



**TETON SPRINGS HELIPAD-EXPANDED USE FOR A WINTERTIME HELI-SKI OPERATION**  
 Prepared September 2 for the Planning & Zoning Commission  
 Public Hearing of September 13, 2011

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

**APPLICABLE**

**COUNTY CODE:** Teton County Zoning Ordinance- Title 8 as amended May 12, 2011

**REQUEST:** Pursuant to Teton County Zoning Ordinance, Section 8-6-1, grant a Conditional Use Permit to expand the use of the existing and approved Teton Springs helipad to allow the commercial use of the pad during the ski season only for a heli-ski operation.

**PROJECT DESCRIPTION:** Utilize the Tract 8C “Heliopad” near the Teton Springs Lodge for a limited winter time commercial use. The Conditional Use Permit application would allow limited commercial flights to land and take off from Teton Springs approved helipad. The 2001 Teton Springs Planned Unit Development Agreement authorized helicopter flights from the Lodge area and specifically permitted a helipad- but flights with a commercial component were previously not authorized under that Teton Springs PUD approval. The limited helicopter uses designated for the Teton Springs pad is now proposed to be expanded to allow ski-season only use by High Mountain Heli-skiing (HMH) to fly clients to its Forest Service special use permit- area to the south. Teton County only has authority to regulate land uses on private property but not the permitted skiing uses on Federal lands. For financial and logistical reasons, High Mountain Heli-skiing and Teton Springs prefer the flights to originate from Teton Springs rather than the Driggs–Reed Memorial Airport, which is about 8miles to the north.

**VICINITY MAP**



Tract 8C Heliopad is located near the cart barn near the Teton Springs Lodge

**LEGAL DESCRIPTION:**  
 Tract 8C Heliopad -Teton Springs Golf & Casting Club

**LOCATION:** 36 Springs Parkway; Township 3 North, Range 45 East, Section 23; 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 Impact

**PROPERTY SIZE:**  
 Tract 8C = .26 acre

**PLANNING STAFF RECOMMENDATION:** Having determined that all the Criteria for Approval of a Conditional Use found in Title 8-6-1-B (7) can be satisfied with the inclusion of the recommended conditions of approval, the Planning Staff recommends APPROVAL of the Teton Springs Heli-pad for winter time use by High Mountain Helicopter as described in the Conditional Use application materials submitted August 5, 2011 and as supplemented with additional applicant information attached to this staff report.

**PROJECT BACKGROUND:**

- When the Teton Spring PUD resort was planned and approved, a heliopad 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 heliopad was depicted as Tract 6 on the Master Plan and the helicopter use was described in the recorded Development Agreement. Later, when the area was platted, the heliopad was platted as Lot 8C- Heliopad; it was about ¼ acre in size. The original PUD approval stipulated that the 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. (1.2 acres)*”.
- In January 2004, a call to the Planning Department reported that commercial heli-ski flights were taking place from Teton Springs.
- Planning Administrator Larry Booth wrote a letter dated January 27, 2004 responding to Teton Springs developer Mike Potter that commercial flights were not allowed, per the Development Agreement; see attached letters.
- Since 2004, it has been reported that heli-ski flights have taken place once again. In 2011, the owner of High Mountain Helicopter stated that he was told the issue had been resolved between Teton Springs and the County.
- One complaint in the winter of 2010/2011 was investigated by the Planning Department and it revealed that heli-skiing flights were taking place from the Teton Springs lodge area. Since the end of the ski season was near at hand, and there was a possibility that misunderstandings since 2004 may have taken place, the Planning Department did not immediately issue a cease and desist letter. High Mountain Heli-skiing was allowed to finish out the season they had begun and no further complaints were received from other citizens. The Planning Department informed Teton Springs and High Mountain Helicopter that they must apply for a Conditional Use Permit before the next ski season; otherwise they would not be permitted to fly from private land. The heli-pad could be located at either Teton Springs or at another valley location zoned A20, A 2.5 or C-3 or M-1. This application at the Teton Springs PUD helipad location is the result of that dialogue.

