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October 31, 2012

Board of County Commissioners  
150 Courthouse Drive  
Driggs, Idaho 83422

Re: Teton Springs Helipad

Dear Commissioners;

I am writing to you on behalf of my client, the Teton Springs Home Owners Association, Inc. (the "HOA"). The HOA is the master association with jurisdiction over the entire development, except the golf course. I have been asked to write you a letter outlining what I believe to be the state of facts and the HOA's position regarding the operation of a heli-ski operation inside the Teton Springs Community. Please understand that I do not represent all the lot owners, but rather the interests of the HOA. I understand that you asked for the voice of the "community" and therefore a survey was performed by the HOA, which I might point out went above and beyond any protocol contained in the HOA's governing documents.

I believe there are three primary documents that need to be considered when analyzing the situation at hand, the Development Agreement (the "DA"), the Master Declaration of Protective Covenants (the "Declaration"), and all of the Teton Springs Golf and Casting Club Plats (the "Plats") (all as most recently amended). The Declaration has a number of restrictions that when read on their own would prohibit the operation of a helipad, much less a heli-ski operation. Most of these provisions are contained in Article III regarding General Restrictions. However, Section 13.11 entitled "Conflicts with Plats" states that when the Declaration conflicts with any of the Plats that the Plats shall govern. Clearly the Plats anticipate the operation of a helipad and therefore I do not believe that any of these prohibitions can be used to stop such an operation in a general sense. Regardless, I do believe that the Declaration should be applied to the helipad in any aspects that do not conflict with the Plats, which is I believe any parameters that are not an outright prohibition. Without going into detail, as the Design Review

Committee is better equipped to do so, screening of any above ground gas tanks and other such treatments required by the Declaration need to be adhered to.

The question then becomes whether or not the Plats contemplate the use of a commercial helipad, more specifically a heli-ski operation. This is where things get a bit convoluted. While the first set of Plats call the helipad a miscellaneous use lot, a later amendment calls it a commercial use. The change to a commercial designation on the Plat appears to have been made on a plat amendment that was recorded for a purpose unrelated to the helipad, which questions the legitimacy of the change to a commercial use of the helipad on the Plat. Dawn Felchle and I performed an electronic search of the BOCC minutes to see if we could find any resolution relating to this Plat amendment. Not only could we not find any resolution relating to this Plat amendment, but we also could not find any resolutions relating to any Plat amendments. I point this out only because I find it a bit odd, and it could be that our search methodology was flawed, I simply do not know. In addition, it is a requirement of the Declaration under Section 13.3 that any change to the Declaration or the Plat relating to the use of a lot requires approval of two thirds of the membership of the HOA. As far as I know, such a vote never took place and although this amendment may have been recorded during the period of Declarant control, I do not believe that the Declaration gave the Declarant the ability to make unilateral changes to the use of a lot.

The DA then becomes the next logical place to look for guidance on the issue. Unfortunately the DA leaves us with a vague understanding of the intended use of the helipad. It states that it is to be used for "alternative transportation and emergencies". I am not inclined to make a determination as to what such a non-descript and vague phrase means. I will point out that the minutes of the BOCC for the meeting wherein the Teton Springs master plan and PUD was first approved state that the developer stated that the helipad would not be used for commercial purposes. That statement never made its way to the resolution of approval or the DA so its legal import beyond extrinsic evidence is limited.

We are left with a suspect Plat amendment that calls the helipad a commercial use, and a vague description of that use in the DA. I am not certain as to what it means to be a "miscellaneous" use as that term is used on the Plat. However, it is worth pointing out that certain other tracts listed as miscellaneous on the Plat have uses spelled out in the DA that are commercial in nature such as the equestrian tract and the maintenance and operations tract, which calls for office space among its uses.

The BOCC has asked the HOA Board for its opinion on the issues relating to the use of the helipad, and at this point these are my beliefs and understanding and I believe they are in line with the HOA's beliefs and understanding. The HOA has not been asked by the applicant to exercise any of its powers or to make any determination within its scope of authority. Regardless, I do not believe that the Declaration gives the HOA Board the authority to make any determination that

would help the applicant's cause. The applicant has made application to the BOCC for an amendment to the DA as it is unclear what the current language means. The DA is between the applicant and the BOCC and therefore you need to make a determination as to whether or not you want to allow for such an amendment. In the event that the applicant wishes to amend the Plat to make this issue more clear they can call for a vote of the HOA membership.

Very truly yours,

Herbert Heimerl

Frank Hess\*  
Leonard R. Carlman\* (Of Counsel)  
Paul E. D'Amours\*\*  
Nicole G. Krieger\*  
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November 2, 2012

Board of Teton County Commissioners  
150 Courthouse Drive  
Driggs, Idaho 83422

Via email: [commissioners@co.teton.id.us](mailto:commissioners@co.teton.id.us)

Re: Teton Spring Helipad

Dear Commissioners,

I represent a group of Teton Springs residents and property owners who have formed an ad-hoc committee, which is chaired by Chuck Iossi, to oppose the proposed commercial heli-ski operation in Teton Springs because it fundamentally changes the nature of their subdivision. I have spent hours researching the application that is before you to amend the Teton Springs PUD/Development Agreement in an attempt to gain an in-depth understanding of the issue. Hopefully, my findings can contribute to your understanding of the issue as you consider the application.

In conducting my research, I have reviewed numerous documents, including the following:

1. Development Agreement recorded February 13, 2001 as Instrument No. 141372, ("Development Agreement");
2. Master Plan Plat for Teton Springs Golf and Casting Club Phase I recorded February 13, 2001 as Instrument No. 141371, ("Original Plat");
3. Amended Plat for Teton Springs Golf and Casting Club Phase I recorded April 4, 2003 as Instrument No. 153992 ("Amended Plat #1");
4. Amended Plat #2 for Teton Springs Golf and Casting Club Phase I recorded June 9, 2003 as Instrument No. 155277 ("Amended Plat #2");
5. Amended Plat #3 for Teton Springs Golf and Casting Club Phase I recorded September, 2003 as Instrument No. 157496 ("Amended Plat #3");
6. Fourth Amendment to Master Declaration of Protective Covenants and Master Development Guidelines for Teton Springs Golf and Casting Club recorded April 11, 2005 as Instrument No. 167362 ("Teton Springs CC&Rs");
7. Minutes of the Teton County Commissioners, dated June 12, 2000;

8. Letter from Mike Potter to Larry Boothe and Patricia Kopplow dated January 26, 2004;
9. Letter from Larry Boothe to Mike Potter dated January 27, 2004;
10. Minutes from Teton County Planning and Zoning Commission, dated October 11, 2011; and
11. Staff Report for public hearing originally scheduled for September 6, 2012 (“Staff Report”).

Based upon my review of the above-referenced documents, it is clear to me that the helipad located at Teton Springs was always intended to be limited to non-commercial use by homeowners for alternative transportation, and for emergencies. The Development Agreement limits the helipad to non-commercial use wherein it states: “Heli-port: For alternative transportation and emergencies....” If this language in the Development Agreement created in any doubt as to the nature of use of the helipad, the minutes from the Teton County Board of County Commissioner meeting held on June 12, 2000 remove that doubt. In response to a question from Victor City Councilman, Dave Kearsley, as to whether the helipad in Teton Springs would be a private helipad, the developer’s representative, Mike Potter, responded: “it’s not commercial.” (Minutes of the Teton County Commissioners dated June 12, 2000, p. 5, a copy of which is attached hereto as Exhibit A.)<sup>1</sup>

Subsequent correspondence between Teton County Planning Administrator Larry Boothe and Mr. Potter similarly reflects the intent that the helipad be limited to non-commercial uses. In response to neighbor complaints about helicopter usage, Mr. Potter submitted a memorandum dated January 26, 2004 to Mr. Boothe which stated, in part: “It was brought to my attention that we had helicopter landings in the northern portion of our project recently. I appreciate the frustration of our neighbors who were upset by this.” Mr. Boothe responded the next day with a letter stating the following:

Thank you for your memorandum explaining the recent use of a helicopter landing in Teton Springs the past few weeks. As you are aware in the Development Agreement between Teton Springs and Teton County, Idaho the heliport is to be used for emergency and alternative transportation for property owners within the development. It is not to be used for commercial or sales use.

(Copies of the January 26, 2004 memorandum and January 27, 2004 response are attached hereto as Exhibits B and C)(emphasis added).

The Teton County Planning Department has consistently maintained this position that the helipad was not intended be used for commercial purposes. According to minutes from the

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<sup>1</sup> Immediately before stating that use of the helipad would not be for commercial purposes, Mr. Potter provided insight into the use contemplated as “alternative transportation.” Mr. Potter indicated that flights would come from either “Jackson or IF”. Since Jackson and IF (Idaho Falls) are the locations of the nearest airports offering commercial air service, it is clear that Mr. Potter was contemplating shuttling property owners from either the Jackson Hole or Idaho Falls airports to Teton Springs via helicopter.

planning and zoning commission meeting held on October 11, 2011, at which a similar PUD amendment application was considered, then-Interim Planning Administrator Curt Moore stated the following: “The 2002 Teton Springs Planned Unit Development Agreement delineated the helipad for the purpose of alternative transportation and emergencies, but flights with a commercial component were not authorized under the Teton Springs PUD approval.” (Minutes of the Teton County Planning and Zoning Commission dated October 11, 2011, p. 2, a copy of which is attached hereto as Exhibit D)(emphasis added).

The recorded plats for Teton Springs similarly support the view that the helipad was not intended to be used for commercial purposes. On the Original Plat, the Area/Unit/Density Table on Sheet 1 lists “Tract 6 (Heliopad)” as one of the “Miscellaneous” areas; the “Commercial” areas were limited to Tract 8 and Tract 5. (A copy of Sheet 1 of the Original Plat is attached hereto as Exhibit E.)

The purposes of Amended Plat #1 was to adjust the boundaries between Tract 8 and Tract 5, to split Tract 8 into two tracts (Tract 8A and Tract 8B), and to adjust the boundaries of Tract 2, as can be seen by the shading on the Amended Plat. On the Area/Unit/Density Table on Amended Plat #1, Tracts 8A, 8B and 5 are listed as within the commercial area, and the Tracts’ respective acreage is updated.<sup>2</sup> (A copy of Amended Plat #1 is attached hereto as Exhibit F.)

As can be seen from the shaded areas on Amended Plat #2, the purpose of Amended Plat #2 was to relocate the heliport/helipad from Tract 6 to a new Tract 8C, located north of the “commercial and parking” Tract 8B. The new Tract 8C contains substantially less acreage than Tract 6, and continues to be listed in the “Miscellaneous” area category on the Area/Unit/Density Table on Sheet 1; Tracts 8A, 8B and 5 continue to be only lots designated as commercial areas. (A copy of Amended Plat #2 is attached hereto as Exhibit G.)

The next amended plat recorded, Amended Plat #3, does not purport to amend anything with respect to the helipad, as can be seen by the shaded areas. (A copy of Amended Plat #2 is attached hereto as Exhibit H.) Instead, the sole purpose of Amended Plat #3 is to re-plate Tract 5 into 6 residential lots. As one might expect, Tract 5 was moved within the Area/Unit/Density Table from being listed as a commercial use to a residential use. However, either by mistake or otherwise, the developer changed the designated use of the helipad within the Area/Unit/Density Table from miscellaneous to commercial even though the helipad was not purported to be affected by Amended Plat #3 as reflected by the shading contained thereon (and, therefore, was likely not brought to the attention of any body or administrator that reviewed Amended Plat #3). Had the change in the designated use of the helipad been an intended subject of Amended Plat #3, Tract 8C would have been shaded just as it was on Amended Plat #2, or just as Tracts 2, 5 and 8 were shaded on Amended Plat #1, or as Tract 5 was shaded on Amended Plat #3. It wasn’t.

Similarly, had Amended Plat #3 intended to change the use of the helipad, an amendment to the Development Agreement would have been required, just as it is now required. Moreover,

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<sup>2</sup> Clearly, the Area/Unit/Density Table represents the lot characteristics *after* the amended plat becomes effective.

Amended Plat #3 was approved and signed by the Planning Administrator Larry Boothe on September 22, 2003, and recorded that same day. As noted above, Mr. Boothe sent a letter to the developer on January 27, 2004, approximately three months after Mr. Boothe signed Amended Plat #3, in which he stated that the helipad was not for commercial use. It is difficult to imagine that Amended Plat #3 could have changed the use designation of the helipad to permit commercial uses when the very individual who approved and signed the plat on behalf of the Planning Department unequivocally stated only three months later that “It is not to be used for commercial ... use.”

The Development Agreement and the plats clearly limit the use of the helipad for alternative transportation for property owners within Teton Springs, and for emergencies. This limitation on the use of the helipad is particularly important in relation to the Teton Springs CC&Rs. Paragraph 13.3 of the CC&Rs requires that to change the *use* of any lot, an amendment to the CC&Rs must be approved by *not less than 67% of all property owners*.

Given the requirements to change the use of the helipad under the Teton Springs CC&Rs, it is entirely appropriate for you, the Board of County Commissioners, to require the applicant to effectuate an amendment to the Teton Springs CC&Rs prior to your consideration of the application. I appreciate that, like most county commissioners, you probably do not like to get involved with issues involving CC&Rs. However, in this instance, to do otherwise and to allow the application to proceed without the necessary amendment to the Teton Springs CC&Rs, is putting the cart before the horse, especially since the Teton Springs CC&Rs were approved as part of the Teton Springs PUD/Development Agreement approval. Only after the developer has met this threshold requirement and obtained the consents necessary to pass an amendment to the Teton Springs CC&Rs should you consider the application that is now before you. And should that time come, I would then asked that you to give extra weight to the opinions of those individuals who are disproportionately affected by this change in use, namely, the full-time residents of Teton Springs.

My clients include some of those full-time residents of Teton Springs, and they oppose the proposed change in use of the helipad to allow a heli-ski operation in Teton Springs because it fundamentally changes the nature of their subdivision. My clients decided to purchase properties and reside in Teton Springs because Teton Springs was and is a residential community. As noted in the Teton Springs CC&Rs, the CC&Rs were established “for the purposes of enhancing and protecting the value, desirability and attractiveness of the Common Interest Community *and enhancing the quality of life within the Common Interest Community.*” (Emphasis added). For my clients, a commercial heli-ski operation not only diminishes the value, desirability and attractiveness of Teton Springs, but it diminishes the quality of life that they enjoy there. Such a commercial operation would transform Teton Springs from a quiet neighborhood that provides residents the opportunity to enjoy the serenity of their natural surroundings through an extensive network of trails, to an area more likely to be found next to an airport – characterized by frequent helicopter flights, take offs and landings; and the accompanying noise, fumes and disruption that result. Had my clients desired to live near an airport, they would not have purchased in Teton Springs.

Thank you for your thoughtful consideration of this matter. Please don't hesitate to contact me if you have any questions, or if I can provide any additional information to assist you in your consideration of this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul E. D'Amours", with a long horizontal flourish extending to the right.

Paul E. D'Amours

Enclosures

Cc: Kathy Spitzer via email  
Dawn Felchle via email  
Curt Moore via email

**TETON COUNTY, IDAHO  
BOARD OF COUNTY COMMISSIONERS  
AMENDED MINUTES  
JUNE 12, 2000**

**TETON SPRINGS PUD FINAL PLAT AND ZONE CHANGE APPLICATIONS**

**PRESENT:** Brent Robson, Chairman; David Trapp; Mark Trupp.

**VICTOR CITY COUNCIL MEMBERS PRESENT:** David Kearsley; Randy Thomas; Mary Faye Tonks; Grant Thompson; Don Thompson, Mayor

**OTHERS PRESENT:** Nolan Boyle, County Clerk; Laura Lowery, Prosecuting Attorney; Larry Boothe, Planning Administrator; Joyce Gaebel, Deputy Planning Administrator (taking minutes); Patricia Koplow, P&Z Administrative Assistant.

