



RECONSIDERATION OF A REQUEST TO AMEND THE TETON SPRINGS DEVELOPMENT AGREEMENT TO PERMIT WINTERTIME-ONLY HELI-SKI OPERATIONS FROM THE TETON SPRINGS LODGE

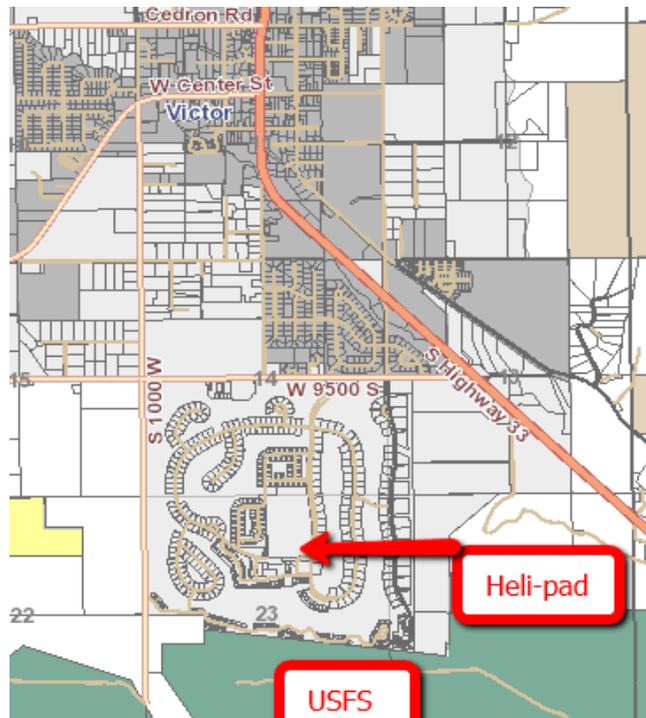
Prepared for the Board of County Commissioners
Public Hearing of September 13, 2012

APPLICANT: Jeff Naylor **LANDOWNERS:** Teton Springs Golf & Casting, LLC

APPLICABLE Teton County Subdivision Ordinance- Title 9 as amended August 11, 2011
COUNTY CODE: Section 9-7-1: ...and Amendments to Recorded Subdivision Documents

REQUEST: An amendment is proposed to the *Development Agreement for Teton Springs Subdivision Phase 1* and associated Master Plan pursuant to Teton County Code Section 9-7-1-B. The amendment would specify a wintertime-only commercial heli-skiing operation in addition to the “alternative transportation” helicopter flights that were designated for the “Heliport-Lot 8C” on the Teton Springs Master plan. In December, 2011, the Board agreed that a review should be conducted following the 2011-2012- heli-skiing season. The Board stated their reconsideration of the proposed amendment would be based on one season of actual helicopter operations plus further input and opinion surveys from the Teton Springs homeowners.

VICINITY MAP



LEGAL DESCRIPTION:

Tract 8C Heliport-Teton Springs Golf & Casting Club; Township 3 North, Range 45 East, Section 23

LOCATION: 36 Springs Parkway. The helicopter pad is located within a few hundred feet of the cart barn and in the general vicinity of the Teton Springs Lodge & Spa building, which is in the south-central portion of the Teton Springs Planned Unit Development; south of Victor.

ZONING DISTRICT: Teton Springs PUD/ Victor Area of City Impact
PROPERTY SIZE: Tract 8C = .26 acre