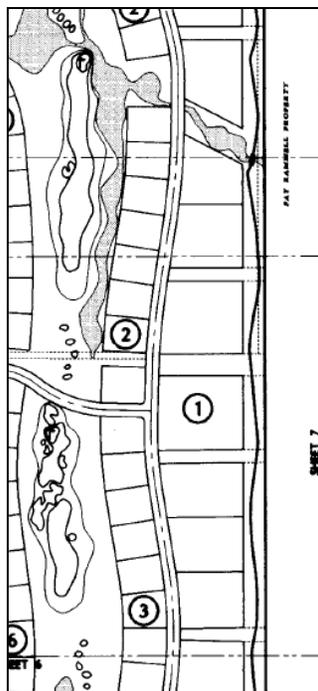
**CONSIDERATIONS:**

Previous Helicopter Use Approvals at Teton Springs

1. *What specific restrictions concerning helicopter flights were previously placed on Teton Springs and specifically on the “Heliopad” lot (labeled Tract 6 below and later platted as Lot 8C) which is on the Teton Springs Master Plan that was approved in 2002?*

Planning Staff comments: The 2002 Teton Springs Development Agreement stated that the heliport was for “*alternative transportation and emergencies*”. During the master plan approval meetings for Teton Springs, the helipad was intentionally not authorized to be a location for commercial flights. For some context, during the late 1990’s and early 2000’s various helicopter-related stories were in the Teton County, Wyoming newspapers. Among these headlines, scenic

helicopter flight operators were proposing short duration scenic helicopter flights over the mountains. This issue became one of regional concern similar to the well-known flight issues over Grand Canyon and Glacier National Parks. Given the context of events at the time of Teton Springs review, it is understandable that commercial flights, especially quick scenic flights, were prohibited. It is not clear from the Commissioner’s record if heli-ski flights were explicitly discussed, but commercial flights, including heli-skiing, were later determined by Planning Administrator Larry Booth to be not acceptable from Teton Springs. Helicopters being used for “alternative transportation” were allowed to land and take off from Teton Springs Lot 8C, but there was no restriction on the number of flights. The assumption for allowing some helicopter flights but prohibiting commercial flights would likely be because the commercial flights would be much more numerous than the occasional flight in by a resident.



BYRON NELSON

AREA/UNITS/DENSITY TABLE - MASTER PLAN					
AREA	BLOCK(S)	ACRES	UNITS(R)	UNITS(C)	DENSITY
COUNTY ROADS	-	7.65	-	-	-
SUBDIVISION ROADS	-	60.79	-	-	-
OLD TOWN ALLEYS	-	4.25	-	-	-
<b>TOTAL ROADS</b>		<b>72.69</b>			
RANCH ESTATE LOTS	1, 4	35.28	18	-	0.51
GOLF ESTATE LOTS	2-3, 5-8	72.46	98	-	1.35
GOLF HOME LOTS	9-19	76.24	172	-	2.26
OLD TOWN NORTH LOTS	20-23	10.79	88	-	8.16
OLD TOWN SOUTH	24-26	10.19	84	-	8.24
TRACT 9 (CLUSTERED CABINS)	-	12.82	50	-	3.90
<b>TOTAL RESIDENTIAL</b>		<b>217.78</b>	<b>510</b>		<b>2.34</b>
HILLSIDE CABINS	-	11.33	-	(50)	4.42
TRACT 8 (COMMERCIAL)	-	17.32	-	50	2.89
TRACT 5 (COMMERCIAL)	-	6.00	-	100	16.67
<b>TOTAL COMMERCIAL</b>		<b>34.64</b>		<b>200</b>	<b>5.77</b>
TRACT 15 (HASTINGS' RANCH)	-	5.00	5	-	1.00
TRACT 1 (OPER. & MAINT.)	-	5.12	24	-	4.69
TRACT 2 (WELCOME LOT)	-	0.49	-	-	-
TRACT 3 (EQUEST. & ACT.)	-	3.97	-	-	-
TRACT 4 (OLD BARN)	-	0.74	-	-	-
TRACT 6 (HELIOPAD)	-	1.20	-	-	-
TRACT 7 (GOLF ACADEMY)	-	1.44	-	-	-
TRACT 16 (WELL LOT)	-	0.92	-	-	-
<b>TOTAL MISCELLANEOUS</b>		<b>18.88</b>	<b>29</b>		<b>1.54</b>
OPEN AREAS (A-D)	-	3.25 (ADMINISTERED BY HOMEOWNERS)			
OPEN SPACE (1-7)	-	426.93 (ADMINISTERED BY GOLF COURSE)			
<b>TOTAL OPEN SPACE</b>		<b>430.18 (\$5.6% OF TOTAL LAND IN PROJECT)</b>			
<b>TOTAL PROJECT</b>		<b>774.17</b>	<b>539</b>	<b>200</b>	<b>0.95</b>