MEETING CALLED TO ORDER AT 7:10 P.M. BY CHAIRMAN.

This hearing is a joint public hearing with the Teton County Commissioners and Victor City Council on the Teton Springs PUD final plat application and a zone change application from A-2.5 to R-1 in conjunction with the final plat.

Larry Boothe reviewed the process of the Teton Springs application. Concept application was approved last fall by the Planning and Zoning Commission and the Board; Preliminary plat work meetings were held over several months with Preliminary approval granted by the Commission on March 8, 2000; Final plat approval was granted by the Commission on May 3, 2000 with an accompanying zone change from A-2.5 to R-1 for a PUD. Staff in general can find no legal objections pertaining to the ordinances for the development.

Applicant Presentation by Mike Potter:

There's been six formal meetings and three workshops. There's been consistent input from the community. This plan is far superior to where we were one year ago. The density is less and the layout of the golfcourse has vastly improved from a year ago. Proper research was done regarding this property.

Tom Campbell, BIOTA Research Consulting:

My firm was retained to provide a variety of environmental consulting to the applicants including a Natural Resource Inventory, Wetland Delineation, Cultural Resource Survey, Fish Habitat Enhancement Plan, Design for the ponds, and a Flow Measurement Study. The focus of the Natural Resource study was on surface hydrology, wetlands and vegetative cover types and relate that information into the context of wildlife and wildlife habitat and it's use. There are no crucial wildlife winter ranges on the property. We contacted US Fish & Wildlife and Idaho Fish &

Game. US Fish & Wildlife listed two species of concern - Grey wolf is identified as an experimental non-essential population, and a small wetland flowering plant is identified as a threatened species. The Canada Lynx is listed as a threatened species but the project will not impact it. Yellowstone Cut Throat Trout was listed as a species of special concern although it was a native species, the Rainbow and Brook Trout have displaced it and whether they are present remains to be seen. There are opportunities to reintroduce and enhance the watercourses for a population of Yellowstone Cutthroat Trout. Idaho Fish & Game identified five primary concerns:

1. Agreement that prohibits the landowner from filing a claims against Idaho Fish & Game for wildlife damage occurring on the property
2. Prohibiting wildlife feeding,
3. Restraining pets at all times.
4. Site improvements constructed and maintained in a manner that minimizes potential for erosion, sedimentation, fertilizer and pesticide runoff.
5. Prohibiting removal of wetland and riparian vegetation.

All of these items were passed onto the applicant and we're confident that they've been dealt with in the CC&R's.

A routine wetland delineation was completed and the information was submitted to the Corps of Engineers for jurisdictional determination and we have recently received a letter back agreeing with our jurisdictional recommendation associated with our findings. Necessary authorizations will be acquired before the work is done.

A Cultural Resource Inventory was completed by Stephanie Crockett and identified several prehistoric sites. All historic sites were associated with water and the survey will be submitted to the state historical preservation office.

A Fish and Habitat Enhancement Plan were completed. A comprehensive fish habitat enhancement plan was developed for the lower portion of Warm Creek after the Cold Creek Confluence. Pond designs were provided to the applicant on how to develop wetlands and habitat.

A Flow measurement study is being completed to assure proper planning and use of water on the property.

Bob Ablondi, Consulting Engineer, Jorgensen Engineering:

Wastewater and drilling an 800 foot deep exploratory well at the northeast corner of the project. Tom Wood (geologist) assisted. There weren't high capacity of wells, 50 well logs were in the area. 795 feet down, warm water supply 90 degrees. Very prolific supply for the use of the project. Pump tested at 300-350 gpm but we didn't push the limits of what it could do.

Wastewater will be a community system. The capacity is there and it coincides with the design review engineer's plans. We think we have a fair agreement with Victor and Driggs. We came up with a water quality monitoring program for both surface and ground water. Fertilizer and pesticides mitigation will be dealt with. Should not cause any measurable impacts on the surface of groundwater. Results will be collected and annual reports will be presented to the state agencies to document what the impacts are.

Arnold Woolstenhulme, Engineer:

Central water system, the source would be from wells with a storage tank with 300,000-gallon storage capacity. Supply lines will supply the project with an 8" to 12" line to connect to fire hydrants and supply water. This has been coordinated with DEQ, District 7 Health and the Fire Marshall and the plans were reviewed by John Jensen, Fire Engineer. The irrigation system is separate from the domestic water. Trail Creek will supply a lot of the water rights, String Canal, and Warm Creek water rights. The sewer system will be tied into the City of Victor system. Working with District 6 Highway Department, the primary access will be onto Highway 33 and will tie into the highway system on Baseline Road. The developer has proposed to upgrade the road and pave Baseline Road. We are working on turn lanes and traffic.

Roy Moulton, Attorney:

You are considering a zone change application, Conditional Use Permit and application for Final Plat. New ordinance requires a zone change for this kind of use. A-2.5 zone is rural residential and ag. The A-2.5 has been the area of the most intense development. This property is all within A-2.5. The proximity to the City of Victor justifies the zone change. The development agreement is very extensive. Some studies were done voluntarily in order to defend the development. Documents that were presented to the Commission by Phyllis Lamken - there is nothing in any of the writings that weren't carefully addressed by the P&Z. The conclusions are misplaced and the allegations are conclusionary without reference to particular provisions that she would allege are violated. PUD's were allowed under the old ordinance as well as the new ordinance.

Mike Potter:

There are three sets of documents before you: Plat maps, the Development Agreement and the Covenants. The total bonded amount is about 5 ½ million dollars to do the first phase. Phase 1 is a massive undertaking. Explained the improvements that will be done. Reviewed the Development Agreements.

#### PUBLIC COMMENTS:

Toni Hill, Bates - concerned about setting a precedence, providing services, low-income residents moving in, the Teton River, the helipad. There's very little open space. Less density should have been asked for. Nitrogen tests are very important.

Phyllis Lamken, Victor - submitted written objections. The surrounding property is 2.5 acres or larger. Nothing remotely close with this type of density or commercial. Reviewed the land use chart. Community well needs a CUP. Only 2% of the uses can be used as incidental. Disagree with the "clustering". Reviewed some review agency letters. Zone change - consider if this is the best thing for the development. There's potential for additional students in the schools. Concerned about the fiscal impact study. Give a lot of consideration to this and require some changes before it's approved.

Jason Rammell, SLC - haven't heard anything that hasn't been rehashed in other meetings. The documents submitted by Phyllis are trying to distract you. The information has been properly submitted. Legally I don't see a cause for why this project should be denied.

Vancie Turner - concerned about density, sewer capacity, Teton River, and would like to

see an independent review. The open space is a joke, wants to see an Audubon course.

Lou Parri, Fox Creek - concerned about social and service impacts. There are options for the developers and the property owners. A major commercial district being developed within the resort. Very few dollars will flow out into the community, this is a self-service development. The heliport doesn't make sense.

Mark Rammell, Rexburg - father is Merrill Rammell, one of the property owners. Issues initially raised have been resolved. People will always opposed. Cannot stop the growth in the valley. The application complies with the ordinance and the law. This property will go to homes one way or another.

Bob Tyler - farmers could develop and sell 2.5 acre lots. A destination resort will bring in commercial entities and accelerate growth. Teton County, WY does not consider golf courses as open space. Suggest that the developer purchase an equal number of private acres and donate them to the county or private organization and make it open space in perpetuity.

Bruce Simon - familiar with Teton Pines. People that will buy and move here will love it. There will be a lot of people who will enjoy this type of project. Some people who are opposed to this are opposed because it is a change.

PUBLIC COMMENT CLOSED.

Applicant Rebuttal, Mike Potter:

The testimony tends to be emotional. You can't make everybody happy. We can work within the legalities of your documents. The heliport was relocated to the interior of the project. It will not impact the surrounding area. Use will be controlled through the property owner's association. Phase 1 is the construction of all of the offsite road improvements. The creation of the perimeter trail system. Golf course, ponds, irrigation system, tennis amenities, clubhouse, parking is part of Phase 1. All documented in the Development Agreement. Regarding the open space configuration the criteria for viable open space is met. Incidental uses, a small area meets the 2% requirement. Uses include: golf clubhouse, pro shop, tennis, health club, shops, boutique shops. These businesses are not competing with Main Street. Some restaurants, but a limited number of uses. 20% occupancy = normal percentage of people in a golf resort/second home like this that will have school age children. This project is not going to cost the county money.

Teton River, nitrates and water quality issues: The provisions in the Development Agreement for the proper management of the course in application of pesticides and fertilizers is tight. Offsite improvements will cost us about \$500,000. Teton Springs will create the Teton Springs Foundation and put a portion of property sales into the Foundation. The Foundation will generate money to go to use for city, county and other efforts. The Board of Directors of the Foundations will make the decisions as to where the money goes. The activities will be available for community efforts.

Larry Boothe, Planning Administrator:

Last meeting there was concern about a nutrient management plan. We asked DEQ for copies of the nutrient management plan. They have some but they're for farmers only. Asked the Audubon Society for information. Today, DEQ sent copies. Read John Kirkpatrick's letter received today at 5:00 p.m.

#### BOARD AND COUNCIL DELIBERATION:

David Kearsley inquired about phases, the water system, construction traffic. Grant Thompson-the water system be tested monthly? Bob Ablondi-yes. Some potential for utilizing the geothermal aspects of the water in heating for example.

David Trapp-Calderwood Lane is the most heavily used. We'd like to prohibit construction traffic on Calderwood Lane.

David K. - concern about the commercial area. The Development Agreement is vague. Personally restaurants, boutiques and shops need to be detailed as to what will go in there. The city should be given the opportunity to approve business licenses. Needs to be addressed. The phasing area, needs to be clarified. Question/clarification on irrigation system - the golf course and residential lots will be irrigated out of the String Canal? Mike yes. All residential lots will be irrigated using surface water, String Canal, or the pressure line. Within the town area, community water will be used as well as the Old Town Area. We have the water rights.

Brent-how many acres of ponds? Mike-approximately 40.

David K. - the heliport is addressed in the Development Agreement. The flight patterns need to be addressed. The flight schedule area. Mike-whether from Jackson or IF, they'll follow the power line and to the south. It will be an established landing pattern. Will be a private helipad? Mike-it's not commercial. David-if the flying goes primarily over the hills, what are the impacts on wildlife? Tom Campbell-the potential for adverse impact will primarily be in the winter. Flight pattern recommendation would be to avoid the west southwest facing slopes. Non-winter is not a concern. Just avoid the three areas during the winter. Mike-the helipad will be operated privately by the property owner's association.

David K. - phasing - letter of credit, not addressed in phase 2. Mike-the overriding document is the subdivision ordinance. Other phases require bonds. Larry Boothe-they cannot do phase 2 until they post the letter of credit. David K.-water quality monitoring program. Make the data available to the state, county and city. That should be part of the agreement. Brent-who will fund the monitoring in perpetuity? Mike-club operations will manage the nutrient management programs in perpetuity.

Brent-habitat enhancement plan and reintroduction of cutthroat trout. What would the fishing be like?

Tom Campbell-fishing could be significantly enhanced. Fish & Game might be interested in turning this into a fishery. There aren't much fishing opportunities presently there.

There are a multitude of ponds that can be used for whatever stock is put there. Brent-part of the concept is to improve the fisheries as an amenity.

Mike-there will be some reasonable fishing opportunity. The ponds will be lined so the water isn't lost. With a little enhancement, we can have some pretty good fishing there. Clarify the uses in the Old Town area, language could be added. End of #2. "And office space normally associated with a golf resort and approved by the City of Victor and Teton County." David K.-

I'm concerned about the shops and people just shopping there. Mike-we're not competing with Main Street and I don't have a problem coming back to get approval from the city and the county. Roy-Mike coming back to you on a case by case basis for approval is the best thing you could do. Mike-there's no way to know what will work there right now. No grocery store service station. Brent-in the summary, the use of the local contractors and suppliers is discussed. Teton County Idaho? Mike-Driggs, Victor area.

Mark-concerns on the nitrates and the possible impact of groundwater. This development will be under better management because it will be under the planned unit development rules and regulations. There are benefits with one uniform development with central sewer and water.

This is an organized plan. The pesticides and fertilizers will be regulated. The sewer line will bring into Driggs and it will be regulated by DEQ. Impacts were created with everyone moving in here. David T. commented on impacts to the county budget.

Mark- we can't go back like it was 20 years ago. We haven't collected any improvements and in-kind donations like this development relating to the prior 2.5 acre lots.

***VICTOR CITY COUNCIL DECISION:***

Mary Faye moved to accept the final plat of Teton Springs Golf and Casting Club with the modifications discussed this evening, contingent upon the modification of the items discussed and added to the Development Agreement; David second the motion. All in Favor.

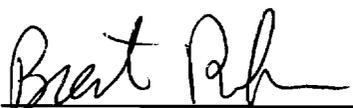
***BOARD OF COUNTY COMMISSIONERS DECISION:***

Zone Change: Mark moved, based on the Findings of Fact, to grant the zone change as recommended by the Planning Commission; David seconded the motion. All in Favor.

Final Plat: Mark moved that the final plat of the Teton Springs PUD and the Conditional Use Permit be approved contingent upon the modifications discussed tonight, and recorded in the minutes, (heliport flight pattern, water quality monitoring, letter of credit per stage, amenities clarification, City of Victor Business Licenses -- see attachment); David seconded the motion. All in Favor.

(Note the Conditional Use Permit application was deemed N/A at the P&Z meeting and was not approved).

Meeting recessed at 10:10 PM until June 20 at 9:00 a.m. meeting with the Forest Service.

  
\_\_\_\_\_  
Brent Robson/ Chairman

  
\_\_\_\_\_  
Nolan G. Boyle/Clerk

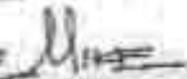


**Not A Legal Copy**



**MEMORANDUM**

**TO:** Mr. Larry Boothe, Planning Director  
Ms. Patricia Kopplov, Senior Planner  
Teton County Planning Office  
Driggs, Idaho

**FROM:** Mike Potter 

**DATE:** January 26, 2004

**RE:** Helicopter Landings

Dear Patricia and Larry:

It was brought to my attention that we had helicopter landings in the northern portion of our project recently. I appreciate the frustrations of our neighbors who were upset by this.

The situation has been corrected and any landings will be in the south central portion of the project as originally approved by the County. We hope this situation has not created undue hardship for anyone. It was a simple mistake and now has been corrected.

Please call me if I can be of further assistance.

MEP:ct

**EXHIBIT B**

TETON COUNTY PLANNING AND BUILDING

January 27, 2004

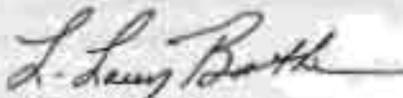
Mr. Mike Potter  
25 West 950 South  
Victor, ID 83455

Dear Mike:

Thank you for your memorandum explaining the recent use of a helicopter landing in Teton Springs the past few weeks. As you are aware in the Development Agreement between Teton Springs and Teton County, Idaho the heliport is to be used for emergency and alternative transportation for property owners within the development. It is not to be used for commercial or sales use.

We appreciate your immediate attention to this matter and the correction to this situation.

Sincerely,



L. Larry Boothe  
Planning Administrator

EXHIBIT C

**TETON COUNTY PLANNING AND ZONING COMMISSION**  
**Minutes from October 11, 2011**  
**County Commissioners Meeting Room, Driggs, ID**

**COMMISSIONERS PRESENT:** Mr. Dave Hensel, Mr. Matthew Eagens, Mr. Bruce Arnold, Mr. Ryan Colyer, Ms. Jennifer Dustin, Mr. Darryl Johnson, and Mr. Shawn Hill

**DEPARTMENT HEADS PRESENT:** Ms. Angie Rutherford, Interim Planning Administrator, Mr. Curt Moore, Planner, and Ms. Kathy Spitzer, County Attorney.

Mr. Hensel called the meeting to order at 5: 06 PM

**APPROVAL OF MINUTES:**

The Commission reviewed the draft minutes of September 13, 2011.

