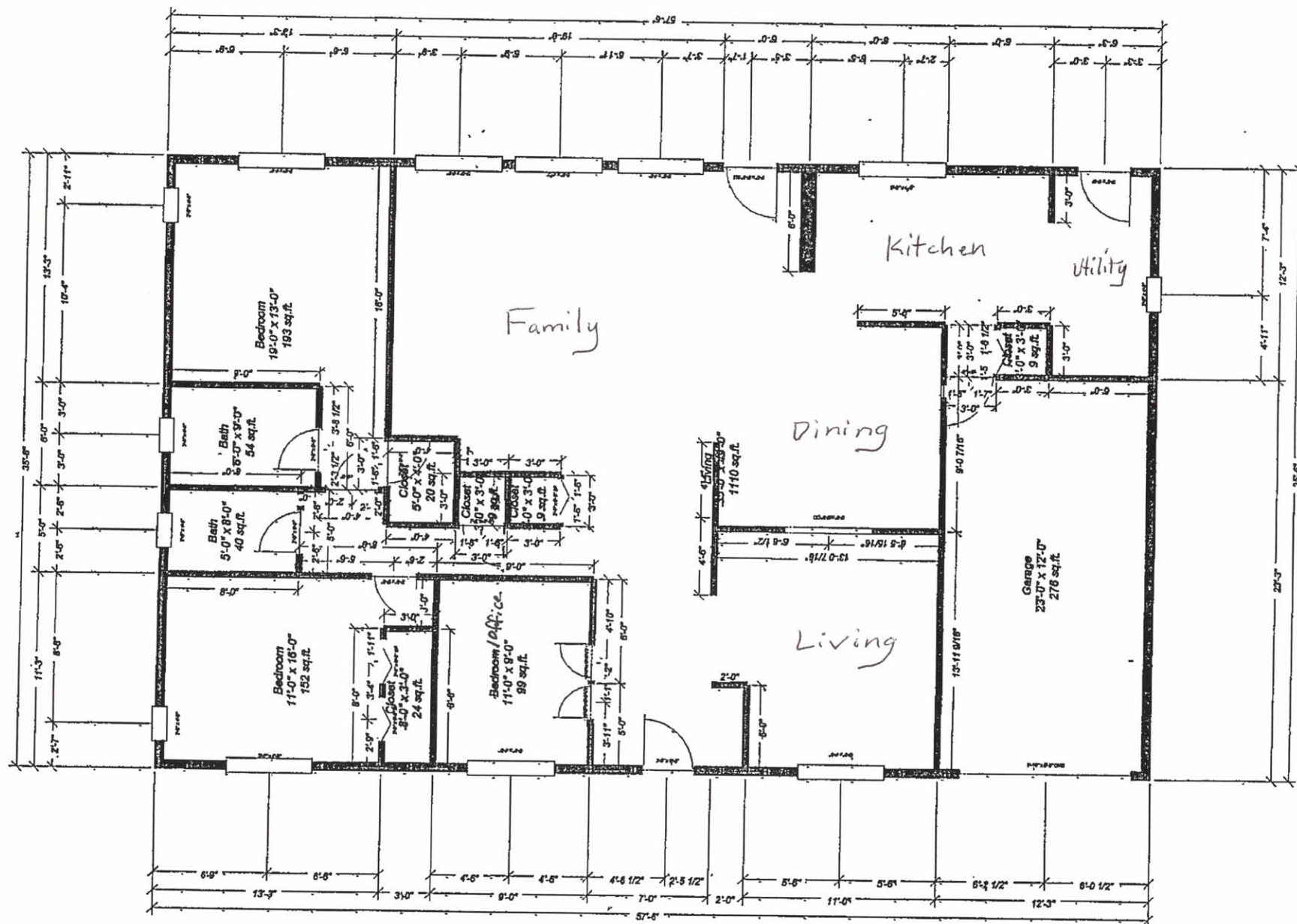
Olenda L. Pinkerton
OLENDA L. PINKERTON

State of Idaho)
County of Boundary) ss.