An excerpt from the 2002 Teton Springs Master Plan- “Tract 6-Heliopad” is enumerated

2. Noise:

*What is the expected pattern and level of noise disturbance related to this operation?*

Planning Staff comments: Excess noise from the helicopter is probably the greatest issue relevant to the impact analysis of this application. If one helicopter take-off and one landing count as two trips, then there could be as many as twelve one-way trips during the daylight hours of December, February, and March, with a few flights in April possible. The helicopter cannot fly everyday due to weather and the number of skier days is also restricted by the USFS permit. Twelve flights per day is a significant number of daily flights; nevertheless the Planning Department received complaints from only one person during the 2010-2011 season in which HMH actually operated from Teton Springs. That complaint was made to the Planning & Zoning Administrator and seemed to have emphasized the fact that *commercial operations* were going on contrary to them having been prohibited in Teton Springs. The 2010-2011 ski season may have had fewer flights than average because of bad weather. The Sheriff’s Department did not forward any helicopter noise complaints, if it received any during that period, to the Planning Department. In contrast to the Teton Springs heli-ski situation, helicopter–noise complaints were filed by dozens of people about 20 miles away in Wyoming when a private citizen flew his Bell Jet Ranger to his property outside of Wilson, Wyoming about 10 years ago. Those Wyoming complainants noted that their livestock became agitated. The comparative lack of noise complaints filed during the 2010-2011

heli-ski operations suggest that the short flights from Teton Springs south to the National Forest probably did not annoy as many rural residents because the noise is propagated over a lightly populated area before entering an uninhabited area less than one mile to the south.

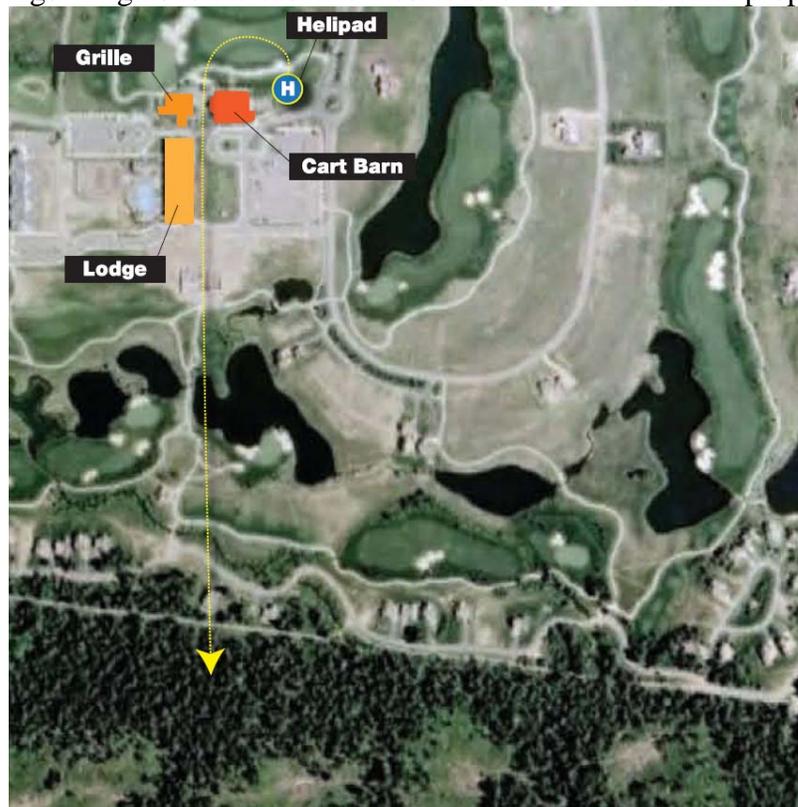
Letters from several residents within Teton Springs, some nearby the helipad, stated they were not disturbed by last year's flights. Other Teton Springs residents reported they would not like to have to suffer from the helicopter noise, especially if it was more than a flight out and back per day. It appears some Teton Springs residents were not aware that a heli-pad had previously been approved about 10 years ago when the resort was initially approved. From the public comments received, there is a lack of a clear consensus about the level of annoyance and disturbance of the helicopter noise, even among those who live closest 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 reminds them of unpleasant urban airports and busy freeways. Staff would have expected more complaints from last year's operation and a higher ratio of bitter letters if the helicopter noise had caused widespread or acute effects.