Mr. Arnold moved to approve the draft minutes of September 13, 2011. Mr. Johnson seconded the motion. The motion passed unanimously.

**CHAIRMAN BUSINESS:**

There was no chairman business to discuss.

**ADMINISTRATIVE BUSINESS:**

Ms. Rutherford announced the next meeting for Comp Plan subcommittees would be October 26 in the courthouse meeting room and the next core committee/P&Z/BOCC meeting would be on November 3<sup>rd</sup>, tentatively. She also stated that at the last meeting the Vision Statement received non-binding approval.

**PUBLIC HEARING: Title 12: Amendment to the Teton County Floodplain Ordinance.** The Planning Staff is recommending the adoption of a new Floodplain Ordinance, based on the Idaho State Model Floodplain Ordinance with some changes that go above the minimum requirements for the National Flood Insurance Program.

Ms. Rutherford explained the County had their Community Assistance Visit by FEMA in August to see if the National Flood Insurance Program was being administered

and accurately. The existing Title 12 Floodplain Ordinance was determined inadequate and did not meet minimum standards. The Idaho State Model Ordinance was used to produce the new Floodplain Ordinance being proposed, along with input from Mary McGowan, who is the Idaho State Floodplain Manager. Ms. Rutherford was proposing the Commission adopt the Idaho State Model Ordinance with amendments. She commented on the changes starting with a provision to protect riparian habitat, and a provision added to identify a c

**EXHIBIT D**

**EXHIBIT D**

zone in new subdivisions in order to prevent building envelopes in that zone. The last provision added is asking for 2' of freeboard, the elevation above the flood level that the top of the finished floor needs to be. Ms. Rutherford commented she discussed the issue with Mr. Tom Davis, who is the building official, and he felt that was a good provision to add because it would provide a safe margin. Ms. Rutherford then went through the changes to the Model Ordinance that have been proposed in the document that was provided to the Commission at the meeting.

Mr. Hensel asked if the public had seen the proposed ordinance. Ms. Rutherford stated they had posted the proposed ordinance on the website, but not with the additions present in the document given to the Commissioners at the meeting. Mr. Hensel felt that it might be best to spend more time reviewing the document with the additional comments and table the amendment until the updated document can be posted for public review. Mr. Arnold agreed the updated document should be available to the public and the Commission should have more time to review the new proposed amendment. It was the consensus of the Commission that the amendment should be tabled.

**Motion:** Mr. Arnold moved to table the Amendment to Title 12 for the Flood Damage Prevention Ordinance until next month. Mr. Hill seconded the motion.

**Vote:** The motion was unanimously approved

**PUBLIC HEARING: Teton Springs Golf & Casting Club PUD Amendment**

**Application.** Teton Springs Golf & Casting Club has applied to amend their PUD, including the Development Agreement to allow High Mountain Heli-Skiing to utilize a helicopter landing pad in association with its heli-ski operation and the Teton Springs Lodge.

Mr. Moore reviewed the intent of the application. The amendment to the Teton Springs Planned Unit Development application would expand the original uses allocated on Tract 8C, which was platted as the PUD's "heliopad". The proposed expanded use would allow a wintertime commercial helicopter flight service to land and take off from Teton Springs' helipad. The 2002 Teton Springs Planned Unit Development Agreement delineated the helipad for the purpose of alternative transportation and emergencies, but flights with a commercial component were not authorized under the Teton Springs PUD approval. This application proposes the expansion of uses designated for the Teton Springs helipad 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.

Mr. Moore commented that the length of use being proposed was December 25th to April 1st which is 99 days of potential flight, with a maximum of 50 days of allowed flight. He then covered the new information contained in the staff report. Mr. Colyer asked about the number of trips per day. Mr. Moore explained the applicant agreed to 3 morning flights, one refuel in the middle of the day, and 3 afternoon flights, totaling 14 potential trips per day. Mr. Moore commented the applicant has a National Forest permit to access

the proposed skiing area, which can be accessed from several different locations other than Teton Springs. Regarding past history of heli-skiing operations, Mr. Moore commented in 2004 the Planning Department received a call stating there were commercial flights taking place at Teton Springs. The Planning Director wrote a letter on 1/27/04 to the developer, Mike Potter, stating that commercial flights were not allowed to fly from Teton Springs. 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.

He then discussed the project's 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 same 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.

Mr. Moore also discussed noise impacts, flight patterns, the ownership of the lot in question (8C), the opinion of the HOA as a group, letters submitted from concerned citizens and citizens supporting the application, and the potential of the applicant to fly from Driggs airport without any permit required, although it would be a much longer flight to get to the forest. Other key issues included economic impacts, property values being impacted, fuel storage, and safety concerns. He discussed the feedback from various inter-agency and departmental reviews, consistency with the applicable goals and objectives of the existing Comprehensive Plan, considerations for the approval of a PUD Master Plan and Development Agreement, and specific conditions listed in the staff report that would have to be restated in an Amended Development Agreement. He stated the staff could recommend approval only if it included the 13 conditions listed in the staff report in the motion.

Mr. Hill asked about condition #7, and wondered if the Development Agreement would be a provisional amendment until after an assessment of the impact during the trial year was made, or was the amendment permanent before then. Mr. Moore commented it would be provisional for the first season, and if there were no major problems the agreement would be officially amended for 5 years. Mr. Hensel asked about the property transfers within Teton Springs regarding ownership of the helipad lot, and how long that might take. Mr. Moore's understanding was it could be completed prior to the ski season. Mr. Hill asked if Mr. Heimerl or a representative of the HOA was present. Mr. Heimerl was not present and there was no official representative from any of the HOAs. Mr. Hill

asked if the HOA did or did not have an official position. Mr. Moore stated they did not. Mr. Hill asked if the HOA had the right to vote against the application to prevent it from operation. Mr. Moore commented there are 4 sets of HOA regulations, and it would be up to a lawyer to explain the contents and the rights of those associations. The associations are not collectively endorsing the application at this time.

### **Applicant Presentation:**

Mr. Sean Moulton was representing the applicant as well as Teton Springs Lodge and Teton Springs Golf & Casting. He stated the application is to amend the development agreement to allow the use a helipad that is existing at Teton Springs and currently in use for heli-skiing operations limited to winter use and one vendor. He pointed out that if the applicant's business failed the permit would be void. He discussed the location of the helipad and the distance from the helipad to the National Forest, which is only .37 miles. Regarding the maximum number of days for flights, he explained that is totally dependent on the weather and may be only half the number requested. The flights in and out requested as 14 may never be reached and that number was requested in case business and conditions were optimal. Past history was more consistent with 2 flights in and out on a given day. He also commented a typical day does not require a refuel flight. He pointed out that last year during operation there was only one complaint, which had more to do with zoning than noise. He discussed property transfers regarding ownership, and suggested requiring ownership be transferred prior to the BOCC hearing. Mr. Moulton stated the applicant supports the 13 conditions in the staff report with no objections, and did not feel there were any adverse property value impacts that would result from the proposed operation.

Mr. Hill asked if the applicant would become the owner of lot 8C. Mr. Moulton stated that would happen before the next hearing. Mr. Hill asked if the applicant was subject to existing CC&Rs and who enforced the CC&Rs for compliance. Mr. Moulton stated his client was subject to CC&Rs and typically any owner within the subdivision, the developer, or the HOA can enforce the CC&Rs. He also stated after reviewing the CC&Rs he did not feel they would need to be amended because reference to the helipad appeared only in the development agreement. Ms. Spitzer asked if the CC&Rs for commercial or non commercial designation would apply. Mr. Moulton thought the commercial CC&Rs would apply since it is in a commercial area, but it was not specifically addressed in either set of CC&Rs. Ms. Spitzer felt it was important for the Commission to know which CC&Rs would be applicable.

Mr. Hensel asked if anyone internal to the HOAs need to approve the change in ownership from non-commercial to commercial. He was curious as to whether all the owners in the subdivision would get to vote on the change, or would it be only the commercial ownership voting. Mr. Moulton did not believe that issue was specifically addressed in the CC&Rs. He felt who would vote is in question in this situation. He believed the people who care the most are present to comment at this hearing and that their comments should be considered, and he did not think the CC&Rs would require a vote. Mr. Hill asked which association the current property owner was part of. Mr.

Moulton stated it was the master association for the subdivision, and that the master association didn't own very much property, mostly roads and open space property. It was Mr. Moulton's understanding that there are 4 associations: a Cabin HOA, the Mountain Meadows HOA, a Master HOA, and a Commercial HOA. Mr. Hill asked if there is a way for Teton Springs owners to decide amongst themselves as to whether or not they support the application. Mr. Moulton stated you could send ballots to all members for a vote although there is not a specific provision for that, but he did not feel it would be binding without an amendment to the CC&Rs. Mr. Colyer asked if it was possible for the Commission to recommend that the BOCC require that the residents of the PUD be allowed to vote since they would be impacted. Mr. Moulton commented the BOCC can include any conditions, but felt it would cause the operation to miss the ski season in order to make that happen. Mr. Colyer also asked if another conditional year was in order since it has been operating for over a year in the past, and if that information could be used to make a decision. Mr. Moulton stated they have not had any residential complaints from owners regarding the operation so he felt the history was positive.

Mr. John Schick, part owner of the heli-ski operation, spoke next. He explained their 35 year history operating in Teton Valley, Wyoming and Teton Valley, Idaho. They have had a special use permit in Bridger Teton National Forest and the Caribou Targhee National Forest since 1976. He reviewed the different locations for operations in the past. Mr. Schick stated their business was contacted in 2002 by principal owners of Teton Springs and the GM at Teton Springs Lodge & Spa regarding use of the helipad, and began limited operations from the helipad in the winter of 2002/2003. Mr. Schick commented he felt this operation was bringing an increase in business for the community as well as jobs, and thought it was a good thing to have a helicopter in the valley for potential life saving flights. He commented he did not understand why there was only one complaint last year regarding operations, but since the application was published there have suddenly been numerous negative comments. He felt there were misconceptions about operating a helicopter and discussed its specifications and impacts, the number of days and flights, and a possible fuel run depending on the number of flights. He felt the location at Teton Springs was ideal because of the close proximity to the National Forest and the minimal amount of houses being impacted by the flight path, and felt the operation flying out of the Driggs airport would have a much larger impact on the valley.

Mr. Hensel asked Mr. Schick how many skier days they were authorized by their permits with the National Forest. Mr. Schick said together with both permits they are authorized around 830 with an option for an additional 300+, which would amount to a potential of 1200 skier days. He also stated the most they have had in the past is 700-800 skier days per season. Mr. Eagens asked what other locations they flew out of. Mr. Schick stated they use the heliport on the west side of the runway at Jackson Hole, with landing zones in the Jackson Hole Ski Resort and the Canyon Club as well for the major zones used. He also mentioned 2 other highway pullouts. Mr. Colyer asked how long it would take the helicopter to get up high enough to move toward the forest. Mr. Schick explained it would be 20 to 30 seconds at the most, and by the time it reaches the cabins it would be hundreds of feet above them.

Mr. Jeff Naylor, GM of Teton Springs Lodge & Spa, explained his history in the valley and with Teton Springs. He stated it is his job to fill rooms and bring people to Teton Valley. He commented that tourism has a major economic impact on the valley, and the heli-skiing business supports that economic goal. The skiers stay in lodging and eat and shop in surrounding towns. He referenced a group that came to heli-ski and stayed in the cabins for 3 days, bringing the resort \$13,000 in lodging sales. Mr. Naylor also mentioned a segment of Outdoor Idaho shot at Teton Springs that may be aired this winter in Idaho, Oregon and parts of Washington showing the heli-skiing operation that he believed would bring people to Teton Valley. He commented that he also works with international wholesalers and that effort brought in four Russians that came to Teton Valley only because of the heli-skiing. He pointed out Teton Springs Resort has a lodge with 52 rooms and they manage 20 cabins, and have a responsibility to the owners to fill those rooms and bring in revenue, and heli-skiing helps achieve that goal. The addition of heli-skiing to the options available at Teton Springs Lodge & Spa makes it possible to market to a very unique audience that have the money to travel and stay at high end resorts. Mr. Naylor also commented on the economic benefit of being able to hire lodging employees from the valley and their ability to spend money in the valley because they have a steady paycheck. Speaking to the perceived decrease in property values, he stated he had spoken to numerous property owners last winter regarding the helicopter and did not receive any negative comments. He also believed that the resort operations will continue to increase real estate sales, which benefits the entire valley.

**Public Comment in Support of the Application:**

Mr. Todd Hilde, part time resident at Teton Spring and someone who enjoys heli-skiing, commented he felt the draw of people to Teton Valley, Idaho for heli-skiing would be a great economic impact and he believed it would increase the property values in Teton Springs and the valley. He said the short time it takes the helicopter to make it to the National Forest would not be a negative impact. The flight path is only .37 miles, which he stated takes around 20 seconds to fly, so the total flying time for 13 flights within Teton Springs would only be roughly 3 minutes each day they actually fly. Regarding the HOAs, he didn't think that there are very many owners using their residences since they are mostly second home owners or bank owned property.

Mr. Tom Sullivan commented on the business climate in the valley and felt it was important to do everything possible to support an operation that brings in tourist dollars. He did not feel the Driggs airport was a viable substitute because of the atmosphere at the airport versus the experience at Teton Springs, and the length of the trip across the valley would impact a much larger portion of the population in the valley.

Mr. Robert Marshal, managing partner of Teton Springs Golf & Casting, wanted to explain the land transfer regarding the open space lots and stated the lot in question was not supposed to be transferred to open space. The HOA is in the process of transferring that lot back because the transfer was a mistake, one that is being corrected. As a part

time resident of Teton Springs, Mr. Marshal did not feel the operation had a negative impact on the resort.

Ms. Susie Barnett-Bushon, previous marketing director of Grand Targhee for 30 years, commented on the challenges of bringing tourists to the valley. Teton Springs faces a challenge attracting tourists because they are approx. 25 miles from both ski areas, therefore the option of heli-skiing at the resort is an important boost to lodging revenue and, in turn, for other businesses in the valley. She felt the negative impacts are so low when considering the economic benefits.

Mr. Bill Ward commented on the history of Teton Springs as a minority partner in achieving its success, and felt the heli-skiing was not any more disruptive than golf course maintenance which has numerous grooming machines running every morning. He felt it was important to provide the residents and visitors to Teton Valley the excitement of heli-skiing. He strongly believed the operation was important to Teton Springs and all of Teton Valley.

Mr. Doug Workman, a guide with High Mountain Heli-skiing, wanted to support the application because he stated it was a very important job to him and the entire staff in the winter, and that at least 50% of the staff live in Teton Valley and support local businesses.

Ms. Kate Stitt, front desk employee in Teton Springs, commented she did not have any guests complain about the operation and only heard positive comments. She felt it was an important economic benefit to bring in tourist dollars and support local employment.

Mr. Charlie Kornell, a guide with High Mountain Heli-skiing, felt Teton valley needs more jobs and would like to see his job intact.

**Public Comment in a Neutral Position:**

Ms. Anna Trentadue, representing VARD, provided history on the development of Teton Springs regarding the zone changes and PUD approvals. Based on the R1 zoning in place at the time the development was proposed, commercial operation was not allowed. She stated it was allowable to have additional uses in that zone if the uses were considered incidental or necessary to the development, and she did not feel the use of the helipad for heli-skiing would qualify. She expressed concern over the operation growing into summer or off season operation once the use was approved. She felt the development agreement should be signed by the owner of the lot and the owner of the business operating on the lot because she felt if Teton Springs had a responsibility to the winter tenant they might be less inclined to invite in a summer operation tenant. Ms. Trentadue stated that the resort is only 27% developed and she felt that there will be many more homes built eventually and was concerned with compatibility upon build out. She was also concerned about enforcement of hours of operation and the other conditions in the proposed motion, and the lack of a plan for fuel storage safety.