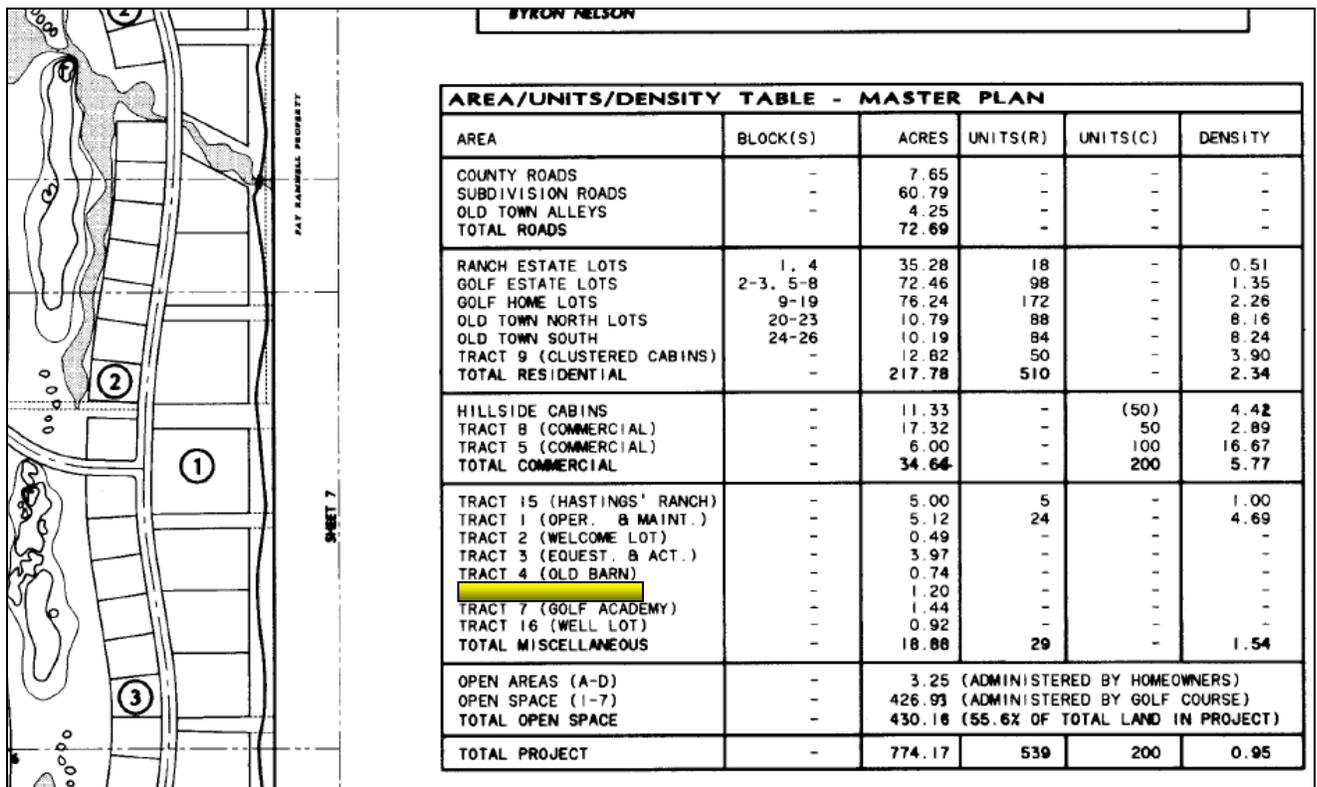
PROJECT DESCRIPTION: During the September-December, 2011 public hearings, the heli-ski operation’s original proposal was somewhat modified by the staff, Planning Commission and Board. The Board approved a one-year temporary use for the 2011-2012 ski season. The operational limitations in the temporary use authorization are excerpted below:

6. The results of the FAA inspections planned for January 2012 will be provided to the Planning and Building Department.
7. In order to minimize adverse noise impacts to valley citizens, the commercial flight path of the departing and incoming helicopter flights shall be from the National Forest lands directly south of Teton Springs (as depicted in Staff Report Section 4: flight Patters). Commercial flights north of Teton Springs PUD are not authorized and flights north of Teton Springs may be made only for emergency reasons. Flights from Teton Springs to pick up skiers to the north of Teton Springs and/or the Driggs Airport are prohibited.
8. No more than 14 one-way flights are allowed in a single day with a maximum of 40 days of flying per season (December 25, 2011 – April 1, 2012). Hours of operation shall be restricted to between 9:00 AM and 4:30 PM with emergency flights as needed.
9. The vendor shall ensure that a flight log is kept and turned into the Planning and Building Department on a monthly basis (due the 10th day of the following month), and that reasons for deviation from the time restrictions be noted in the logs.
10. Loading and unloading of gear and clients onto the helicopter shall occur only on the helipad on lot 8C.
11. Allowed Equipment: The Bell 407, or its equivalent or less noisy helicopter, shall be used.