3. Flight Patterns:

*What are the proposed High Mountain Helicopter Skiing flight patterns from the Teton Springs heli-pad and what alternative flight pattern could they legally use?*

Planning Staff comments:

The applicant updated their application with a diagram depicting its flight patterns. The flight path heads due south towards the national Forest. Over private property, their path overflies a few dwellings, known as "The Cabins" within Teton Springs 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. Flights to the east and west would affect more rural properties.



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

Alternative helipad site. High Mountain Helicopter stated that their alternative to flying from Teton Springs is to fly from the Driggs–Reed Memorial Airport, about eight miles to the north. Given this legal alternative, the denial of the Teton Springs heli-ski CUP will likely displace the operations to the airport rather than shutting down heli-ski operations from Teton Valley. Since much of Teton County’s population lives between the Driggs airport and the National Forest lands at the south end of the valley – the number of residents exposed to aircraft noise would be greater than from southern locations adjacent to the National Forest. The County has no jurisdiction to restrict flights originating from the airport. There is no Conditional Use permit required by the County to fly a helicopter out of the airport. Depending on the flight pattern and Above Ground Level (AGL) elevation, it is likely to be noticed by more people and farm animals. While there is an existing level of aircraft noise around the Driggs Airport, it is unlikely that the many neighbors to that airport would be indifferent to the addition of more aircraft flights, especially helicopter flights.

4. Impact Mitigation:

*What mitigation measures are feasible to reduce helicopter noise both within Teton Springs and to nearby areas in the south valley?*

Planning Staff comments: Restricting the flight pattern from Teton Springs to the south, as depicted, will minimize the number of dwellings that are flown over. The effects of winds on the flight patterns and direction has not been studied, but some stipulations to expedite the helicopter’s climb or place a restriction on how far north it can fly may be warranted. Some restrictions on the AGL elevation may be worth considering once the flights are out of the immediate take-off and landing area. See the related condition of approval about flight paths.

5. Economic Impacts

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

Planning Staff comments: The applicant’s narrative provides information about the economic pluses that trickle down from their operations. Also, positive economic impacts were described in several letters, which are attached to this report. Letters were received from several local business owners who 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-lesors, 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 therapists. 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 might spend their wages on local goods and services.

6. Property Values

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

There does not seem to be a clear-cut answer to this question. The main negative economic impact that the planning staff could discover was the potential devaluation of a property’s value because of its proximity to the helipad and its associated noise. While it is true that homes near airport