**Public Comment in Opposition:**

Ms. Pamela Carter, resident at Teton Springs, commented she has a 20 year background working in municipal government in planning. She was concerned with the land use issue involved in heli-skiing and did not want to see the proposed land use in a residential neighborhood. She believed the use needs to be compatible with other uses in the neighborhood, and the proposed operation is not compatible with the general plan approved with the subdivision. Previous operation of heli-skiing was an illegal use of the helipad, and she did not want to see the operation shoehorned into a dense residential neighborhood. She discussed comments she heard from other neighbors in opposition. Ms. Carter believed that the helicopter should not be able to land because the blades come too close to vehicles and she does not like the noise or the fumes from the jet fuel in the helicopter. She commented that before buying her property she carefully read the CC&Rs and the development agreement, and believed they would prevent this type of operation. She asked the Commission to consider the impact on a quiet residential community when making their decision. She did not want to have the operation in Teton Springs regardless of the number of trips being proposed or limited. Ms. Carter commented she felt the staff did a great job preparing the staff report, and referenced a comment stating that the people that should be taken into consideration first and foremost are the people who live next to the helipad.

Ms. Jenna Rankin stated she and her husband have been long time residents of Teton Valley and are Teton Springs property owners. She did not want to see the operation located in Teton Springs because she felt it would reduce her property values, and did not want to see it approved.

Mr. Lucian Carter, resident at Teton Springs, did not feel a residential neighborhood was an appropriate location for a heli-skiing operation. He commented he was in favor of increasing economic benefits to the valley, but not a helicopter operating in a residential neighborhood. He felt there were other more appropriate locations for the operation.

**Applicant Rebuttal:**

Mr. Moulton commented on the operation being incidental or necessary for the community and believed that it was based on the lodging, golf and spa operations that are part of Teton Springs and their need to attract tourists. Regarding a fuel plan, he offered to provide documentation of the fuel used by the helicopter and a storage plan. He discussed the flight path and pointed out there were very few homes in the path. Regarding enforcement of hours of operation, he offered to provide a flight log on a monthly or seasonal basis to verify compliance with trip limitations. He commented that if the vendor is okay with 40 rather than 50 trips, the applicant is as well. Mr. Moulton stated he was not opposed to adding the tenant to the development agreement, but did not know if it was appropriate legally. He stated the applicant did not have a problem stipulating to only one vendor using the site. Regarding the current 27% build out and concern for final build out, he pointed out the one year and five year review process and

felt if density increased it would be considered during those reviews. He also reiterated the identifiable economic benefits to the resort and the valley.

The Commission took a 20 minute break at 7:40 PM. The hearing was called back in session at 8:00 PM.

### **Commission Deliberation:**

Mr. Hensel asked Ms. Spitzer if she had a problem with the ownership issue. Ms. Spitzer felt it should be resolved before the BOCC hearing. A letter of authorization by the new owner will be necessary before it could go for final hearing.

Mr. Arnold commented that he is sympathetic to the neighbors concerns for noise impacts, but felt the overall economic benefits to the resort and the valley would outweigh those issues, especially with the existing noises from the golf course that have never been an issue. He felt the operation of heli-skiing might help ensure the survival of Teton Springs economically. He believed the one year probation period gives flexibility to see if the operation will be an issue for the resort and its home owners. He was in favor of moving the operation forward as long as the conditions recommended in the staff report were a part of the approval.

Mr. Eagens was troubled by the notification by mail to home owners due to the large amount of second home owners whose addresses may not be accurate. He felt the GM and principal owners had not brought out the issue in a more formal setting to the owners. He was concerned that the Commission was almost on a federal level trying to guide the principal on how a local neighborhood should conduct business. He did not feel the HOAs had fully realized the public process was being held and would like to see an official response from them. He thought the home owners at Teton Springs needed to collectively review and discuss their local neighborhood and come back to the County in 30 or 60 days with more objective information to make a decision.

Mr. Hensel commented he was concerned with the impact on surrounding neighbors outside of Teton Springs who will likely not experience any direct economic benefits in the way the resort will. He was even more concerned with Teton Springs or another organization returning in the future for summer helicopter trips. He agreed with one of the public comments that this was more of a land use issue. He pointed out that the Comp Plan supports encouraging the viable economic benefit of the Driggs airport, and wasn't sure small flight operations should be encouraged in other locations because of the precedent it would set. Mr. Hensel was not comfortable with the one year trial operation, and did not feel it would be any easier to make a decision to revoke the approval in a year. He felt the decision for approval should be made looking forward more than one year.

Mr. Arnold commented the one year trial basis on the permit with all the conditions meant if the applicant did not comply, the public would stand up before the County Commissioners and voice their objections. He also pointed out the application was

simply adding one more commercial operation in the middle of a golf course, swimming pool, and hotel that have been operating for several years. Allowing the heli-ski operation would help ensure the survival of the resort. Mr. Hensel was less concerned with the owners of the resort than with the people who are home owners who would be impacted by the noise.

Mr. Eagens was concerned with the existing land owners who bought property with the understanding there would be no commercial operation involving the helipad, and was concerned with the County allowing a vendor to come in and change that. He felt that there is no clear indication that this operation is not a problem for the majority of the home owners.

Mr. Johnson commented he would have liked to have seen the applicant getting more input from the members of the HOAs, but wasn't sure how that would be achieved. He agreed Teton Springs is a resort community and felt with the helicopter pad existing in a commercial area, it could be justified that this operation could be a service that can or should be legitimately provided out of that area. He did have some concern with opening the door to the potential for more requests for uses for the helipad.

Mr. Colyer was not as concerned with the precedent issue because Teton Springs is a resort community with compatible commercial operations, and was not sure there would be a better location based on the proximity to the National Forest land and the existence of the helipad. He was sympathetic with the adjacent home owners regarding the noise, but believed the restrictions that would be in place and the one year probation would make it workable.

Ms. Dustin commented she has done some snow shoeing in Pole Canyon and did not have a problem upon hearing the helicopter. She felt the economic benefit to the community was a very positive impact. However, she was concerned with the residents that bought property at the resort believing there would never be a commercial use for the helipad. She suggested the applicant consider investing in property outside the resort but close to the National Forest to locate a helipad.

Mr. Hill was also concerned that there is not a clear consensus from the home owners regarding the impact of the operation at the resort. He felt the type of impact involved was very subjective, some people are more tolerant of noise than others, and he was concerned with measuring the scale of the impact without being a resident. He believed having the home owners band together to express their opinions would be a great help in making the decision. He commented that Teton Springs is a master planned community and they have taken advantage of the master planning tools available to them. He would like to see the home owners use those same tools, particularly the governing structure within their HOAs. Mr. Hill was concerned the development agreement could be amended without some written consensus from the HOAs, and thought they should provide this input as a community as to whether they support it or not. He encouraged the applicant to produce approval letters from all the HOAs prior to the BOCC hearing. Absent that condition, he commented he struggled with support of the application. He

believed in the concept being proposed, but did not feel he could approve it moving forward without the official statements from each of the Teton Springs HOAs.

Mr. Arnold commented the planning staff sent out the required notices so each home owner in the required proximity was notified, and the responses received were some in favor and some against the proposal.

Mr. Eagens asked about a comment on page 8 of the staff report that said almost all Teton Springs residents were notified. Mr. Moore commented it was a very large mail out, approximately 450 notices, using the addresses on the tax records. He said approximately 20 came back "return to sender". Mr. Arnold felt the applicant and HOA directors may not get anymore feedback than the county got upon their notification, which would only delay the final decision. He believed their input was important, but the minimal response received did not provide much help in influencing the decision.

Ms. Spitzer felt it was important to establish exactly what the process would be based on ownership of the 8C lot, and if that lot was part of the common interest community. If the transfer of ownership goes through, the lot would be a part of the Golf & Casting Club commercial CC&Rs. She felt that was the root of concerns expressed. Mr. Hill still felt the issue was assessing the impact on the community closest to the subject property, and did not feel he had sufficient input from the HOAs regarding their position. Ms. Spitzer commented that at this point it is unclear which CC&Rs will govern the helipad when ski season comes and the governing boards of the HOAs have not made a statement objecting to the application. Mr. Hill felt the HOAs should be involved in expressing their opinions. Typically there is a board elected to represent the home owners in the association, and they are in a position to convey the impacts in the context of the interest of those within the association. Mr. Colyer agreed that they are in a great position to express their concerns, but felt the associations have not made an attempt to get involved. He also expressed disappointment that the operation has been operating for years illegally and that he did not feel the process should be expedited for that reason. Despite that, he did not feel the formal HOAs responses were required to make a decision. Mr. Colyer also commented that Teton Springs was a resort with an existing helipad, and economic benefits to the resort and valley are significant and likely out weigh the negative impacts to the home owners.

Ms. Dustin commented the home owners knew there would be commercial operations in their neighborhoods involving the golf course, lodge and spa, but not a commercial use of the helipad, based on the CC&Rs. She understood the concerns of the neighbors who bought a house with the expectation this would never happen, and now the county is considering approving the commercial use. Mr. Arnold questioned what would be the appropriate number of people required to support the application. Ms. Dustin did not have an answer for how much input would be appropriate, but felt it should be a consideration. Mr. Arnold did not want to discount the concerns of the home owners that provided written or verbal objections, but questioned what percentage of objectors constitutes a reason to deny the application.

Mr. Johnson commented he agreed that more official input from the HOAs would help, but he felt with the way the staff structured the conditions recommended for the approval and the probationary period involved, the home owners would have sufficient time before the first review to band together if they feel it shouldn't continue. Mr. Hill felt the approach allowing the applicant to produce letters from the HOAs prior to the permanent adoption of the amended development agreement upon the one year review would adequately address his concern.

The Commission went through the conditions of approval listed in the staff report one by one and provided input for their suggested changes in order to achieve a list of conditions that could be attached to a motion for approval of the application.

**Motion:** Mr. Colyer moved to recommend approval of the amendment to the Teton Springs PUD Development Agreement to extend permanent helicopter uses to include the winter time only heli-ski operation with the following conditions of approval:

1. As written on Page 12 in the October 13<sup>th</sup> staff report;
2. As written;
3. To read: 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, the Sean Moulton email of September 30 specifying flight restrictions, and as conditioned or modified below. This PUD 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 here delineated as December 25<sup>th</sup> to no later than April 1st. No other expansion of uses are authorized or permitted by the 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 Skiing commercial helicopter flights coming to or departing the Teton Springs heliopad.
4. As written;
5. Add a sentence at the end: Prior to scheduling the BOCC review hearing, the applicant shall submit a letter from the authorized representatives of the Teton Springs Homeowners Associations prior to the planning administrator's evaluation. The County Attorney will further refine the requirements of those letters.
6. After May 1, 2012 and following the approval by the BOCC of an acceptable 2011-2012 heli-ski season, the Teton Springs PUD Master Plan Development Agreement may be amended to include the commercial use of wintertime heli-skiing operations. The Development Agreement may state that the authorization expires in 5 years, however it may be renewed. The Development Agreement may also state that the operation may be revoked if conditions of approval are found to be violated.

7. As written;
8. As written;
9. As written;
10. As written;
11. 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. Commercial 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.
12. No more than 14 one-way flights are allowed in a single day with a maximum of 40 days of flying per season. Hours of operation shall be restricted to 9:00 AM to 10:30 AM and from 2:30 PM to 4:30 PM with one refueling flight in between 10:30 PM and 2:30 PM and emergency flights as needed.
13. Transfer of record ownership of Lot 8C must occur prior to the 2011 BOCC hearing.
14. The vendor shall ensure that a flight log is kept and turned into the Planning Department on a monthly basis, and that reasons for deviation from the time restrictions are noted in the logs.
15. Loading and unloading of gear and clients onto the helicopter shall occur only on the helipad on lot 8C.

Mr. Arnold seconded the motion.

**Vote:** After a roll call vote, the motion was approved by a 4-3 vote. Mr. Eagens, Ms. Dustin and Mr. Hensel voted against the motion.

Mr. Eagens did not feel the application was properly vetted through the home owners association's governing process. Mr. Hensel felt the bar was set too low and granted too much, and cannot support that level of activity at Teton Springs.

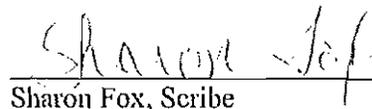
**Motion:** Mr. Hill Moved to adjourn. Mr. Colyer seconded the motion.

**Vote:** The motion passed unanimously.

Meeting adjourned at 9:50 PM

Respectfully Submitted  
Sharon Fox, Scribe

  
\_\_\_\_\_  
Dave Hensel, Chair

  
\_\_\_\_\_  
Sharon Fox, Scribe

# TETON SPRINGS

## GOLF AND CASTING CLUB

**MASTER PLAN DESIGNED BY:**

AW ENGINEERING  
 IDAHO  
 CARL THUESEN, ASLA  
 LAND DESIGN STUDIO  
 MICHAEL E. POTTER, ASLA PC DEVELOPMENT

VICTOR, IDAHO  
 JACKSON, WYOMING  
 BILLINGS, MONTANA  
 LOVELAND, COLORADO  
 BOZEMAN, MONTANA

**GOLF COURSE DESIGNED BY:**

STEVE JONES / GARY STEPHANSON  
 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	-	-	-
TOTAL ROADS	-	72.69	-	-	-
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
TOTAL RESIDENTIAL	-	217.78	510	-	2.34
HILLSIDE CABINS	-	11.33	-	(50)	4.42
TRACT 8 (COMMERCIAL)	-	17.32	-	50	2.89
TRACT 5 (COMMERCIAL)	-	6.00	-	100	16.67
TOTAL COMMERCIAL	-	34.64	-	200	5.77
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 (HELIPAD)	-	1.20	-	-	-
TRACT 7 (GOLF ACADEMY)	-	1.44	-	-	-
TRACT 16 (WELL LOT)	-	0.92	-	-	-
TOTAL MISCELLANEOUS	-	18.88	29	-	1.54
OPEN AREAS (A-D)	-	3.25	(ADMINISTERED BY HOMEOWNERS)		
OPEN SPACE (1-7)	-	426.93	(ADMINISTERED BY GOLF COURSE)		
TOTAL OPEN SPACE	-	430.18	(55.6% OF TOTAL LAND IN PROJECT)		
TOTAL PROJECT	-	774.17	539	200	0.95

**DEVELOPMENT NOTES**

- DEVELOPMENT IS ZONED R-1
- A CENTRAL SEWER SYSTEM IS PROPOSED
- A CENTRAL WATER SYSTEM IS PROPOSED
- EXISTING USE OF LAND - AGRICULTURAL
- SETBACKS:
  - COUNTY STANDARD R-1 ZONE
  - OLD TOWN
  - NATURAL STREAMS TO ALL STRUCTURES

	FRONT	REAR	SIDES
- COUNTY STANDARD R-1 ZONE	30'	20'	10'
- OLD TOWN	20'	20'	10'
- NATURAL STREAMS TO ALL STRUCTURES	100'	100'	100'

**MASTER PLAN PLAT FOR:**

**TETON SPRINGS**  
 GOLF AND CASTING CLUB PHASE I

THE S 1/2 SECTION 14, THE N 1/2 SECTION 25,  
 A PART OF SECTION 13, A PART OF SECTION 24,  
 AND A PART OF H.E.S. 386, ALL IN TOWNSHIP  
 3 NORTH, RANGE 45 EAST, B.M., TETON COUNTY,  
 IDAHO

**OWNERS/DEVELOPERS:**

TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.