*For 2012-13 and beyond, the applicant proposes to allow return flights to come in later than 4:30 pm under “extenuating circumstances.”

BACKGROUND CONSIDERATIONS:

- When the Teton Spring PUD resort was planned and approved, a heli-port (also referred to as “heli-pad”) was depicted near the proposed lodge. Pre-approval Teton Springs planning documents show a heliopad lot depicted in preliminary drawings dating back to 1999. In 2000, the heli-pad was depicted as Tract 6 on the Master Plan and the helicopter use was described in the recorded Development Agreement. Later, when the same area was subdivided and platted, the heliopad was renamed “Lot 8C- Heliopad”. It is about ¼ acre in size and cannot be developed for a residence. The original PUD approval stipulated that the type of helicopter flights were to be restricted, stating: *“Heli-port:-For alternative transportation and emergencies which would be located immediately east of the Clubhouse. This internal location will mitigate any potential disturbance to properties surrounding Teton Springs.”*
- In the summer of 2011, a conditional use permit application was submitted and a public hearing was scheduled for September 13 in front of the Planning and Zoning Commission. After further staff review of the Teton Springs Master Plan, it was determined that there was need to amend the restrictions within the Development Agreement and on the Master Plan concerning commercial helicopter use. The Teton County Zoning Ordinance is not clear on requiring conditional use permits within a Planned Unit Development. Below, the Teton Springs Master Plan specified a mix of uses that are commercial, residential, and resort facilities, including the ‘Heliopad”.



Excerpt from a recorded plan sheet of the Teton Springs Master Plan- note Heliopad lot.

KEY ISSUES:

1. Noise Impacts as reported during 2011-2012 Ski Season:

What was the pattern and level of noise disturbance related to the 2012 operation?

Planning Staff comments: Excess noise from the helicopter is probably the greatest issue relevant to the impact analysis of this application. If helicopter engines and rotors were not so loud when they are close by or overhead, then this application would likely not have generated as many letters of opposition.

The level of neighborhood annoyance about the helicopter noise is quite varied, at least based on the 2011-2012 heli-ski operations. The diverse reactions suggest that some neighbors who heard the engines and observed flying were more irritated than others who may have heard the same flight. Objective measurements of the decibels created by a helicopter flying may or may not exceed certain thresholds, but the rotor noise seems to subjectively affect some people more severely than others. While gravel crushing seems to universally affect most neighbors negatively, there seems to be different reactions to helicopter flying, at least judged by the survey comments that were submitted.

For example, one supporting survey stated: “we live very close to the helipad & experience zero impact from noise or fumes. This operation is an asset to our community & T.V.” Several opposing surveys stated: “Too noisy!” or “The noise factor is a big turn off.”

After running the engine on the ground for several minutes, the helicopter has a short flight of a minute or less until it leaves Teton Springs “airspace” to the south and enters the National Forest. Consequently, the aircraft noise is propagated over a lightly populated area before entering an uninhabited area less than one mile to the south.

Letters from several residents within Teton Springs, some with property near the Lodge and helipad, stated they were not disturbed by the noise and flights from last year’s flights. Other Teton Springs residents reported they are vehemently opposed and do not want to have to suffer from the helicopter noise and intrusion, especially if it was more than one flight out and one trip back per day.

Based on the noise-related public comments on the HOA surveys, there is a lack of a clear consensus about the level of disturbance from the helicopter noise, even among those who live relatively close to the helipad and near its flight path. Some find the nearby heli-skiing related landings and its associated noise exciting rather than disturbing. For others, the sound disturbs the peace and quiet of a residential neighborhood. Staff did receive written and verbal complaints from last year’s operation. However, the Teton Springs helicopter flights did not generate complaints over a widespread area or from a voluminous number of residents. However a few residents were severely impacted. By contrast, flights to a residential area along Fish Creek in nearby Wilson, Wyoming generated several dozen complaints on a single day. Owners of livestock are particularly concerned for their frightened animals.