runways generally have less value than similar homes outside of the noise and flight path, it is not clear that the same applies for a seasonal heli-ski operation and pad. The runway-property argument may not be comparing “apples to apples”. Heli-skiing is limited to winter time and not year round, and the flying characteristics of fixed wing aircraft is different from helicopters, which can gain elevation almost vertically and they are not limited to strict runway approaches like fixed wing aircraft are. Certainly there will be some real estate buyers who will choose to not buy a property next to a heli-pad, or may make a lower sales offer. This could harm the value of some existing homes in Teton Springs. Some letters allude to the monetary devaluation of their property from the noise. Other Teton Springs property owners feel quite differently and state that their currently distressed rental properties might be rented to heli-skiers. Other property owners indicate that having one of the six heli-ski operations in the lower 48 states located in Teton Springs will increase the resort’s status and national visibility and therefore add value and help real estate sales or rentals. Heli-skiing in the lower 48 states is associated with high-end destination resorts such as Telluride, Snowbird, Sun Valley, and Jackson Hole. It is debatable whether the resort community neighborhoods with helicopter skiing flights have suffered like houses at the end of runways in these same regions. It is not clear from the letters received that a decrease in property values is an inevitable consequence of heli-skiing operations. Teton Springs is only about one third built-out; it is not clear how more residents will feel about helicopter traffic.

There is probably a stronger argument for economic harm to nearby properties if this commercial operation involved multiple 15-minute scenic flights over the mountains all day long. It seems hi-end tourist specifically travel to the few locations in the U.S. that offer heli-skiing. On the other hand, scenic helicopter flights seem to draw in tourist traveling near attractions such as Grand Canyon or Glacier National Parks in a similar way that whitewater rafting or horse riding outfitters draw in tourists.

#### 7. Safety Concerns

*Are the homes in Teton Springs at a significant risk of having a helicopter crash onto them?*

Planning Staff comments: There is an increased chance that the HMH ship might crash in Teton Springs, as there is an increased chance that it might crash into homes, a school or hospital if it flies out of the Driggs-Reed Memorial Airport. HMH has not had crashes like this in its history of operations. For many years the helicopter flew out of the Jackson Hole Ski Area, which is also a densely populated resort area. Helicopters fly in very dense urban areas, land on hospital building roofs and fly in mountainous conditions; but this does not eliminate the possibility that a crash could happen in Teton Springs. A few residents in Teton Springs brought this safety concern up and other residents did not write about having a concern of the helicopter crashing.

#### **INTER-AGENCY AND DEPARTMENTAL REVIEW COMMENTS**

##### Teton County Engineer:

The County Engineer Mazalewski wanted additional information on the following: 1) provide fuel storage and fueling details, 2) provide the emergency procedures for spill containment of fuel, 3) what FAA authorizations, if any, are required, 4) demonstrate that there is adequate parking onsite to accommodate the use.

##### City of Victor:

A comment letter–email was received and is attached to this report. The email 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:

The IDFG did respond that they intended to provide an agency response later, saying “ *Thanks for speaking with me today concerning a Conditional Use Permit application submitted by Teton Springs Lodge for a Heli-ski landing pad. As noted in your August 19, 2011 letter sent to Mr. Steve Schmidt we are notifying you that we intend to provide written comments within the 45 day review period. We were unable to adequately review the proposed activity and provide written comments prior to August 31, 2011.*”

US Forest Service- Teton Basin Ranger District:

A comment letter–email from District Ranger Jay Pence was received and is attached to this report.

Teton County Emergency Management:

Greg Adams was not contacted about this application until September 2<sup>nd</sup>. Any response he may provide will be passed on to the Planning & Zoning Commission and the county website.

Driggs –Reed Memorial Airport Board:

A response email was sent from Driggs Airport Board on August 29<sup>th</sup>; it did not object to the flights taking off from Teton Springs.

Teton Fire Protection District: A comment letter is attached. It stated” *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-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 required public hearing for the Planning & Zoning Commission was duly noticed in the Teton Valley News and a 300-foot notification was sent via mail to surrounding property owners on August 15, 2011. The mailing went to many more people than those within 300 feet because anyone within a subdivision that has a lot within 300 feet of a project also gets a notification. Almost all 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**

A letter from VARD was received and is attached to this report. Numerous letters were received and rather than summarize the many thoughtful points, staff suggest that all letters be read because this application is a conditional use permit and the opinions of residents in the nearby vicinity are the most relevant consideration for a project that does not produce objective environmental impacts such as pollution, radiation, excess lighting, or traffic. The opinions about helicopter noise are quite variable in the letters.