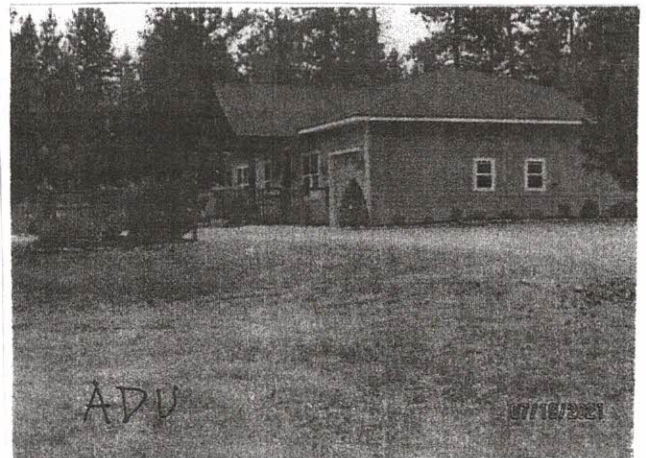
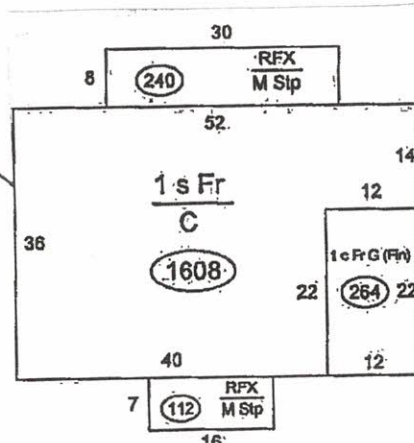
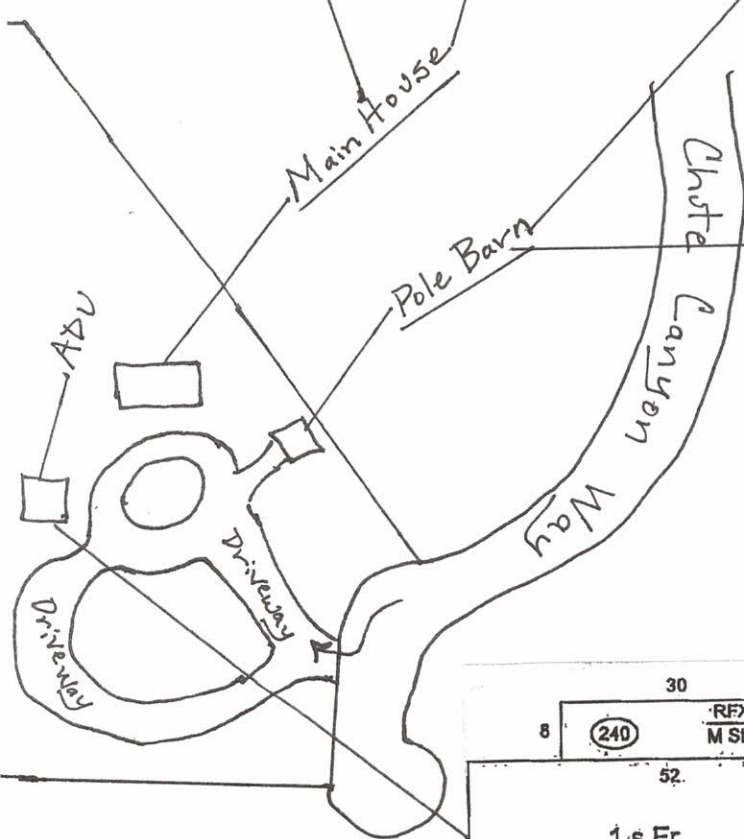
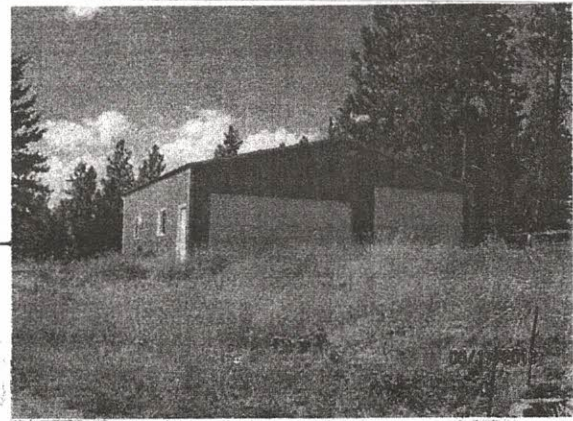
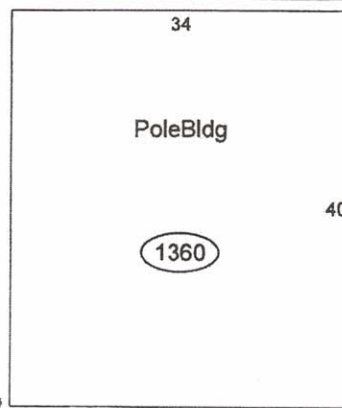
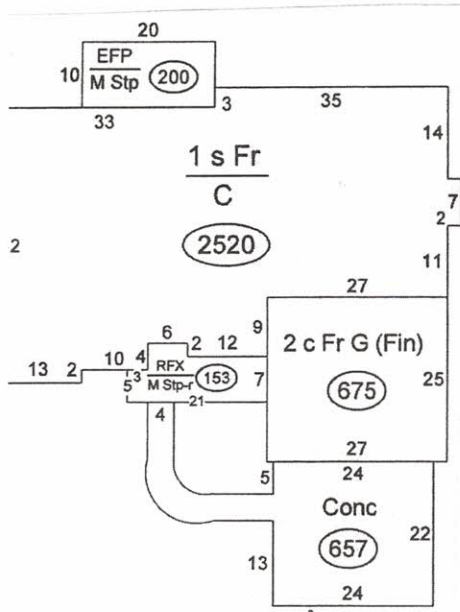
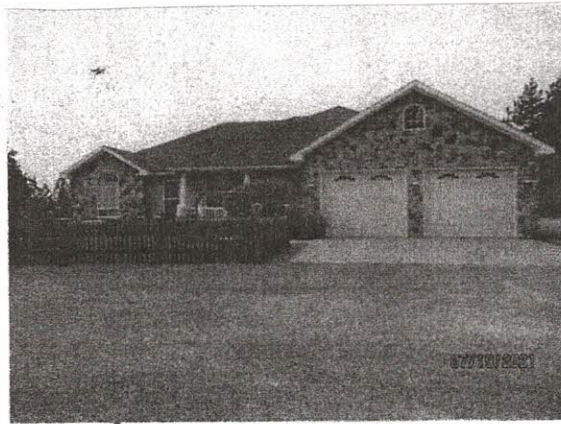
On this 16 day of June, 2008, before me, the undersigned Notary Public, personally appeared DAVID K. PINKERTON and OLENA L. PINKERTON, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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