2. Flight Patterns:

What were the High Mountain Helicopter Skiing flight patterns from the Teton Springs helipad and what issues came up in 2011-2012?

Planning Staff comments:

A set of daily flight logs was submitted by High-mountain Heli-skiing; see the attached spread sheets.

The approved flight path heads due south from the Lodge towards the National Forest. Over private property, their approved path does not fly over any dwellings outside of the Teton Springs PUD. Within the PUD, the flights are supposed to pass over an area known as “The Cabins” to the south of the Lodge. Clearly, flights to the north, northeast, or northwest would impact many more dwellings and properties within and beyond Teton Springs.

On the first day of commercial operations the High-Mountain Helicopter flew way off the south bearing and the craft was off course. The Planning Department immediately heard from neighbors (see attached emails from Pamela Carter). Staff called the operator and he radioed the pilot, who was new to this operation area and corrective measures were made. This day’s flights were not on the approved flight path and the County definitely heard about it. Deviations such as this one to the west of the approved flight path were not reported again. Based on the drop off of complaints to the Planning Staff, the first day flight deviation was a mistake that was corrected. The first day’s flights had flown over several Teton Springs homes to the west of the Lodge.



Helicopter take-off is towards the south where National Forest begins less than 1 mile away

3. Economic Impacts:

What economic benefits did the HMH ski operation bring to the Victor area and the Teton Valley?

Planning Staff comments: The applicant provided a narrative dated June 7, 2012. It provided information about the direct revenues to the Lodge from the 2012 ski operations. Positive economic impacts were attributed to the heli-operation to the Lodge. The lodging revenue alone was \$28,000.

In addition to Teton Springs Lodges' direct revenue, it is assumed that some additional heli-related expenditures were made in Teton Valley. Local business owners sent letters during the 2011 review and stated that heli-skiers had contributed to their retail and dining-out sales. As a review, they stated that the heli-skiers or High Mountain Helicopter had brought an influx of valued "slow-season" sales to their business. The businesses who claimed a benefit from the heli-skiers include Victor Valley Market, Wildlife Brewing, The Victor Emporium, Teton Thai, Spoons Bistro, an operator of a small steelworks company, short-term-vacation rental property managers, individual condo landlords-lesers, a European ski-tour business, a drift boat dealership, River Rim Ranch, a guide with the Grand Targhee Powder Cat ski operation (cat skiing when flying not possible), and a massage therapist. In addition to the business owners, several employees stated their jobs were strongly related, if not dependent, upon the Teton Springs base for the heli-skiers and their eating and spending in the valley. These people included the heli-ski guides and some hotel personnel. The employment of these locals who directly benefit from the heli-skiing business has some multiplier effect because these locals spend their wages on local goods and services. The applicant did not quantify or estimate the revenues to other businesses, so it is difficult to assess how much net economic effect was created.

The 2012 heli-skiing season was plagued by dangerous snow conditions and the number of backcountry trips may have been reduced due to avalanche conditions. It is possible that the 2011-2012 ski season was not representative for economic impacts. Arguments for economic harm (or gain) to nearby properties could be made more plain if this commercial operation had flown many more flights per day all season long.

4. Property Values:

Would a decrease in property values be expected to private homes close to the helicopter-landing zone?

Planning Staff comments: There is a case to be made that the heli-ski flights might lower property values to homes very close by to the landing area. There was a counterargument made that heli-skiing will bring notoriety to Teton Springs and make the properties more valuable. Both of these sentiments were expressed in hand-written comments on the HOA surveys.