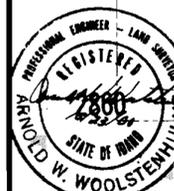
TITLE PAGE / INDEX / NOTES

SHEET 1 OF 9

**INDEX**

SHEET NO.	DESCRIPTION
1	TITLE PAGE / INDEX / NOTES
2-7	PLAT
8	LINE AND CURVE DATA TABLES
9	VICINITY MAP / CURVICATES / NOTES

EXHIBIT E



AW ENGINEERING P.O. BOX 139 VICTOR, IDAHO 83455 PROJECT 99 - 044 SURVEYED CLC/MRW JULY 1-15, 1999 DRAWN NLC MAY 16, 2000 TSPR-MST.DAT TSPR-MP1.GCD

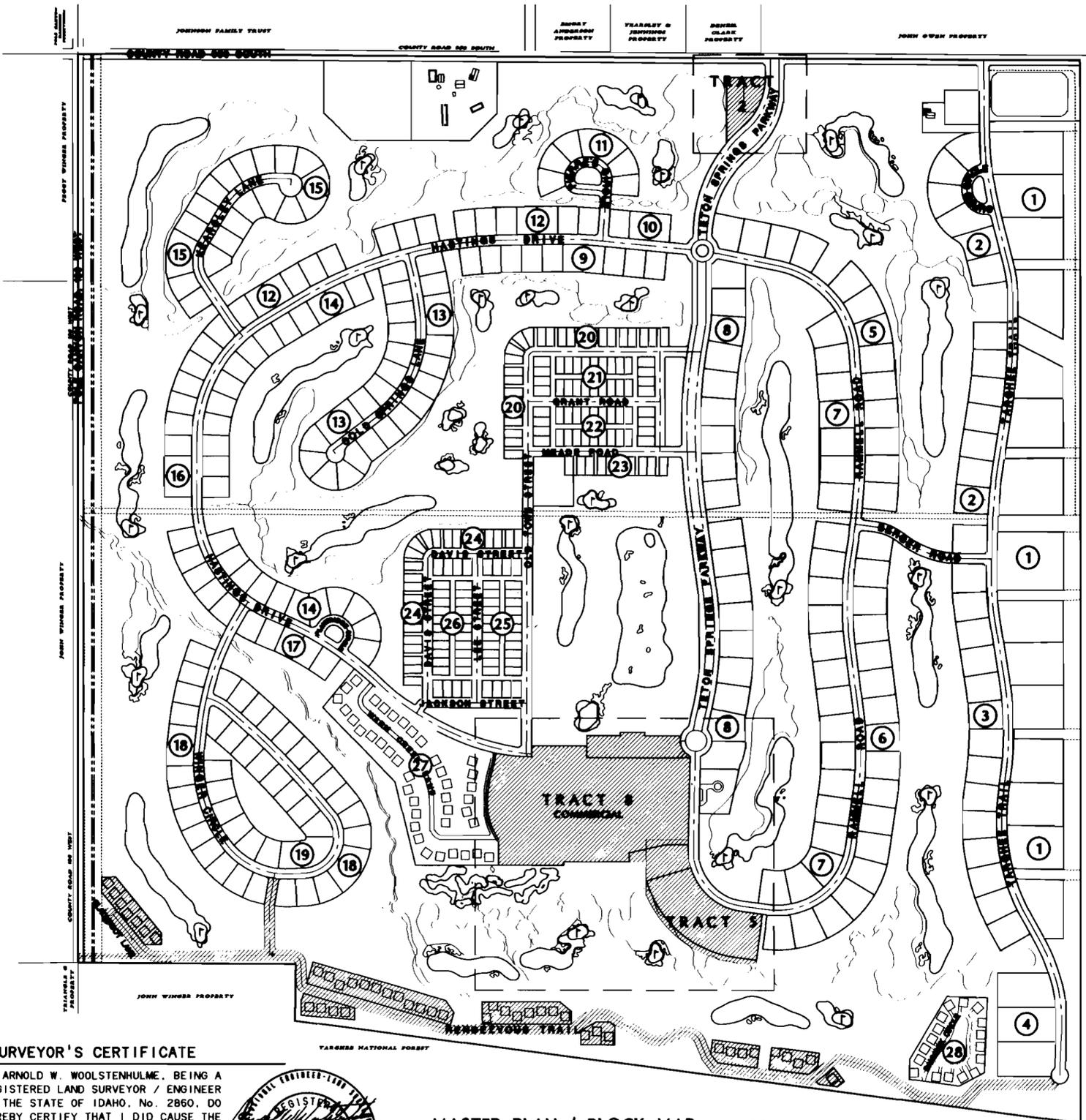
Teton Springs Golf &  
 Casting Club, Phase 1

Sec. 13, 14, 23, 24  
 Twn. 3N, Rng. 45

141371

# TETON SPRINGS

## GOLF AND CASTING CLUB PHASE 1 AMENDED PLAT



**MASTER PLAN DESIGNED BY:**

AW ENGINEERING  
 BOTA  
 CARL THUESSEN, A.S.L.A.  
 LAND DESIGN STUDIO  
 MICHAEL E. POTTER, A.S.L.A.    PC DEVELOPMENT

VICTOR, IDAHO  
 JACKSON, WYOMING  
 BILLINGS, MONTANA  
 LOVELAND, COLORADO  
 BOZEMAN, MONTANA

**GOLF COURSE DESIGNED BY:**

STEVE JONES / GARY STEPHANSON  
 BYRON NELSON

**AREA/UNITS/DENSITY TABLE - MASTER PLAN - PHASES I, II, III**

AREA	BLOCK(S)	ACRES	UNITS(R)	UNITS(C)	DENSITY
COUNTY ROADS	-	7.65	-	-	-
SUBDIVISION ROADS	-	59.69	-	-	-
OLD TOWN ALLEYS	-	4.25	-	-	-
TOTAL ROADS	-	71.59	-	-	-
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 (WARM CREEK CABINS)	-	12.82	40	-	3.90
FOREST CABINS (TR. 10-14)	-	12.58	60	-	4.73
TOTAL RESIDENTIAL	-	230.36	560	-	2.34
TRACT 8A (COMMERCIAL)	-	16.19	-	50	3.09
TRACT 8B (COMMERCIAL)	-	1.75	-	-	1.16
TRACT 5 (COMMERCIAL)	-	4.28	-	100	25.38
TOTAL COMMERCIAL	-	22.22	-	150	6.14
TRACT 15 (HASTINGS RANCH)	-	5.00	5	-	1.00
TRACT 1 (OPER. & MAINT.)	-	5.12	24	-	4.69
TRACT 2 (WELCOME LOT)	-	1.18	-	-	-
TRACT 3 (EQUEST. & ACT.)	-	3.97	-	-	-
TRACT 4 (OLD BARN)	-	0.74	-	-	-
TRACT 6 (HELLOPAD)	-	1.20	-	-	-
TRACT 7 (GOLF ACADEMY)	-	1.44	-	-	-
TRACT 16 (WELL LOT)	-	0.92	-	-	-
TOTAL MISCELLANEOUS	-	19.57	29	-	1.47
OPEN AREAS (A-D)	-	3.25 (ADMINISTERED BY HOMEOWNERS)	-	-	-
OPEN SPACE (1-7)	-	427.18 (ADMINISTERED BY GOLF COURSE)	-	-	-
TOTAL OPEN SPACE	-	430.43 (55.6% OF TOTAL LAND IN PROJECT)	-	-	-
TOTAL PROJECT	-	774.17	500	150	0.97

(NET OPEN SPACE INCREASES FROM ORIGINAL PHASE I PLAT: +.25 ACRES, PHASE III PLAT +1.51 ACRES.)

**DEVELOPMENT NOTES**

- DEVELOPMENT IS ZONED R-1
- A CENTRAL SEWER SYSTEM IS PROPOSED
- A CENTRAL WATER SYSTEM IS PROPOSED
- EXISTING USE OF LAND - AGRICULTURAL

**SETBACKS:**

	FRONT	REAR	SIDES
COUNTY STANDARD R-1 ZONE	30'	20'	10'
OLD TOWN	20'	20'	10'
NATURAL STREAMS TO ALL STRUCTURES	100'	100'	100'

**RECEIVED**  
 APR - 4 2003  
 TETON CO., ID  
 CLERK RECORDER  
 453988

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.

REGISTERED LAND SURVEYOR / ENGINEER  
 No. 2860  
 3/1/03

**MASTER PLAN / BLOCK MAP**

SCALE 1" = 500'

PHASE I AMENDED AREAS

**INDEX**

SHEET NO.	DESCRIPTION
1	TITLE PAGE / INDEX / NOTES
2	TRACT 2 AMENDMENT
3	TRACT 5 AND 8 AMENDMENTS
4	VICINITY MAP / CERTIFICATES / NOTES

**AMENDED PLAT FOR:**

**TETON SPRINGS**  
 GOLF AND CASTING CLUB PHASE 1

THE S 1/2 SECTION 14, THE N 1/2 SECTION 29, A PART OF SECTION 15, A PART OF SECTION 24, AND A PART OF H.E.S. 586, ALL IN TOWNSHIP 5 NORTH, RANGE 45 EAST, B.M., TETON COUNTY, IDAHO

**OWNERS/DEVELOPERS:**  
 TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.

TITLE PAGE / INDEX / NOTES      SHEET 1 OF 4

VEYED AWE	2002 - 2003	DRAIN CJD	02-03	TSPR-AMD.DAT	PHI-AMD-1.GCD
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**EXHIBIT F**

Teton Springs  
 Golf & Casting Club  
 Phase 1, Amended Plat

Sec. 13, 14, 23, 24  
 Twn. 3N, Rng. 4E  
 153982

YEARSLEY &  
JENNINGS  
PROPERTY

DENZIL  
CLARK  
PROPERTY

JOHN OWEN PROPERTY

E 1/4 CORNER SECTION 14  
FOUND IRON PIN  
C.P.F.R. INDEX L-21  
INSTRUMENT #120331

COUNTY ROAD 950 SOUTH

N 89°39'34"W  
1403.13'

S 89°39'34"E  
1186.86'

C 1/4 CORNER SECTION 14  
FOUND IRON PIN  
C.P.F.R. INDEX L-19  
INSTRUMENT #137725

OPEN SPACE 1

20' ROAD AND UTILITY EASEMENT

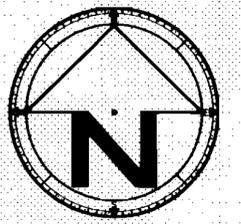
OPEN SPACE 2

EAST 210.00'  
85.00' 125.00'

OPEN SPACE TO TRACT 2  
69 ACRES

NORTH 200.00'

AMENDED  
TRACT 2  
ORIGINAL:  
.49 ACRES  
ADJUSTED:  
1.18 ACRES



SCALE 1" = 50'

SURVEYOR'S CERTIFICATE

I, ARNOLD W. WOOLSTENRAINE, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2880, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HERE PLATTED AND DESCRIBED.



LINE	BEARING	DISTANCE
L 1	S 00°27'00"E	82.04'
L 2	EAST	88.15'

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	07°46'37"	830.00'	112.66'	56.42'	112.57'	N 46°36'21"E
C 2	32°38'14"	370.00'	210.76'	108.33'	207.82'	S 15°52'07"W
C 3	17°17'26"	370.00'	111.66'	56.26'	111.23'	S 40°49'57"W
C 4	52°22'45"	450.00'	411.39'	221.33'	387.21'	S 25°44'22"W
C 5	49°55'40"	400.00'	348.56'	186.22'	337.64'	S 24°30'80"W
C 6	89°12'34"	20.00'	31.14'	19.73'	28.09'	S 45°03'17"E
C 7	52°22'45"	480.00'	438.81'	238.08'	423.89'	N 25°44'22"E
C 8	90°47'28"	20.00'	31.89'	20.28'	28.48'	N 44°56'43"E
C 9	49°55'40"	370.00'	322.42'	172.25'	312.31'	N 24°30'80"E

LEGEND

- ⊕ SECTION CORNER FOUND OR SET AS NOTED
- ORIGINAL TRACT CORNER - FOUND IRON PIN
- ORIGINAL TRACT CORNER - VACATED THIS PLAT
- ⊙ SET 1/2" IRON PIN WITH CAP INSCRIBED: AW ENG 2880
- ROAD POINT
- ROAD CENTER LINE
- - - ORIGINAL BOUNDARY OF TRACT 2
- SECTIONAL BREAKDOWN LINE / DEED LINE
- ▨ EASEMENT - TYPE AND WIDTH AS NOTED

AMENDED PLAT FOR:

TRACT 2  
**TETON SPRINGS**  
GOLF AND CASTING CLUB PHASE I

A PART OF THE N 1/2 SE 1/4 SECTION 14, TWP. 34N.,  
RNG., 43E., B.M., TETON COUNTY, IDAHO

TRACT 2 AMENDMENT

SHEET 2 OF 4

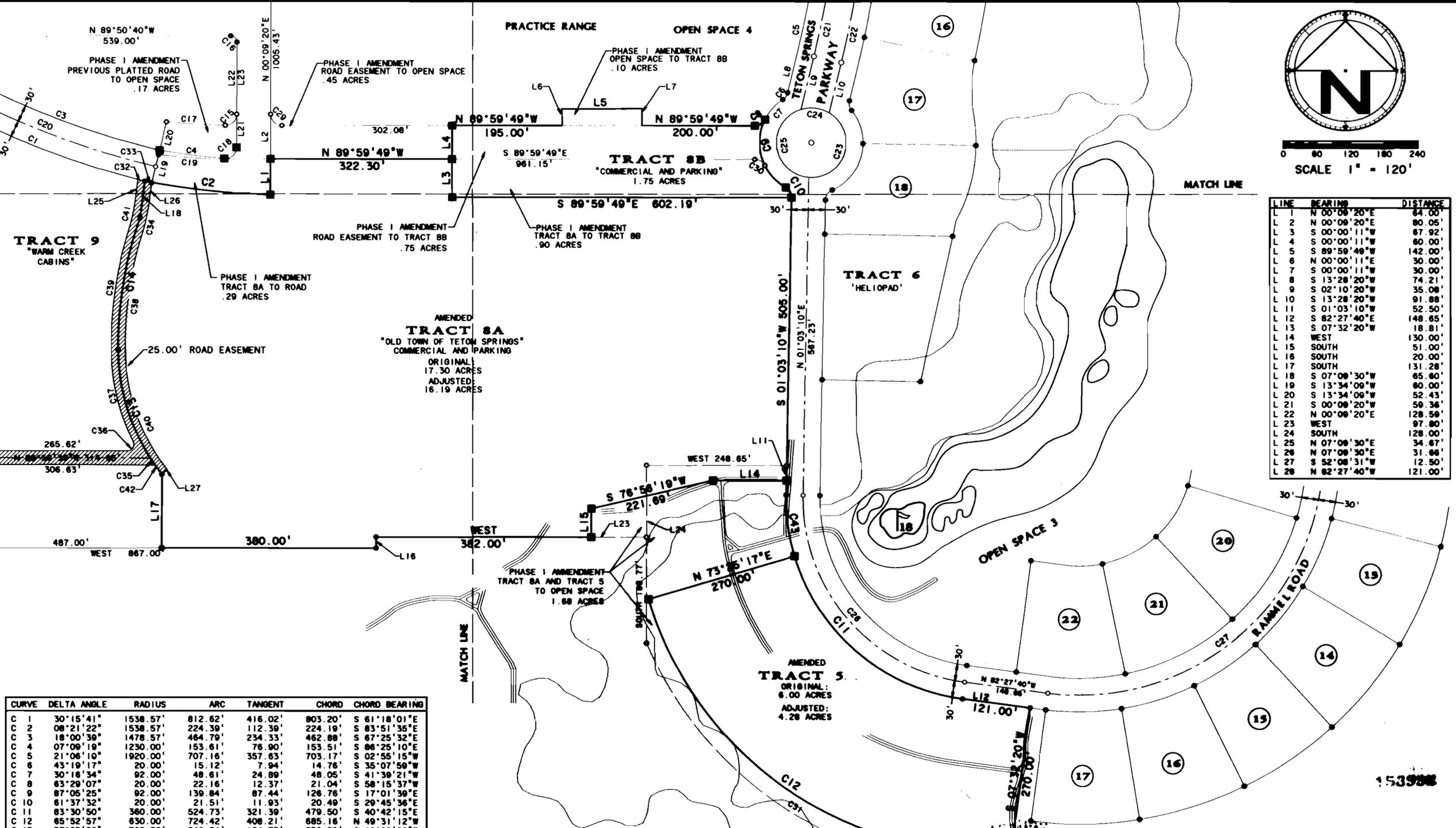
SURVEYED AWE 01/03 TSPR-AMD.DAT DRAWN CJD 02/03/03 PH1AMD-2.GCD PROJECT 99-044

Teton Springs

153992



LINE	BEARING	DISTANCE
L 1	N 00°08'20"E	64.00'
L 2	N 00°09'20"E	80.05'
L 3	S 00°00'11"W	67.92'
L 4	S 00°00'11"W	60.00'
L 5	S 89°59'49"W	142.00'
L 6	N 00°00'11"E	30.00'
L 7	S 00°00'11"W	30.00'
L 8	S 13°28'20"W	74.21'
L 9	S 02°10'20"W	35.08'
L 10	S 13°28'20"W	91.88'
L 11	S 01°03'10"W	52.50'
L 12	S 82°27'40"E	148.65'
L 13	S 07°32'20"W	18.81'
L 14	WEST	130.00'
L 15	SOUTH	51.00'
L 16	SOUTH	20.00'
L 17	SOUTH	131.28'
L 18	S 07°09'30"W	65.60'
L 19	S 13°34'09"W	80.00'
L 20	S 13°34'09"W	52.43'
L 21	S 00°00'20"W	59.36'
L 22	N 00°08'20"E	128.58'
L 23	WEST	97.80'
L 24	SOUTH	128.00'
L 25	N 07°09'30"E	34.67'
L 26	N 07°09'30"E	31.66'
L 27	S 52°08'31"W	12.50'
L 28	N 82°27'40"W	121.00'



CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARINGS
C 1	30°15'41"	1538.57'	812.62'	416.02'	803.20'	S 61°18'01"E
C 2	08°21'22"	1538.57'	224.39'	112.39'	224.19'	S 83°51'35"E
C 3	18°00'30"	1476.57'	464.79'	234.33'	462.88'	S 67°25'32"E
C 4	07°09'19"	1230.00'	153.61'	76.90'	153.51'	S 86°25'10"E
C 5	21°06'10"	1920.00'	707.16'	357.63'	703.17'	S 02°55'15"W
C 6	43°19'17"	20.00'	15.12'	7.94'	14.76'	S 35°07'59"W
C 7	30°16'34"	92.00'	48.61'	24.89'	48.05'	S 41°39'21"W
C 8	63°29'07"	20.00'	22.16'	12.37'	21.04'	S 58°15'37"E
C 9	87°05'25"	92.00'	139.84'	87.44'	126.76'	S 17°01'39"E
C 10	81°37'32"	92.00'	21.51'	11.93'	20.49'	S 29°45'36"E
C 11	83°30'32"	360.00'	524.73'	321.39'	479.50'	S 40°42'15"E
C 12	65°52'57"	630.00'	724.42'	408.21'	685.16'	N 49°31'12"W
C 13	37°23'58"	368.50'	240.54'	124.73'	236.29'	S 19°09'29"E
C 14	19°48'50"	690.00'	238.81'	120.61'	237.62'	S 09°27'25"E
C 15	90°38'08"	20.00'	31.64'	20.23'	28.44'	N 45°28'54"E
C 16	90°00'00"	11.00'	17.28'	11.00'	15.56'	N 44°50'40"W
C 17	27°35'18"	1170.00'	583.36'	287.25'	557.94'	N 75°23'53"E
C 18	04°50'42"	20.00'	33.11'	21.77'	29.45'	N 47°34'48"E
C 19	07°09'19"	1230.00'	153.61'	76.90'	153.51'	S 86°25'10"E
C 20	30°15'41"	1508.57'	796.77'	407.91'	787.54'	S 61°18'01"E
C 21	21°06'10"	1950.00'	718.21'	363.22'	714.16'	S 02°55'15"W
C 22	21°06'10"	2000.00'	736.63'	372.47'	732.47'	S 02°55'15"W
C 23	153°11'05"	62.00'	165.78'	280.10'	120.62'	S 17°26'35"W
C 24	47°53'38"	62.00'	51.83'	27.54'	50.33'	S 83°05'48"E
C 25	158°55'17"	62.00'	171.97'	333.25'	121.91'	N 06°30'14"W
C 26	83°30'50"	330.00'	491.01'	294.61'	439.54'	N 40°42'15"W
C 27	89°22'20"	430.00'	670.73'	425.31'	804.77'	S 52°51'10"W
C 28	15°24'30"	1904.80'	510.71'	257.68'	510.71'	S 00°27'45"W
C 29	90°09'09"	20.00'	31.47'	20.06'	28.32'	N 44°55'15"W
C 30	63°29'07"	20.00'	22.16'	12.37'	21.04'	S 58°15'37"E
C 31	70°02'43"	680.00'	806.87'	462.53'	757.55'	N 58°00'09"W
C 32	00°28'09"	1538.57'	12.60'	6.30'	12.60'	S 75°43'40"E
C 33	00°28'07"	1538.57'	12.58'	6.29'	12.58'	S 76°11'48"E
C 34	09°59'30"	351.09'	61.23'	30.89'	61.15'	S 12°09'15"W
C 35	02°20'04"	368.50'	15.01'	7.51'	15.01'	N 33°28'42"W
C 36	116°17'15"	11.50'	23.34'	18.51'	19.54'	S 32°00'52"W
C 37	25°40'15"	381.00'	170.70'	86.81'	169.28'	N 13°17'38"W
C 38	17°36'30"	677.48'	208.21'	104.93'	207.39'	S 08°20'45"W
C 39	17°36'30"	702.50'	215.89'	108.81'	215.05'	N 08°20'45"E
C 40	37°23'58"	368.50'	232.38'	120.50'	228.27'	S 19°09'29"E
C 41	09°59'30"	326.09'	56.87'	28.51'	56.79'	N 12°09'15"E
C 42	03°12'45"	368.50'	20.66'	10.33'	20.66'	N 36°15'07"W

**LEGEND**

- SECTION CORNER FOUND OR SET AS NOTED
- SET 1/2" IRON PIN WITH CAP INSCRIBED: AW ENG 2860
- 1/16 SECTION CORNER WITH CAP INSCRIBED: AW ENG 2860
- ROAD POINT
- OLD PROPERTY CORNER - FOUND IRON PIN
- FOUND 1/2" IRON PIN WITH CAP INSCRIBED: AW ENG 2860
- MATCH LINE
- SECTIONAL BREAKDOWN LINE
- OLD PROPERTY LINES
- ▨ EASEMENT - TYPE AND WIDTH AS NOTED

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



E 1/4 CORNER SECTION 23 FOUND IRON PIN WITH CAP C.P.F.R. INDEX P-21 INSTRUMENT #126816

S 89°44'38"E 1272.55'

NE CORNER H.E.S. 306 FOUND MARKED STONE

AMENDED PLAT FOR:

**TRACT 5 AND TRACT 8 TETON SPRINGS**

GOLF AND CASTING CLUB PHASE I

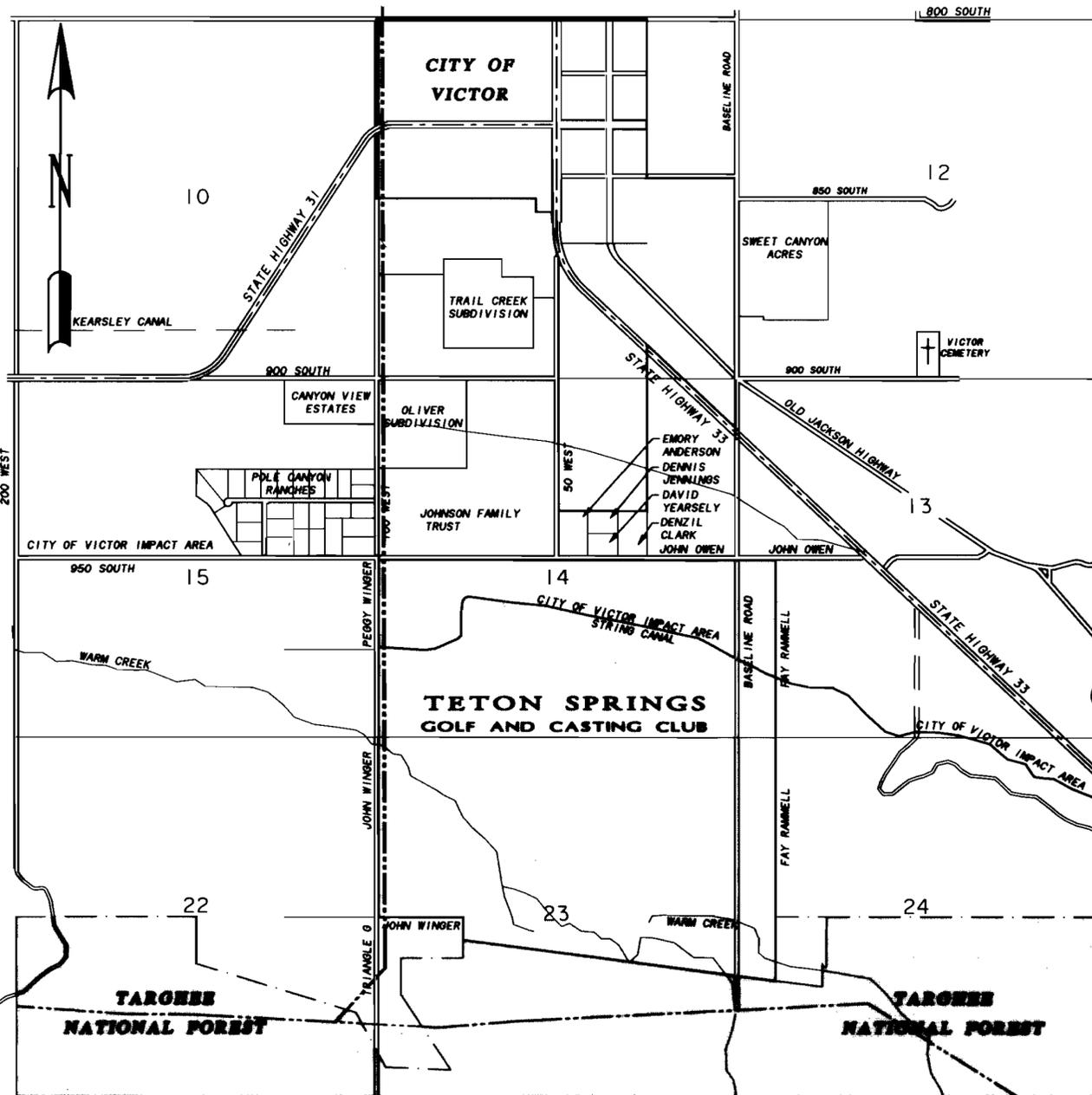
A PART OF THE N 1/2 SE 1/4 SECTION 14, TWP. 3N., R1G. 4E., RM., TETON COUNTY, IDAHO

TRACT 5 AND 8 AMENDMENTS

153988

Teton Springs

153982



VICINITY MAP

1" = 1500'

CERTIFICATE OF REVIEW

I, THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

NAME: [Signature]  
 DATE: 3/1/03

CITY OF VICTOR APPROVAL

PRESENTED TO THE CITY COUNCIL OF VICTOR, IDAHO, ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

[Signature] 3/27/03  
 MAYOR, CITY OF VICTOR, IDAHO DATE

ATTEST: [Signature]  
 CITY CLERK

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND AS SHOWN ON THIS PLAT.

[Signature] 3-26-03  
 COUNTY TREASURER DATE

COMMISSIONERS' CERTIFICATE

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

[Signature] 4/3/03  
 CHAIRMAN, COUNTY COMMISSIONERS DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY NATURE OF ANY STREET, ALLEY, OR ROAD WITHIN THIS SUBDIVISION.

OWNER'S CERTIFICATE

BE IT KNOWN THAT TETON SPRINGS GOLF & CASTING CLUB, L.L.C., HEREAFTER REFERRED TO AS "TETON SPRINGS," DID CAUSE THE P.U.D. SUBDIVISION OF LAND AS HEREIN PLATTED AND DESCRIBED AND DO HEREBY CERTIFY THAT IT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID PARTNERS AND PROPRIETORS OF SAID DESCRIBED LANDS:

THAT THE NAME OF THE SUBDIVISION SHALL BE TETON SPRINGS GOLF AND CASTING CLUB;  
 THAT ACCESS TO SAID SUBDIVISION SHALL BE FROM COUNTY ROAD "950 SOUTH";  
 THAT THE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD TO BE FILED CONCURRENTLY WITH THIS PLAT;  
 THAT THE SUBDIVISION IS SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENTS OF RIGHT OR RECORD OR AS CAUSED BY THIS PLATTING;  
 THAT BASELINE ROAD, SHOWN AS BARN RIDGE TRAIL, FROM "950 SOUTH" TO THE NATIONAL FOREST BOUNDARY, IS A PUBLIC ACCESS ROADWAY THAT WILL BE MAINTAINED BY TETON SPRINGS;  
 THAT THE PATHS AROUND THE PERIMETER OF THE PROJECT ON THE WEST, NORTH, AND EAST SIDES WILL BE PUBLIC PATHS UNLESS DAMAGE, VANDALISM, OR OTHER TRESPASSES NECESSITATE THEIR CLOSURE TO THE GENERAL PUBLIC. SAID CLOSURE WILL BE BY A MUTUAL AGREEMENT BETWEEN THE BOARD OF TETON COUNTY COMMISSIONERS AND TETON SPRINGS. ALL OTHER ROADS AND PATHS WITHIN THE SUBDIVISION WILL BE PRIVATE PATHS FOR THE USE AND ENJOYMENT OF THE TETON SPRINGS RESIDENTS AND MEMBERS, INCLUDING THOSE TO WHOM TETON SPRINGS HAVE GRANTED A RIGHT OF USE;  
 THAT THE PRIVATE ROAD DESIGNATION DOES NOT RESTRICT OR PROHIBIT ANY COUNTY EMERGENCY VEHICLES, SHERIFF'S DEPARTMENT OR OTHER OFFICIALS THE RIGHT OF ACCESS. NORMAL DELIVERY AND PUBLIC SERVICE VEHICLES ARE ALSO NOT RESTRICTED;  
 THAT THE PRIVATE ROAD DESIGNATION DOES REQUIRE TETON SPRINGS TO PROVIDE ALL MAINTENANCE, SNOW REMOVAL AND OTHER JURISDICTIONAL DUTIES;  
 THAT TETON SPRINGS WILL BE RESPONSIBLE FOR THE COORDINATION OF WATER IN THE STRING CANAL SYSTEM WITH THE STATE WATER MASTER AND TRAIL CREEK SPRINKLER IRRIGATION COMPANY IN REFERENCE TO EXISTING WATER ON THE PROPERTY AND WATER USE;  
 THAT TETON SPRINGS ACKNOWLEDGES THE RIGHT OF THE TRAIL CREEK SPRINKLER IRRIGATION COMPANY TO ACCESS THEIR EASEMENTS, TRUNKLINES AND CONTROL VALVES LOCATED WITHIN THE PERIMETERS OF SAID SUBDIVISION;  
 THAT ALL LANDSCAPE MAINTENANCE WILL BE PERFORMED BY TETON SPRINGS UNTIL SUCH TIME AS A HOMEOWNERS' ASSOCIATION IS FORMED, AT WHICH TIME SAID HOMEOWNERS' ASSOCIATION WILL ASSUME RESPONSIBILITY FOR SAID LANDSCAPE MAINTENANCE WITHIN THE SUBDIVISION;  
 THAT EASEMENTS AND OPEN AREA AS PLATTED ARE DEDICATED FOR THE TETON SPRINGS GOLF & CASTING CLUB GOLF COURSE, PONDS, PATHS, SEWER, WATER, ELECTRICAL POWER LINES AND ALL UTILITIES AS REQUIRED FOR THE COMPLETION OF SAID SUBDIVISION;  
 THAT OPEN SPACE AND AREAS OUTSIDE BUILDING ENVELOPES ARE INTENDED FOR UTILITIES, PATHS, RECREATION, LANDSCAPING, AND AGRICULTURE USES. OTHER LIMITED USES, SUCH AS RECREATION AND AGRICULTURE BUILDINGS MAY BE ALLOWED IF APPROVED BY THE MANAGEMENT COMMITTEE. OPEN AREA A-D ARE TO BE ADMINISTERED BY THE HOMEOWNERS' ASSOCIATION UPON ITS FORMATION. OPEN SPACE I-7 ARE TO BE ADMINISTERED BY TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.