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

The 2004 Comprehensive Plan proposed a vision and policies for the Valley that are listed below. The Commission should examine these statements and consider how the Teton Springs heli-ski expansion relates to the policies and goals.

**Chapter 2 Purpose of the Plan**

- *To protect property rights while making accommodations for other necessary types of development such as low-cost housing and mobile home parks.*

- *To ensure that adequate public facilities and services are provided to the people at reasonable cost.*
- *To ensure that the economy of the state and localities is protected.*
- *To ensure that the important environmental features of the state and localities are protected.*
- *To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fiber, and minerals.*
- *To encourage urban and urban-type development within incorporated cities.*
- *To avoid undue concentration of population and overcrowding of land.*
- *To ensure that the development on land is commensurate with the physical characteristics of the land*
- *To protect life and property in areas subject to natural hazards and disasters.*
- *To protect fish, wildlife, and recreation resources*
- *To avoid undue water and air pollution*
- *To allow local school districts to participate in the community planning and development process so as to address public school needs and impacts on an ongoing basis.*

Planning Staff Analysis: The introductory chapter's Purpose statement contains somewhat nebulous statements that can be interpreted and emphasized differently and are sometimes at odds with other policy statements. Basically, it is not clear whether the environment or the local economy should be emphasized more from the statements in this Chapter.

### **Chapter 5 Property Rights**

Policy 1: *The Teton County Comprehensive Plan acknowledges private property rights are protected under the 5<sup>th</sup> and 14<sup>th</sup> amendments of the United States Constitution and sections 13 & 14 of article 1 of the Constitution of the State of Idaho.*

Policy 2: *The Teton County Comprehensive Plan acknowledges the right and responsibility of Teton County to reasonably regulate land use.*

Policy 3: *The land use ordinances and actions of Teton County, including the policies, restrictions, conditions and fees, shall not violate private property rights, shall minimize adverse impact on property values and minimize technical limitation on the use of property consistent with state and federal constitution and statutory law. Implementation is implicit in and mandated by state and federal law.*

Planning Staff Analysis: The minimization of adverse impacts on property values is a common goal of many comprehensive plans. The adverse impacts in this situation are not clear. It is not clear that property values in Teton Springs will be further diminished if the heli-skiing flights are allowed. This helipad situation is not completely analogous to an urban airport runway situation. On the one hand, heli-skiing brings in wealthier tourist who are attracted to the activity and on the other hand some people may not get as high a value out of their home if it is near the landing zone. Residents of Teton Springs gave mixed reactions to the heli-skiing operation. At least two residents found year-round flights unacceptable, but were in support of the present application of winter-time only skiing use.

### **Chapter 7 School Facilities & Transportation:**

Planning Staff Analysis: Staff did not find any goals in this chapter relevant to this CUP.

## **Chapter 8 Economic Development**

*Policy 2: Grand Targhee is recognized to be of great economic importance to the economy. The county planning should complement and maximize economic opportunities for commercial support of this facility. County Planning should consider the impact on values important to tourism.*

*Policy 3: One of the county's prime economic values is the attraction of a rural, small town lifestyle, magnificent views, clean air and water, and abundances of outdoor recreational opportunities. Development and land use proposals that support and balance these values with desirable growth should be encouraged.*

*Policy 4: Employment opportunities are vital to a sound local economy. Support proposals that provide a variety of jobs for existing and future work forces without sacrificing quality of life.*

*Policy 5: To predict infrastructure costs, it is imperative that the County adopt a capital improvements plan as defined in the Idaho Code.*

Planning Staff Analysis: Policy 2 about Grand Targhee would be benefited because the heli-skiers sometimes use the cat-skiing operation for powder-skiing when the helicopter is grounded.

Policy 3 emphasizes outdoor recreational opportunities and many businesses suggested that this operation would benefit their business. Several letters suggested that their jobs were related to or depended upon the heli-ski operation. Policy 4 about employment opportunities suggest that proposals that create a variety of jobs are to be supported if the quality of life is not unacceptably sacrificed.