5. Eagle nesting.

Planning Staff comments: The US Fish & Wildlife Service responded to various reports that eagles nested and foraged near the National Forest boundary around Pole Canyon, not far from Teton Springs' border. The nest is more than ½ mile from the helipad and west of the flight path. The letter received April 30, 2012 states the position of the USF&WS regarding this species, which is protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. (The species was delisted as threatened or endangered). The letter did not suggest mitigation was needed. According to information published by Idaho Fish and Game, the 35-day incubation period most critical egg incubation period does not occur from Christmas to March 31, which is the defined heli-ski period. According to Ty Matthews,

biologist with the USF&WS, they will continue to monitor the situation and would contact the county if special habitat protection measures were warranted.

6. Exhaust fumes.

Planning Staff comments: There were letters of complaint during the 2011-2012 skiing season about the exhaust fumes emitted by the helicopter. One person, in particular, with a home near the heliopad, found the fumes untenable. While the heli-ski operator insists that the helicopter emits minimal exhaust and that most of what is seen on the ground is steam, it seems that something is causing an odor on the ground- whether from fueling operations or exhaust emitted from the helicopter itself. The question remains how impactful these fumes are, and to what geographical extent they migrate. Mitigations for these fumes should be investigated.

INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS

Teton County Engineer:

In 2011, County Engineer Jay Mazalewski wanted additional information on the following: 1) fuel storage and fueling details, 2) the emergency procedures for spill containment of fuel, 3) what FAA authorizations, if any, are required, 4) that there is adequate parking onsite to accommodate the use. The County Engineer was satisfied that these issues were addressed and a Temporary Use Permit was issued for last winter.

City of Victor:

The City was solicited for comments about the heli-skiing operation re-authorization review in August 2012. No response has been received at the time of this report. A Victor City official's email in December 2011 stated:

"The Teton Springs helicopter skiing operations (Heli-Ski) poses no known adverse impacts to the City of Victor. In fact, the city supports the operation as an attractive recreational choice for winter visitors. Our support assumes that the Teton Springs Homeowners Association residents likewise support the activity".

Idaho Fish & Game Department:

On December 7th, 2011 the following email was received from IDFG:

Just wanted to touch base. Given other higher priority issues I could not find time to provide comments concerning this issue. Given the proximity of the proposed heliskiing landing pad to a bald eagles nest we recommend that the County and/or applicant consult directly with the US Fish and Wildlife Service to determine any regulatory consequences of this action to the Federal Bald and Golden Eagle Protection Act. Good luck on this issue. --

-Tom P. Bassista -Environmental Staff Biologist

US Fish & Wildlife Service:

See the eagle nesting discussion above and see attached letter received April 03, 2012.

US Forest Service- Teton Basin Ranger District:

A comment letter-email from District Ranger Jay Pence was received in 2011 and was sent to the Board during the previous public review.

Teton County Emergency Management:

In 2011, Greg Adams was contacted about this application on September 2nd. He did not voice any concerns in regard to this application and the County EMS operations. Since that time, the High

Mountain Heli-skiing helicopter was called to rescue a downed Search and Rescue helicopter in Jackson Hole. The injured pilot was rescued but a long time Teton Valley resident died. Prior to the accident, the applicant had stated that having two helicopters in the area was valuable for emergency situations. That was proven during last winter's helicopter accident.

Driggs –Reed Memorial Airport Board:

A response email was sent from Driggs Airport Board on August 29, 2011. They did not object to the flights taking off from Teton Springs.

Teton Fire Protection District: A 2011 comment letter was included in last year's staff report. It states, "*I have reviewed the CUP for Teton Springs Heli-Ski program utilizing the approved Heli-pad site. The Fire District grants agency approval for this CUP.*" It was signed by Fire Chief Bret Campbell.

SPECIFIC REQUIREMENTS FOR PUBLIC HEARING NOTICE: Idaho Code, Title 67; Section 67-6509, 67-6511, 67-6512, and Title 8, Section 8-6-1 of the Teton County Zoning Ordinance. The public hearing for the Board of County Commissioners was duly noticed in the Teton Valley News. A notification was sent via mail to surrounding property owners within a 300-foot buffer area and the mailing also went to many more people because anyone within a subdivision that has a lot within 300 feet of a project also gets a notification. Property owners within Teton Springs were mailed a notification to their tax-related address. To date, several letters were "returned to sender". The Lot 8C property was posted in accordance with Idaho Code 67-6511 and 67-6509.