684 Chote Canyon Way

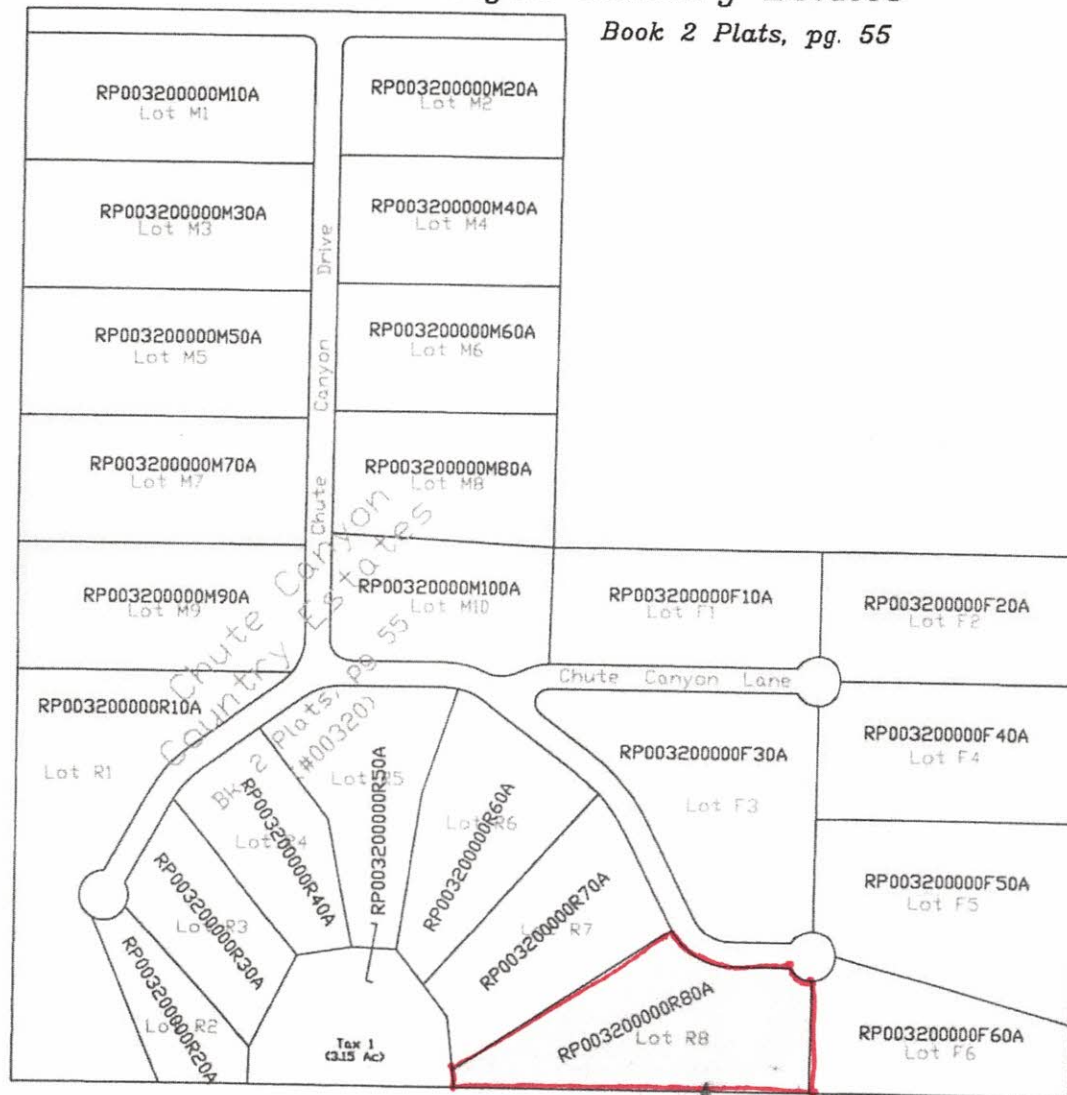


The revision dates below represent the file save dates for the posting of the listed revisions.

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



Book 2 Plats, pg. 55



SCALE: 1 INCH = 200 FEET

684 Chote 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)

LINE TABLE

LINE	BEARING	DI. (ft)
11	N 0° 22' 58" E	11.52
12	N 0° 22' 58" E	11.52
13	N 33° 48' 07" E	14.10
14	N 33° 48' 07" E	14.10
15	N 1° 48' 09" E	11.47
16	N 0° 13' 18" E	11.71
17	S 89° 56' 19" E	11.71
18	N 8° 38' 30" W	4.83