## **Chapter 9 Land Use:**

*Policy 7: Foster the economic viability of the cities by encouraging development of most types of commercial enterprises in or near the cities or their impact areas. However, a limited amount of commercial development is appropriate and necessary within the county because it is not suited for cities or their impact areas.*

Planning Staff Analysis: Policy 7 suggests that the Teton Springs location may be somewhat acceptable from an economic and locational point of view because there are nearby restaurants and stores that are close enough that the heli-skiing guests would travel to nearby Victor. The City of Victor letter alluded to the possibility of increased business activity.

## **Chapter 10 Natural Resources:**

*Policy 4: Conserve and protect esthetic values including scenic open spaces, quiet neighborhoods, dark night skies, clean air, safe communities, and accessible public lands.*

Planning Staff Analysis: Policy 4 mentions quiet neighborhoods and an increase in helicopter traffic would affect this. Teton Springs is an unusual neighborhood in that it is zoned as a planned resort and it even platted a lot for a helicopter landing pad over a decade ago. Some responses from neighborhood residents were opposed and some in support of the heli-ski use. Given the mixed reactions, it is not universally accepted that this neighborhood regards the helicopter noise as unacceptable. A letter from the president of the Teton Springs homeowners association supports the heli-pad CUP.

## **Chapter 11 Hazardous Areas:**

Planning Staff Analysis: Staff did not find the three policy goals in this chapter to be relevant to the Teton Springs CUP.

## **Chapter 12 Public Services & Utilities:**

Planning Staff Analysis: Staff did not find that the six policy goals in this chapter to be relevant to the Teton Springs CUP.

## **SECTION 8-6-1-B-7 CRITERIA FOR APPROVAL OF A CONDITIONAL USE**

The following findings of fact shall be made if the Conditional Use is being recommended for approval. If the application is being recommended for denial, the Commission should likewise specify the reasons for 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, and responses of landowners and the public, and this staff report provide considerations about compatibility for making determinations about this proposal. There is a mixed response from landowners in Teton Springs. The reactions are somewhat polarized but the neighborhood people living closest to the helipad should be given extra consideration. At the writing of this report, there were a few more property owners in favor of the CUP than the number who opposed it. The president of the HOA supported the application. Staff believes this is the most debate-worthy criteria for approving or denying this application.

***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. Staff believes this criteria has been met.

### ***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 nearby 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.***

This staff report and the application narrative discussed the goals enumerated in the 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. These benefits are to be weighed against impacts to the quality of the local lifestyle. From the public responses, jobs may be lost or less work available if the HMM heli-pad is not based at Teton Springs.

## **RECOMMENDED CONDITIONS OF APPROVAL**

Section 8-6-1-B-8-D (Additional Conditions) makes provisions to attach project-specific conditions on a Conditional Uses application in order to ensure the public health, safety and welfare and to ensure full compliance with all requirements of the Zoning Ordinance.

1. Unless specifically provided otherwise herein or by law, each condition of these Conditions of Approval shall be completed to the satisfaction of the County. Failure to comply with this provision may be used as grounds for revocation of this permit.
2. The Conditional Use Permit approval shall be effectuated within a period of twelve months from the approval date and if not effectuated shall expire on December 31, 2012. Prior to said expiration date, the applicant may apply for an extension of time, provided, however, this approval shall be extended for no more than ninety days.
3. This project is approved as shown in the Application materials dated August 5, 2011 and as supplemented with the flight path aerial pictures and as conditioned or modified below. This

conditional use permit 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 here delineated as December 1<sup>st</sup> to no later than April 9<sup>th</sup>. No other expansion of uses are authorized or permitted by the permit. Specifically, no scenic flights are authorized, only flights 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 allowed as part of the High Mountain Skiing commercial helicopter flights coming to or departing the Teton Springs heli-pad.