COMMENTS FROM NOTIFIED PROPERTY OWNERS & PUBLIC AT LARGE

Since the December 2011 public hearings, unsolicited emails and complaints were received from several Teton Valley residents. These include Chuck Iossi, Pamela (Colby) and Lucian Carter, Diane Murphy, Frank and Martha Nachman, Stacey Frisk; a few other names were listed on the email distribution lists but these people did not send correspondences directly to the Planning Department. The letters are attached to this report.

In general, the Planning Staff must base its recommendation for this proposal on the opinions about noise and fumes that are perceived by various affected citizens. As seen in the HOA survey, the opinions are quite diverse. The HOA survey received 118 responses in favor of the Teton Springs heli operation and 43 opposed. There were 58 that were neutral. Several thoughtful comments were written on the forms and these are worth considering. Overall, The Planning Commission and County Commissioners were exceptionally curious about how the Teton Springs property owners would feel about the operation. Previously, before the 2012 ski season the letters for and against seemed about evenly split. These opinions came from the Planning Department's required mailing to over 400 landowners in Teton Springs. After the 2012 ski season, the number of Teton Springs residents in favor did not diminish and the pros outnumbered the cons by almost 3 to 1 (118 for/43 against = 2.74).

CONSISTENCY WITH THE APPLICABLE GOALS & OBJECTIVES OF THE TETON COUNTY COMPREHENSIVE PLAN 2004-2010

The 2004 Comprehensive Plan may become superseded by a newly adopted plan at the time of this report. The Commissioners are not statutorily directed to reconcile the Comp-Plan goals for a proposed amendment to a previously approved Development Agreement. Nevertheless, there has

been a significant outreach to citizens in the last year and their vision for economic development and protection of our lifestyle should have some bearing on this complicated proposal. It is worthwhile to consider how the Teton Springs heli-ski expansion might relate to the new policies and goals.

CONSIDERATIONS FOR THE APPROVAL OF A PUD –MASTER PLAN AND DEVELOPMENT AGREEMENT CHANGE PER SECTION 9-7-1-B

The Subdivision Ordinance was amended in August 2011 to clarify the types of applications and process-considerations for amending a PUD and the related approval documents. The code states the following:

b. Substantial Changes – Increase Scale, Impact

- i. The master plan and plat for a subdivision or Planned Unit Development, including the proposed changes, shall comply with all applicable criteria and standards of the current county regulations.
 - ii. Any proposed changes to a recorded plat or master plan that increase direct or indirect impacts may require additional mitigation pursuant to the criteria and standards of county regulations.
-

This application was found to be technically an amendment to the specific language in the Teton Springs PUD Master Plan. Nevertheless, it is the type of application that would be considered a conditional use permit in other zones in the County. Given this, it is appropriate to at least consider the legal findings that must be made if a Conditional Use is being recommended for approval. If this type of application were being recommended for denial, the Commission would likewise specify the reasons for the denial based on the items listed below.

1. *Location is compatible to other uses in the general neighborhood.*

The application materials, flight plan map, narrative, responses of landowners and the public, and this staff report provide considerations about compatibility for making determinations about this proposal. Since last December, homeowners in Teton Springs were surveyed. There was a mixed response from those owning and living in Teton Springs. Staff stated last year that the people living in the neighborhood closest to the helipad should be given extra consideration. At the writing of that report in December 2011, there was almost the same number of property owners in favor of the PUD amendment as the number who opposed it. The Summer 2012 HOA survey, administered by a separate property management group (GTPM), found that there were a significantly greater number of owners in favor versus those opposed to having a winter time heli-ski operation. Based on the trend of answers and the simplest assumptions, it could be hypothesized that the preconceived impacts from the helicopter flights were not as negative as the observed or anticipated impacts.