CURVE TABLE

CURVE	ARC	ANG.	CHORD	CHORD BEARING
C1	87.86	19.14	88.88	N 13° 18' 52" E
C2	72.81	15.44	73.84	N 5° 53' 27" E
C3	82.27	14.44	83.29	N 4° 48' 24" E
C4	84.43	14.44	85.45	N 7° 02' 29" E
C5	86.46	14.44	87.51	N 4° 42' 26" E
C6	112.20	11.11	113.22	N 42° 18' 59" E
C7	142.53	8.33	143.55	N 28° 19' 29" E
C8	172.86	6.11	173.88	N 43° 09' 25" E
C9	113.27	11.11	114.29	N 71° 36' 24" E
C10	182.83	4.44	183.85	N 83° 22' 28" E
C11	110.89	14.44	111.91	N 15° 53' 55" E
C12	113.81	14.44	114.83	N 38° 13' 18" E
C13	112.20	11.11	113.22	N 42° 18' 59" E
C14	108.43	11.11	109.45	N 47° 31' 35" E
C15	104.85	11.11	105.87	N 52° 44' 02" E
C16	101.27	11.11	102.29	N 57° 56' 29" E
C17	97.69	11.11	98.71	N 63° 08' 56" E
C18	94.11	11.11	95.13	N 68° 21' 23" E
C19	90.53	11.11	91.55	N 73° 33' 50" E
C20	86.95	11.11	87.97	N 78° 46' 17" E
C21	83.37	11.11	84.39	N 83° 58' 44" E
C22	79.79	11.11	80.81	N 89° 11' 11" E
C23	76.21	11.11	77.23	N 94° 23' 38" E
C24	72.63	11.11	73.65	N 99° 36' 05" E
C25	69.05	11.11	70.07	N 104° 48' 32" E
C26	65.47	11.11	66.49	N 109° 61' 59" E
C27	61.89	11.11	62.91	N 114° 14' 26" E
C28	58.31	11.11	59.33	N 119° 26' 53" E
C29	54.73	11.11	55.75	N 124° 39' 20" E
C30	51.15	11.11	52.17	N 129° 51' 47" E
C31	47.57	11.11	48.59	N 135° 04' 14" E
C32	43.99	11.11	45.01	N 140° 16' 41" E
C33	40.41	11.11	41.43	N 145° 29' 08" E
C34	36.83	11.11	37.85	N 150° 41' 35" E
C35	33.25	11.11	34.27	N 155° 54' 02" E
C36	29.67	11.11	30.69	N 161° 06' 29" E
C37	26.09	11.11	27.11	N 166° 18' 56" E
C38	22.51	11.11	23.53	N 171° 31' 23" E
C39	18.93	11.11	19.95	N 176° 43' 50" E
C40	15.35	11.11	16.37	N 181° 56' 17" E
C41	11.77	11.11	12.79	N 187° 08' 44" E

LEGEND

FORMER EVIDENCE - NOTED

COMPUTED - NOT SET

BASIS OF BEARINGS

Bearings are based on "true" bearings along the east-west line of Section 13, Township 62 North, Range 1 East of the B6-36-24-28 as shown on record of Survey, Book 2 of 2, Volume 1, Page 1, Number 155941.

COUNTY RECORDER

This plat was filed for record in the office of the recorder of Boundary County, Idaho at the request of J.R.S. Surveying, Inc. on August 1, 1994 at 5:28 PM and duly recorded in Book 2 of 2, Page 1, Volume 1, Number 155941.

County Recorder

J.R.S. SURVEYING, INC.

11 NORTH 112°

Boundary County, Idaho

Boundary County, Idaho

Boundary County, Idaho

Boundary County, Idaho

Boundary County, Idaho

Boundary County, Idaho

Boundary County, Idaho

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Boundary County, Idaho

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 the within plat and find that it conforms to the laws of the State of Idaho and the rules and regulations of the Board of County Commissioners of Boundary County, Idaho, and that the same is a true and correct representation of a survey made by me in accordance with the laws of the State of Idaho (I.C. 50-1303 and I.C. 50-1304) and accepted methods and procedures of surveying.

James E. Smith
Boundary County Road Superintendent

STATE HEALTH DEPARTMENT CERTIFICATION

A Sanitary Restriction according to the laws of the State of Idaho, Chapter 10, Title 1, Section 10-101, is hereby imposed on this plat. The Sanitary Restriction Requirements are as follows:

This Plat approved this 22nd day of August, 1993.

James E. Smith
Pannhandle Health District 1

Sanitary Restriction satisfied and lifted this 22nd day of August, 1993.