4. 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 conditional use permit. 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.
5. 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 May 12, 2011 and subsequent amendments.
6. After the 2011-2012 ski season, the applicant and Planning Administrator shall evaluate the heli-ski operations, any formal complaints, and the Planning Administrator may recommend amendments or new conditions to become part of the Conditional Use Permit. These conditions are subject to a public hearing in front of the Board of County Commissioners before they are added as conditions of the Teton Springs heli-pad permit.
7. After May 1, 2012 and following the Planning Administrator's review, the Teton Springs PUD Development Agreement shall be amended to include the commercial use of winter time heli-skiing operations. The Development Agreement shall state that the conditional use permit expires in 5 years, however it may be renewed. The Development Agreement shall also state that the county permit may be revoked if conditions of approval are found to be violated.
8. A fuel spill containment plan and fuel storage plan shall be submitted to and approved by the County Engineer prior to the Board of County Commission public hearing being scheduled for this CUP. Any standards required by Idaho DEQ shall be adhered to.
9. Teton Springs shall provide evidence to the County Engineer that there is sufficient parking to accommodate the new use at the Teton Lodge facility.
10. High Mountain Helicopter shall provide evidence to the County Engineer that its operation from Teton Springs is acceptable to or not regulated by the Federal Aviation Administration.

11. The Teton Springs-High Mountain Heli-skiing helipad Conditional Use Permit shall expire five years after the approval and may be renewed. Future conditions in Teton Springs, such as an increase in the number of lots built upon, may change the circumstances of this permit. The review and renewal of this Conditional Use Permit shall take place at a public meeting before the Board of County Commissioners between April, 2016 and November 2016.
12. In order to minimize adverse noise impacts to valley residents, the flight path of the departing and incoming helicopter flights shall be from the National Forest lands directly south of Teton Springs. Regular flights north of Teton Springs PUD are not authorized and flights north of Teton Springs may be made only for extenuating atmospheric or emergency reasons. Flights from Teton Springs to pick up skiers to the north of Teton Springs and/ or the Driggs Airport are prohibited.
13. No more than twelve one way flights are allowed in a single day with a maximum of \* \_\_\_\_\_ days of flying per season.

\* to be discussed a the public hearing

**PLANNING & ZONING COMMISSION ACTION:**

- A. Approve both the CUP, with the recommended conditions of approval listed in this staff report, having provided the reasons and justifications for the approval.
- B. Approve the CUP 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 variance application request and provide the reasons and justifications for the denial.
- D. Continue to a future PZC Public Hearing with reasons given as to the continuation or need for additional information.

**PLANNING STAFF RECOMMENDATIONS:** The Planning Staff recommends:

ACTION A, APPROVE the Teton Springs Heli-pad for winter time use by High Mountain Helicopter as described in the Conditional Use application materials submitted August 5, 2011 and as supplemented with additional applicant information attached to this staff report.

Staff suggests the following motion:

*Having determined that all the Criteria for Approval of a Conditional Use found in Title 8-6-1-B (7) can be satisfied with the inclusion of the recommended conditions of approval, the Planning Staff recommends APPROVAL of the Teton Springs Heli-pad for winter time use by High Mountain Helicopter as described in the Conditional Use application materials submitted August 5, 2011 and as supplemented with additional applicant information attached to this staff report.*

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**Appeal:** Appeal of the decision of the board is subject to judicial review as provided in the Idaho Code.

**Judicial Review:** *An applicant denied a conditional use permit or aggrieved by a decision may, within twenty-eight (28) days after all remedies have been exhausted under this title, seek judicial review under the procedures provided by Chapter 52, Title 67, Idaho Code.*

**List of Issued Permits:** *a list and/or files of conditional use permits will be maintained in the planning and zoning office by date of approval by the commission. Conditional use permits will be reviewed at least once every five (5) years after approval, unless conditions otherwise outlined in this title require review more often. The planning and zoning commission and/or the board of county commissioners may review conditional use permits at any time after approval if the conditions or use changes.*

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End of report .....Written by planner Curt Moore

Attachments:

- Application with narrative, Jon Schick letter of Flight Paths submitted 8/31/11
- 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

(All public letters were posted on the Teton County Idaho Website at this link:

[http://www.tetoncountyidaho.gov/pdf/additionalInfo/Teton\\_Springs\\_CUP\\_public\\_comments.pdf](http://www.tetoncountyidaho.gov/pdf/additionalInfo/Teton_Springs_CUP_public_comments.pdf)

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End of report