It is difficult to make a statement about the compatibility of uses within Teton Springs since those uses are not defined by the PUD approval, nor are they stated in the Development Agreement. In fact, the restriction on commercial helicopter use is one of the few specific statements about approved uses within the Teton Springs PUD. It is staff's recommendation that the approved uses be more clearly defined as part of this Development Agreement Amendment including all allowable uses or types of uses and anything that would be explicitly prohibited. There should also be a process defined for changing the allowable uses within the amendment. This definition would

allow a better analysis of whether or not a heli-skiing operation is compatible with the other uses in the general neighborhood.

2. Use will not place undue burden on existing public services and facilities in the vicinity. The expansion of the helipad uses on Lot 8C to allow a commercial heli-ski operation does not place discernable burdens on the public facilities or services if appropriate emergency plans are put in place by HMH. Staff believes this criterion was met in issuing the temporary use authorization.

3. Site is large enough to accommodate the proposed use and other features of this ordinance. Websites about helicopter landing zones usually specify an area of about 100 feet by 100 feet (10,000 square feet) to be sufficient for a landing pad. Lot 8C is .26 of an acre or about 11325 square feet and there are adjacent golf course surfaces as a buffer. Staff believes this standard has been met.

4. Proposed use is in compliance with and supports the goals, policies and objectives of the Comprehensive Plan.

The 2011 staff report and the application narrative discussed the goals enumerated in the 2004 comprehensive plan. While the goals are not always specific enough to address each development project, generally the 2004 Comp Plan supported economic development and the benefits of small businesses that bring in jobs or augment the existing businesses. Given the limited scope of employment in the area, the development of recreational opportunities for tourist is encouraged. From the public comments the County received, jobs may be lost or less work available if the HMH heli-pad is not based at Teton Springs.

Other parts of the Comp Plan emphasize that quiet neighborhoods should not be subject to highly disruptive commercial intrusions. The economic benefits to many local businesses and workers must be weighed against the negative impacts to the quality of the life in closest proximity to the landing area.

SUGGESTED CONDITIONS OF APPROVAL:

1. The operation of the Teton Springs Golf & Casting Club helipad for a winter time heli-skiing operation, dates of operation to be December 25 through April 1 and operated by High Mountain Heli-Skiing as described in the application materials submitted to the Planning Office as noted above.
2. This project is approved as shown in the Application materials dated August 5 and September 16, 2011 and as supplemented with the flight path aerial pictures and description, and as conditioned or modified below. This Development Agreement amendment authorizes Teton Springs Golf & Casting Club to allow High Mountain Heli-Skiing to utilize Lot 8C, and Lot 8C only, during the ski season which is hereby delineated as December 25th to no later than April 1st. No other expansion of uses are authorized or permitted by this permit. Specifically, no scenic flights are authorized; only High Mountain Heli-Skiing flights are authorized for the purpose of delivering skiers to and from the USFS special use permit area. Skiers may be transported from Wyoming to Teton Springs on the day of their paid heli-ski activity. Flights for refueling, mechanical problems, or medical emergencies are also counted as part of the

High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad.