DESCRIPTION OF LANDS BEING DIVIDED:

TETON SPRINGS GOLF & CASTING CLUB IS LOCATED IN THE S 1/2 OF SECTION 14; THE N 1/2 OF SECTION 23; THE WESTERN 572.23 FEET OF THE S 1/2 OF SECTION 13 AND N 1/2 OF SECTION 24 AND THE WESTERN 487.5 FEET OF HES 306, ALL LOCATED IN TOWNSHIP 30N, RANGE 45E, T.B.M. TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:  
 COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23, A U.S.F.S. 3 INCH BRASS CAP AND RUNNING N 0 00'17"E, 2642.34 FT. ALONG THE WEST SECTION LINE OF SECTION 23 TO THE SECTION CORNER;  
 THENCE N 0 00'07"E, 2842.79 FT. ALONG THE WEST SECTION LINE OF SECTION 13 TO THE NORTHWEST CORNER OF THE S 1/2 OF SECTION 13;  
 THENCE S 00 30'34"E, 5277.41 FT. TO THE EAST QUARTER SECTION CORNER;  
 THENCE N 00 43'54"E, 572.23 FT. ALONG THE N 1/2 OF SAID SECTION 13 TO A POINT;  
 THENCE S 0 01'00"E, 6180.11 FT. TO A POINT ON THE SOUTH LINE OF HES 306;  
 THENCE N 02 37'50"W, 4423.31 FT. TO THE SW CORNER OF HES 306;  
 THENCE N 0 33'27"E, 330.00 FT. TO THE NORTHWEST CORNER OF HES 306;  
 THENCE N 00 43'30"W, 1270.02 FT. ALONG THE SOUTH SIDE OF THE S 1/2 OF SAID SECTION 23 TO THE POINT OF BEGINNING.

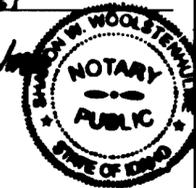
CONTAINS 774.17 ACRES MORE OR LESS.

[Signature]  
 MANAGING MEMBER, TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.

STATE OF Idaho  
 COUNTY OF Teton

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 21st DAY OF March, 2003 BY Anthony L. Voss  
 WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC [Signature]  
 MY COMMISSION EXPIRES: 10/15/2009



RECEIVED

APR - 4 2003

TETON CO., ID  
 CLERK RECORDER

153992

Instrument # 153992  
 DRIGGS, TETON, IDAHO  
 2003-04-04 10:33:50 No. of Pages: 1  
 Recorded for: A W ENGINEERING  
 MOLAN G. BOYLE Fee: 19.00  
 Ex-Officio Recorder Deputy [Signature]  
 Index to: PLAT

RECORDER'S CERTIFICATE

STATE OF IDAHO )  
 ) SS  
 COUNTY OF TETON )

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_\_ AT \_\_\_\_\_  
 AT THE REQUEST OF \_\_\_\_\_  
 INSTRUMENT NUMBER \_\_\_\_\_

COUNTY RECORDER

SURVEYOR'S CERTIFICATE

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



PLANNING AND ZONING APPROVAL

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

[Signature] 4-1-03  
 CHAIRMAN, PLANNING AND ZONING DATE

ASSESSOR'S CERTIFICATE

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

[Signature] 3-26-03  
 COUNTY ASSESSOR DATE

AMENDED PLAT FOR:

TETON SPRINGS  
 GOLF AND CASTING CLUB PHASE 1

VICINITY MAP / CERTIFICATES / NOTES

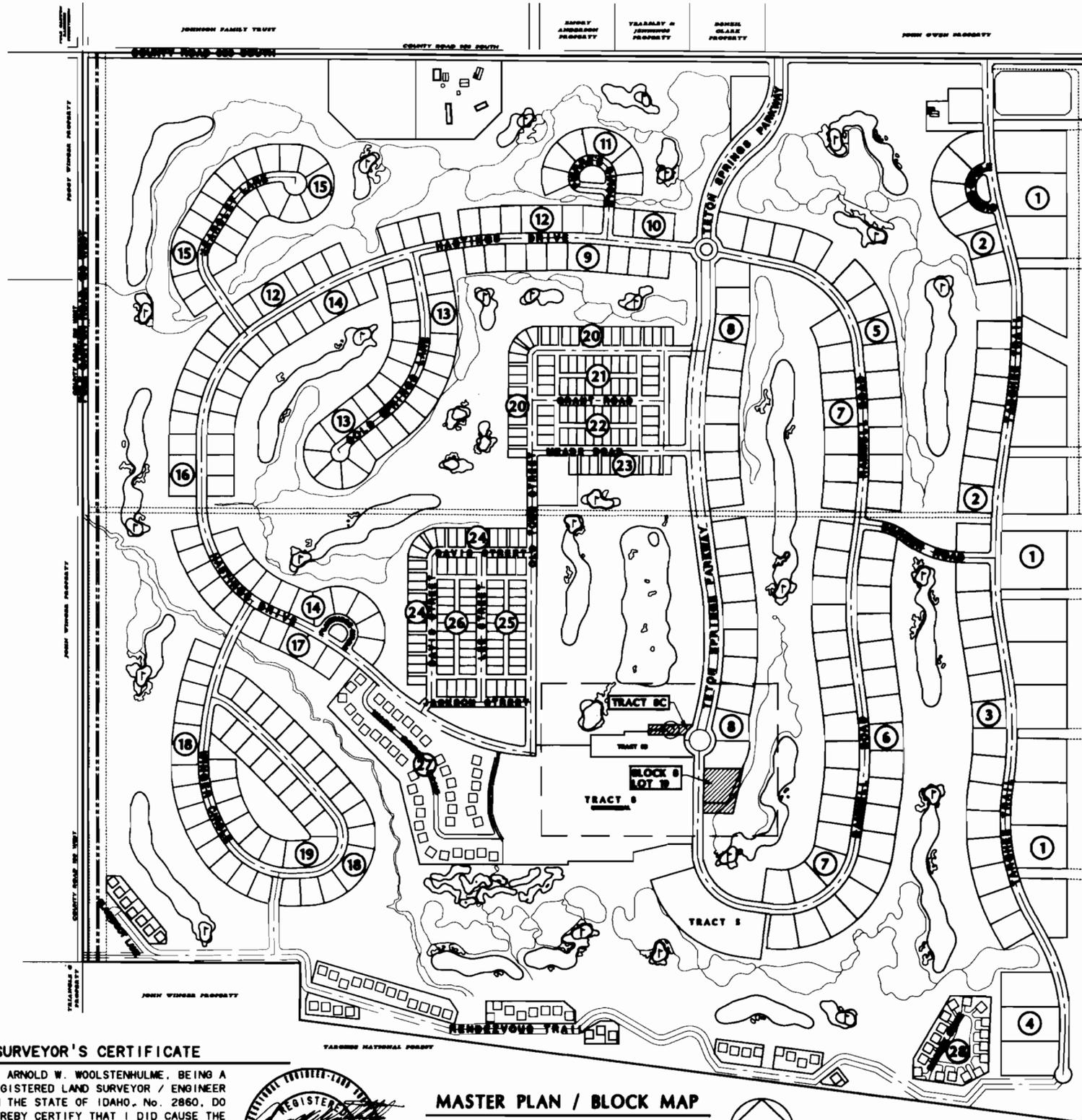
SHEET 4 OF 4

Teton Springs

153992

# TETON SPRINGS

## GOLF AND CASTING CLUB PHASE 1 AMENDED PLAT #2



**MASTER PLAN DESIGNED BY:**

AW ENGINEERING  
 BOTA  
 CARL THURSEN, ASLA  
 LAND DESIGN STUDIO  
 MICHAEL E. POTTER, ASLA

VICTOR, IDAHO  
 JACKSON, WYOMING  
 BILLINGS, MONTANA  
 LOVELAND, COLORADO  
 BOZEMAN, MONTANA

PC DEVELOPMENT

**GOLF COURSE DESIGNED BY:**

STEVE JONES / GARY STEPHANSON  
 BYRON NELSON

**AREA/UNITS/DENSITY TABLE - MASTER PLAN - PHASES 1, 2, 3, 4**

AREA	BLOCK(S)	ACRES	UNITS(R)	UNITS(C)	DENSITY
COUNTY ROADS	-	7.85	-	-	-
SUBDIVISION ROADS	-	59.89	-	-	-
OLD TOWN ALLEYS	-	4.25	-	-	-
TOTAL ROADS	-	71.99	-	-	-
RANCH ESTATE LOTS	1, 4	35.28	18	-	0.51
GOLF ESTATE LOTS	2-3, 5-8	73.29	98	-	1.35
GOLF HOME LOTS	9-19	76.24	172	-	2.26
OLD TOWN NORTH LOTS	20-23	10.78	88	-	8.18
OLD TOWN SOUTH	24-26	10.19	84	-	8.24
TRACT 9 (WARM CREEK CABINS)	-	12.82	40	-	3.90
FOREST CABINS (TR. 10-14)	-	12.58	60	-	4.73
TOTAL RESIDENTIAL	-	231.19	580	-	2.34
TRACT 8A (COMMERCIAL)	-	16.19	-	50	3.09
TRACT 8B (COMMERCIAL)	-	1.75	-	-	1.16
TRACT 5 (COMMERCIAL)	-	4.28	-	100	25.38
TOTAL COMMERCIAL	-	22.22	-	150	6.14
TRACT 15 (HASTINGS RANCH)	-	5.00	5	-	1.00
TRACT 1 (OPER. & MAINT.)	-	5.12	24	-	4.69
TRACT 2 (WELCOME LOT)	-	1.18	-	-	-
TRACT 3 (EQUEST. & ACT.)	-	3.97	-	-	-
TRACT 4 (OLD BARN)	-	0.74	-	-	-
TRACT 7 (GOLF ACADEMY)	-	1.44	-	-	-
TRACT 9C (HELIOPAD)	-	0.26	-	-	-
TRACT 16 (WELL LOT)	-	0.92	-	-	-
TOTAL MISCELLANEOUS	-	18.83	29	-	1.47
OPEN AREAS (A-D)	-	3.25	(ADMINISTERED BY HOMEOWNERS)		
OPEN SPACE (1-7)	-	427.27	(ADMINISTERED BY GOLF COURSE)		
TOTAL OPEN SPACE	-	430.52	(55.6% OF TOTAL LAND IN PROJECT)		
TOTAL PROJECT	-	774.17	580	150	0.97

(NET OPEN SPACE INCREASES FROM ORIGINAL PHASE 1 PLAT: +.11 ACRES)

**DEVELOPMENT NOTES**

- DEVELOPMENT IS ZONED R-1
- A CENTRAL SEWER SYSTEM IS PROPOSED
- A CENTRAL WATER SYSTEM IS PROPOSED
- EXISTING USE OF LAND - AGRICULTURAL

• SETBACKS:  
 - COUNTY STANDARD R-1 ZONE FRONT 30' REAR 20' SIDES 10'  
 - OLD TOWN 20' 20' 10'  
 - NATURAL STREAMS TO ALL 100' 100' 100'  
 STRUCTURES

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



**MASTER PLAN / BLOCK MAP**

SCALE 1" = 500'

PHASE 1 AMENDED AREAS

DATE	BY	REVISION
2002 - 2003	DRAIN SRJ	05/07/03 REVISED
00/00/00	TSPR-AMD.DAT	PH1EL-1.GCD

155277

155277

SHEET NO.	DESCRIPTION
1	TITLE PAGE / INDEX / NOTES
2	TRACT 5 AND TRACT 9 AMENDMENT
4	VIGNETTE MAP / CERTIFICATE / NOTES

**AMENDED PLAT FOR:**

**TETON SPRINGS**

GOLF AND CASTING CLUB PHASE 1 AMENDED PLAT #2

THE S 1/2 SECTION 14, THE N 1/2 SECTION 20, A PART OF SECTION 16, A PART OF SECTION 24, AND A PART OF N.E.S. 206, ALL IN TOWNSHIP 3 NORTH, RANGE 45 EAST, S.M. TETON COUNTY, IDAHO

TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.

TITLE PAGE / INDEX / NOTES

SHEET 1 OF 3

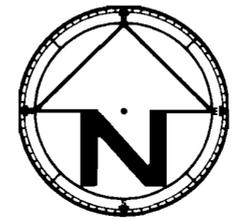
EXHIBIT G

Teton Springs  
 Golf & Casting Club  
 Phase 1, Amended Plat # 2

Sec. 13, 14, 23, 24  
 Twn. 3N, Rng. 45

155277

LINE	BEARING	DISTANCE
L 1	NORTH	30.00'
L 2	NORTH	20.00'
L 3	NORTH	50.00'
L 4	S 01°03'10"W	25.60'
L 5	SOUTH	20.00'
L 6	N 01°03'57"E	60.00'
L 7	N 00°57'10"E	60.54'
L 8	S 23°06'52"W	29.94'
L 9	S 13°28'20"W	74.21'
L 10	N 13°28'20"E	62.46'
L 11	S 01°03'10"W	26.90'
L 12	SOUTH	51.00'
L 13	N 00°00'11"E	60.00'
L 14	N 00°00'11"E	30.00'
L 15	N 00°00'11"E	67.92'
L 16	S 13°28'20"W	91.88'



0 50 100 150 200  
SCALE 1" = 100'

**BASIS OF BEARING**  
 WAS ESTABLISHED BY THE PROPRIETARY  
 WGS84 COORDINATES OF THE SECTION  
 CORNERS SHOWN ON THIS PLAT, AND  
 A TRANSVERSE MERCATOR MAP  
 PROJECTION WITH A CENTRAL  
 MERIDIAN LOCATED AT THE N 1/4  
 CORNER OF SECTION 15, TWP. 3N.,  
 RNG. 45E., B.M., IDAHO  
 (SCALE FACTOR: 1.00029345)

LEGEND	
⊙	SECTION CORNER FOUND OR SET AS NOTED
■	SET 1/2" IRON PIN WITH CAP INSCRIBED: AW ENG 2860
□	1/16 SECTION CORNER WITH CAP INSCRIBED: AW ENG 2860
○	ROAD POINT
○	OLD PROPERTY CORNER - FOUND IRON PIN
●	FOUND 1/2" IRON PIN WITH CAP INSCRIBED: AW ENG 2860
---	MATCH LINE
---	SECTIONAL BREAKDOWN LINE
---	OLD PROPERTY LINES
▨	EASEMENT - TYPE AND WIDTH AS NOTED