James E. Smith
Pannhandle Health District 1

UTILITIES EASEMENT

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

DEED RESTRICTIONS AND COVENANTS

1. The plat of this subdivision shall not be further divided into lots or divisions of lots, except as provided in the plat. The number of lots of the total subdivision as approved by the Board of County Commissioners shall be shown on the plat of this subdivision.

The owners of the land platted herein are subject to the easements, restrictions and covenants as recorded in Book 10, Page 10, of the Boundary County, Idaho, and as recorded in Book 10, Page 10, of the Boundary County, Idaho, and as recorded in Book 10, Page 10, of the Boundary County, Idaho.

COUNTY COMMISSIONERS' APPROVAL

This plat has been approved and accepted by the Board of County Commissioners of Boundary County, Idaho, this 22nd day of August, 1993.

Donald R. Smith
Chairman, Board of County Commissioners

PLANNING COMMISSION APPROVAL

I hereby certify that this plat has been examined and approved this 22nd day of August, 1993.

James E. Smith
Chairman, Boundary County Planning Commission

OWNER'S CERTIFICATE

Be it known that Boundary Development, Inc. and Michael W. Karnes and Phyllis A. Karnes, husband and wife, have caused to be laid out into lots the South Half of the Southeast Quarter (SE1/2 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 5 49 47 02" E 2614 18 feet to the southeast corner of Section 13, thence, along the east line of the Section, N 0 28 31" 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 3 25 35" E 1291 18 feet thence, N 43 30 00" W 1304 19 feet thence, along the west line of the SE1/4, S 1 22 30" W 2613 38 feet to the TRUE POINT OF BEGINNING, encompassing an area of 131.67 acres.

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

Hex D. Housington
President, Boundary Development, Inc.

Donald B. Vickaryous
Secretary, Boundary Development, Inc.

Michael W. Karnes

Phyllis A. Karnes

ACKNOWLEDGEMENT

I, the undersigned, Notary Public in and for the State of Idaho, do hereby certify that in this day of August, 1993, before me the undersigned a Notary Public in and for the State of Idaho, duly commissioned and sworn, personally appeared _____ known to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the purposes herein stated.

WITNESS my hand and official seal on this day and year above mentioned.

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

ACKNOWLEDGEMENT

I, the undersigned, Notary Public in and for the State of Washington, do hereby certify that in this day of August, 1993, before me the undersigned a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____ known to me to be the person(s) who executed the foregoing instrument, and acknowledged to me that they signed the same as their free and voluntary act and deed for the purposes herein stated.

WITNESS my hand and official seal on this day and year above mentioned.

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

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 accordance with the laws of the State of Idaho (I.C. 50-1303 and I.C. 50-1304) and accepted methods and procedures of surveying.

James H. Staples
STATE OF IDAHO
JAMES H. STAPLES
8-1-94

COUNTY SURVEYOR'S CERTIFICATION

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

James H. Staples
PROFESSIONAL LAND SURVEYOR
6051
JAMES H. STAPLES
8-2-94

TREASURER'S CERTIFICATION

I hereby certify that the taxes on this plat have been fully paid up to and including the year 1992, dated this 22nd day of August, 1993.

Helma DeBruin
Boundary County Treasurer

WATER CERTIFICATION

All water within Chute Canyon Subdivision was provided by the three private water utilities.

COUNTY RECORDER

This plat was filed for record in the Office of the Recorder of Boundary County, Idaho, at the request of J.H.S. Surveying, Inc. this 22nd day of August, 1993, at 9:28 A.M., and duly recorded in Book 10, Page 10, of the Boundary County, Idaho, and as recorded in Book 10, Page 10, of the Boundary County, Idaho.

C. Hartman
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, INC. & MICHAEL W. KARNES	
COUNTY REC. NO. 3628	
SEC. 13, T62N, R1E, B.M.	SHEET 2 OF 2
BOUNDARY COUNTY, IDAHO	208-267-7555



684 / 686 Chute Canyon Way

Entering property - Driveway
mail box marker



684/686 Chute Canyon Way



ADU 10/16/21 to 10/17/21 - Waco



ADU 686 Chote Canyon Way



684/686 Choke Canyon Way