3. As a condition of approval, the Owner or an agent of Owner acceptable to the County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs, attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, the Planning and Building Department, or other County advisory agency, appeal board, or legislative body concerning the PUD amendment. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.
4. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements of Title 8 of the Teton County Zoning Ordinance, as amended August 11, 2011 and subsequent amendments.
5. A fuel spill containment plan shall be maintained. Any liability and cost for cleanup of spills will be incurred by the applicant.
6. In order to minimize adverse noise impacts to valley citizens, the commercial flight path of the departing and incoming helicopter flights shall be from the National Forest lands directly south of Teton Springs (as depicted in Staff Report Section 4: flight Patters). Commercial flights north of Teton Springs PUD are not authorized and flights north of Teton Springs may be made only for emergency reasons. Flights from Teton Springs to pick up skiers to the north of Teton Springs and/or the Driggs Airport are prohibited.
7. No more than 14 one-way flights are allowed in a single day with a maximum of 40 days of flying per season (December 25 – April 1). Hours of operation shall be restricted to between 9:00 AM and 4:30 PM with emergency flights as needed.
8. The vendor shall ensure that a flight log is kept and turned into the Planning and Building Department on a monthly basis (due the 10th day of the following month), and that reasons for deviation from the time restrictions be noted in the logs.
9. Loading and unloading of gear and clients onto the helicopter shall occur only on the helipad on lot 8C.
10. Allowed Equipment: The Bell 407, or its equivalent or less noisy helicopter, shall be used.
11. Teton County may issue a cease-and-desist order if any of the above conditions are not met and the flights will be grounded until such time as an appropriate remedy has been made. Multiple offenses to the above conditions will allow the County to permanently stop the winter heli-skiing operation.
12. Amend the Teton Springs PUD Development Agreement to define the allowable uses and types of uses within the Teton Springs PUD. As part of the amendment, define a process for amending those allowable uses in a new Development Agreement.

BOARD OF COUNTY COMMISSION ACTION:

- A. Approve the Amendment to the Teton Springs Master Plan and Development Agreement, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve application with modifications to the application request, or adding conditions of approval, having provided the reasons and justifications for the approval and for any modifications or conditions.
- C. Deny the application request and provide the reasons and justifications for the denial.
- D. Continue to a future Public Hearing with reasons given as to the continuation or need for additional information.

Given the information available at the time of this staff report, staff recommends continuing the public hearing until other uses in Teton Springs can be identified and defined and a more inclusive development agreement amendment can be made.

The following motion could state a finding of fact and conclusion of law if a Board member wanted to approve the request:

Having concluded that all four of the criteria for approving a conditional use permit are relevant and can be met in considering the amendment to the Teton Springs Development Agreement and Master Plan, and

Having found that the 2012 operations of the heli-ski business was a useful exercise in understanding the helicopter's impacts to the adjacent properties, and

Having found that the majority of Teton Springs homeowners still favor the heli-ski operation after the trial period, and

Having found that amending the Development Agreement and Master Plan would be in the net best economic interest of the Teton Springs Planned Unit Development and local businesses, and

And having found that the impacts of the operation can be acceptably mitigated if the temporary use limitations are made a part of the approval,

- *I recommend CONDDITIONAL APPROVAL of amending the Development Agreement to allow the Teton Springs Heli-pad for winter time use by High Mountain Helicopter as described in the application materials and with the proposed conditions of approval.*

Attachments:

Materials received since December 15, 2011 BOCC Public Hearing:

- Teton Springs letter and economic report submitted to Teton Planning Office dated 6-7-12 (economic impacts of heli operations) 5 pages.
- Email correspondences since December 2011 from Chuck Iossi, Pamela (Colby) and Lucian Carter, Diane Murphy, Frank and Martha Nachman, Stacey Frisk
- USFWS letter stamped April 3, 2012

- High Mountain Heli-ski spread sheets for landings and take offs from Teton Springs
- Development Agreement for Teton Springs Subdivision

The Board of County Commissioners was previously sent the below listed documents in December 2011 for the December 15, 2011 Board of County Commissioners Public Hearing. These materials are in the Planning Department files and are available for the Commissioners to review along with the 2011 application.

- PUD Amendment Application with narrative
- Jon Schick letter of Flight Paths submitted 8/31/11
- Jon Schick email of 12/07/11 about flight time constraints
- Seventh Judicial District Court judgment about quiet title to Teton Springs Golf & Casting
- SPCC Plan about fuel spill containment
- Teton Springs Winter 2011 Parking Plan
- Response letter from County Engineer Mazalewski dated 12/07/11
- Letters of Agency review:
 - Teton County Fire Protection District
 - City of Victor- Planning Administrator Bill Knight
 - USFS – Jay Pence – Teton Basin District Ranger email
 - Driggs Airport Board- Lou Christensen emails
- Numerous letters from adjoining landowners, business owners, employees, and the public

End of reportWritten by Planner Curt Moore