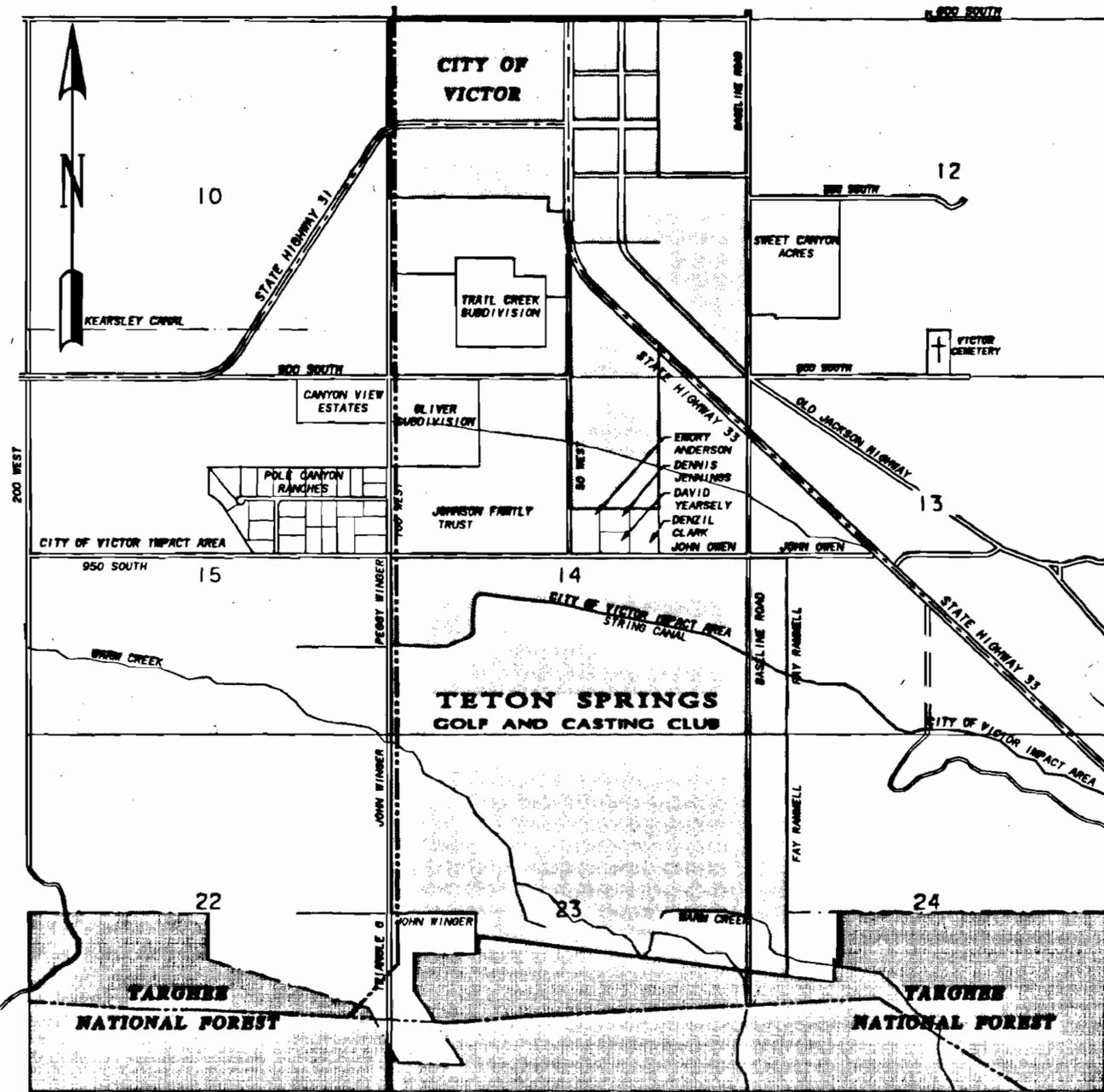
CURVE DATA TABLE						
CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	13°31'29"	20.00'	4.72'	2.37'	4.71'	S 50°01'53"W
C 2	30°16'34"	92.00'	48.61'	24.89'	48.05'	S 41°39'21"W
C 3	63°29'07"	20.00'	22.16'	12.37'	21.04'	S 58°15'37"W
C 4	87°05'25"	92.00'	139.84'	87.44'	126.78'	S 17°01'39"E
C 5	17°37'53"	360.00'	110.78'	55.83'	110.35'	S 07°45'47"E
C 6	65°52'57"	630.00'	724.42'	408.21'	685.18'	N 49°31'12"W
C 7	65°52'57"	360.00'	413.95'	233.26'	381.52'	S 49°31'12"E
C 8	29°47'48"	20.00'	10.40'	5.32'	10.29'	S 28°22'14"W
C 9	04°18'15"	2230.00'	187.52'	83.80'	187.44'	S 06°30'07"W
C 10	04°18'30"	2230.00'	187.68'	83.88'	187.64'	S 09°48'30"W
C 11	21°37'39"	259.33'	49.53'	25.33'	49.31'	S 01°08'55"W
C 12	10°39'54"	292.00'	54.35'	27.26'	54.27'	S 04°19'57"E
C 13	27°30'00"	292.00'	140.15'	71.45'	138.81'	S 14°45'00"W
C 14	83°30'50"	300.00'	437.28'	267.83'	399.58'	N 40°42'15"W
C 15	65°18'55"	20.00'	22.80'	12.82'	21.58'	N 33°42'38"E
C 16	65°22'05"	92.00'	104.96'	59.03'	99.36'	N 33°41'03"E
C 17	39°48'37"	92.00'	63.92'	33.31'	62.65'	N 18°54'18"W
C 18	52°16'57"	20.00'	18.25'	9.82'	17.62'	N 12°40'08"W
C 19	01°30'35"	2030.00'	53.49'	26.75'	53.49'	N 12°43'03"E
C 20	04°18'30"	2030.00'	152.85'	76.36'	152.61'	N 09°48'30"E
C 21	04°18'15"	2030.00'	152.50'	76.28'	152.46'	N 05°30'08"E
C 22	21°06'10"	1920.00'	707.16'	357.63'	703.17'	S 02°55'15"W
C 23	61°37'32"	20.00'	21.51'	11.93'	20.49'	S 29°45'36"E
C 24	83°30'50"	330.00'	481.01'	294.61'	439.54'	N 40°42'15"W
C 25	21°06'10"	2000.00'	736.63'	372.53'	732.47'	S 02°55'15"W
C 26	153°11'05"	62.00'	165.78'	280.10'	120.62'	S 17°26'35"W
C 27	158°55'17"	62.00'	171.97'	333.25'	121.91'	N 06°30'14"W
C 28	47°53'38"	62.00'	51.83'	27.54'	50.33'	S 83°05'46"E
C 29	21°06'10"	1950.00'	718.21'	363.22'	714.16'	S 02°55'15"W

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



AMENDED PLAT FOR:  
**TRACT 6 AND TRACT 8**  
**TETON SPRINGS**  
 GOLF AND CASTING CLUB PHASE I - AMENDED PLAT 2  
 A PART OF THE N 1/2 SE 1/4 SECTION 14, TWP. 3N.,  
 RNG. 45E., B.M., TETON COUNTY, IDAHO  
**TRACT 6 AND 8 AMENDMENTS** SHEET 2 OF 3



VICINITY MAP  
1" = 1500'

**PLANNING AND ZONING APPROVAL**

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING COMMISSION ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

*W. Marshall* 6-9-03  
CHAIRMAN, PLANNING AND ZONING DATE

**ASSESSOR'S CERTIFICATE**

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

*Denny Thomas* 6-4-03  
COUNTY ASSESSOR DATE

**CERTIFICATE OF REVIEW**

I, THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

*[Signature]*  
NAME  
5/27/03  
DATE

**CITY OF VICTOR APPROVAL**

PRESENTED TO THE CITY COUNCIL OF VICTOR, IDAHO, ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

*Don Shannon* 6/6/03  
MAYOR, CITY OF VICTOR, IDAHO DATE

ATTEST: CITY CLERK

**TREASURER'S CERTIFICATE**

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND AS SHOWN ON THIS PLAT.

*James C. Hata* 6-4-2003  
COUNTY TREASURER DATE

**COMMISSIONERS' CERTIFICATE**

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

*[Signature]* 6/6/03  
CHAIRMAN, COUNTY COMMISSIONERS DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY NATURE OF ANY STREET, ALLEY, OR ROAD WITHIN THIS SUBDIVISION.

**OWNER'S CERTIFICATE**

BE IT KNOWN THAT TETON SPRINGS GOLF & CASTING CLUB, L.L.C., HEREAFTER REFERRED TO AS "TETON SPRINGS" DID CAUSE THE P.U.D. SUBDIVISION OF LAND AS HEREIN PLATTED AND DESCRIBED AND DO HEREBY CERTIFY THAT IT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID PARTNERS AND PROPRIETORS OF SAID DESCRIBED LANDS: THAT THE NAME OF THE SUBDIVISION SHALL BE TETON SPRINGS GOLF AND CASTING CLUB; THAT ACCESS TO SAID SUBDIVISION SHALL BE FROM COUNTY ROAD "950 SOUTH"; THAT THE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD TO BE FILED CONCURRENTLY WITH THIS PLAT; THAT THE SUBDIVISION IS SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENTS OF RIGHT OR RECORD OR AS CAUSED BY THIS PLATTING; THAT BASELINE ROAD, SHOWN AS BARN RIDGE TRAIL, FROM "950 SOUTH" TO THE NATIONAL FOREST BOUNDARY, IS A PUBLIC ACCESS ROADWAY THAT WILL BE MAINTAINED BY TETON SPRINGS; THAT THE PATHS AROUND THE PERIMETER OF THE PROJECT ON THE WEST, NORTH, AND EAST SIDES WILL BE PUBLIC PATHS UNLESS DAMAGE, VANDALISM, OR OTHER TRESPASSES NECESSITATE THEIR CLOSURE TO THE GENERAL PUBLIC SAID CLOSURE WILL BE BY A MUTUAL AGREEMENT BETWEEN THE BOARD OF TETON COUNTY COMMISSIONERS AND TETON SPRINGS. ALL OTHER ROADS AND PATHS WITHIN THE SUBDIVISION WILL BE PRIVATE PATHS FOR THE USE AND ENJOYMENT OF THE TETON SPRINGS RESIDENTS AND MEMBERS, INCLUDING THOSE TO WHOM TETON SPRINGS HAVE GRANTED A RIGHT OF USE; THAT THE PRIVATE OWNERSHIP DOES NOT RESTRICT OR PROHIBIT ANY COUNTY EMERGENCY VEHICLES, SHERIFF'S DEPARTMENT OR OTHER OFFICIALS THE RIGHT OF ACCESS, NORMAL DELIVERY AND PUBLIC SERVICE VEHICLES ARE ALSO NOT RESTRICTED; THAT THE PRIVATE ROAD DESIGNATION DOES REQUIRE TETON SPRINGS TO PROVIDE ALL MAINTENANCE, SNOW REMOVAL AND OTHER JURISDICTIONAL DUTIES; THAT TETON SPRINGS WILL BE RESPONSIBLE FOR THE COORDINATION OF WATER IN THE STRING CANAL SYSTEM WITH THE STATE WATER MASTER AND TRAIL CREEK SPRINKLER IRRIGATION COMPANY IN REFERENCE TO EXISTING WATER ON THE PROPERTY AND WATER USE; THAT TETON SPRINGS ACKNOWLEDGES THE RIGHT OF THE TRAIL CREEK SPRINKLER IRRIGATION COMPANY TO ACCESS THEIR EASEMENTS, TRUNKLINES AND CONTROL VALVES LOCATED WITHIN THE PERIMETERS OF SAID SUBDIVISION; THAT ALL LANDSCAPE MAINTENANCE WILL BE PERFORMED BY TETON SPRINGS UNTIL SUCH TIME AS A HOMEOWNERS' ASSOCIATION IS FORMED, AT WHICH TIME SAID HOMEOWNERS' ASSOCIATION WILL ASSUME RESPONSIBILITY FOR SAID LANDSCAPE MAINTENANCE WITHIN THE SUBDIVISION; THAT EASEMENTS AND OPEN AREA AS PLATTED ARE DEDICATED FOR THE TETON SPRINGS GOLF & CASTING CLUB GOLF COURSE, PONDS, PATHS, SEWER, WATER, ELECTRICAL, POWER LINES AND ALL UTILITIES AS REQUIRED FOR THE COMPLETION OF SAID SUBDIVISION; THAT OPEN SPACE AND AREAS OUTSIDE BUILDING ENVELOPES ARE INTENDED FOR UTILITIES, PATHS, RECREATION, LANDSCAPING, AND AGRICULTURE USES. OTHER LIMITED USES, SUCH AS RECREATION AND AGRICULTURE BUILDINGS MAY BE ALLOWED IF APPROVED BY THE MANAGEMENT COMMITTEE. OPEN AREA A-D ARE TO BE ADMINISTERED BY THE HOMEOWNERS' ASSOCIATION UPON ITS FORMATION. OPEN SPACE 1-7 ARE TO BE ADMINISTERED BY TETON SPRINGS GOLF AND CASTING CLUB, L.L.C. THAT WE HEREBY AGREE TO THE AMENDMENTS TO INSTRUMENT #141372 AS HEREIN PLATTED.

DESCRIPTION OF LANDS BEING DIVIDED:  
TETON SPRINGS GOLF & CASTING CLUB IS LOCATED IN THE S 1/2 OF SECTION 14; THE N 1/2 OF SECTION 23; THE WESTERN 872.25 FEET OF THE S 1/2 OF SECTION 13 AND N 1/2 OF SECTION 24 AND THE WESTERN 487.5 FEET OF HES 388, ALL LOCATED IN TOWNSHIP 30N, RANGE 45 E., B.M. TETON COUNTY, IDAHO, BEING FURTHER DESCRIBED AS:  
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 23, A U.S.F.S. 3 INCH BRASS CAP AND RUNNING N 0° 00' 17"E, 2842.34 FT. ALONG THE WEST SECTION LINE OF SECTION 23 TO THE SECTION CORNER;  
THENCE N 0° 00' 07"E, 2842.79 FT. ALONG THE WEST SECTION LINE OF SECTION 13 TO THE NORTHWEST CORNER OF THE S 1/2 OF SECTION 13;  
THENCE S 89° 39' 34"E, 5277.41 FT. TO THE EAST QUARTER SECTION CORNER;  
THENCE N 89° 43' 54"E, 572.25 FT. ALONG THE N 1/2 OF SAID SECTION 13 TO A POINT;  
THENCE S 0° 01' 09"E, 8180.11 FT. TO A POINT ON THE SOUTH LINE OF HES 388;  
THENCE N 82° 37' 50"W, 4023.31 FT. TO THE SW CORNER OF HES 388;  
THENCE N 0° 33' 27"E, 330.00 FT. TO THE NORTHWEST CORNER OF HES 388;  
THENCE N 89° 43' 38"W, 1270.02 FT. ALONG THE SOUTH SIDE OF THE S 1/2 OF SAID SECTION 23 TO THE POINT OF BEGINNING.

CONTAINS 774.17 ACRES MORE OR LESS.  
*Anthony L. Vest*  
MANAGING MEMBER, TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.  
STATE OF Idaho )  
COUNTY OF Teton ) SS  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 20 DAY OF June, 2003 BY *Anthony L. Vest*  
WITNESS MY HAND AND OFFICIAL SEAL.  
NOTARY PUBLIC *Sharon H. Markstrom*  
BY COMMISSION EXPIRES: 10/15/2008



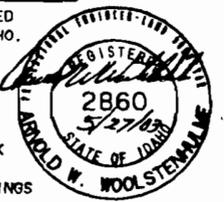
155277 RECEIVED  
JUN 09 2003  
TETON CO. ID  
CLERK RECORDER

**RECORDER'S CERTIFICATE**

STATE OF IDAHO )  
COUNTY OF TETON ) SS  
I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS 9 DAY OF June, 2003, AT 155277  
AT THE REQUEST OF \_\_\_\_\_  
INSTRUMENT NUMBER \_\_\_\_\_  
COUNTY RECORDER

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED. I FURTHER CERTIFY THAT THE WATER RIGHTS NOTES AND THE DISTRICT 7 HEALTH DEPT. CERTIFICATE AS PLATTED ON INSTRUMENT #141372 IN THE OFFICE OF THE CLERK OF TETON COUNTY, IDAHO, RECORDED ON 02/13/01 ARE APPLICABLE TO THIS PLATTING OF TETON SPRINGS GOLF & CASTING CLUB PHASE I AMENDED PLAT #2.



AMENDED PLAT FOR:  
**TETON SPRINGS**  
GOLF AND CASTING CLUB PHASE 1 - AMENDED PLAT 2  
VICINITY MAP / CERTIFICATES / NOTES SHEET 3 OF 3

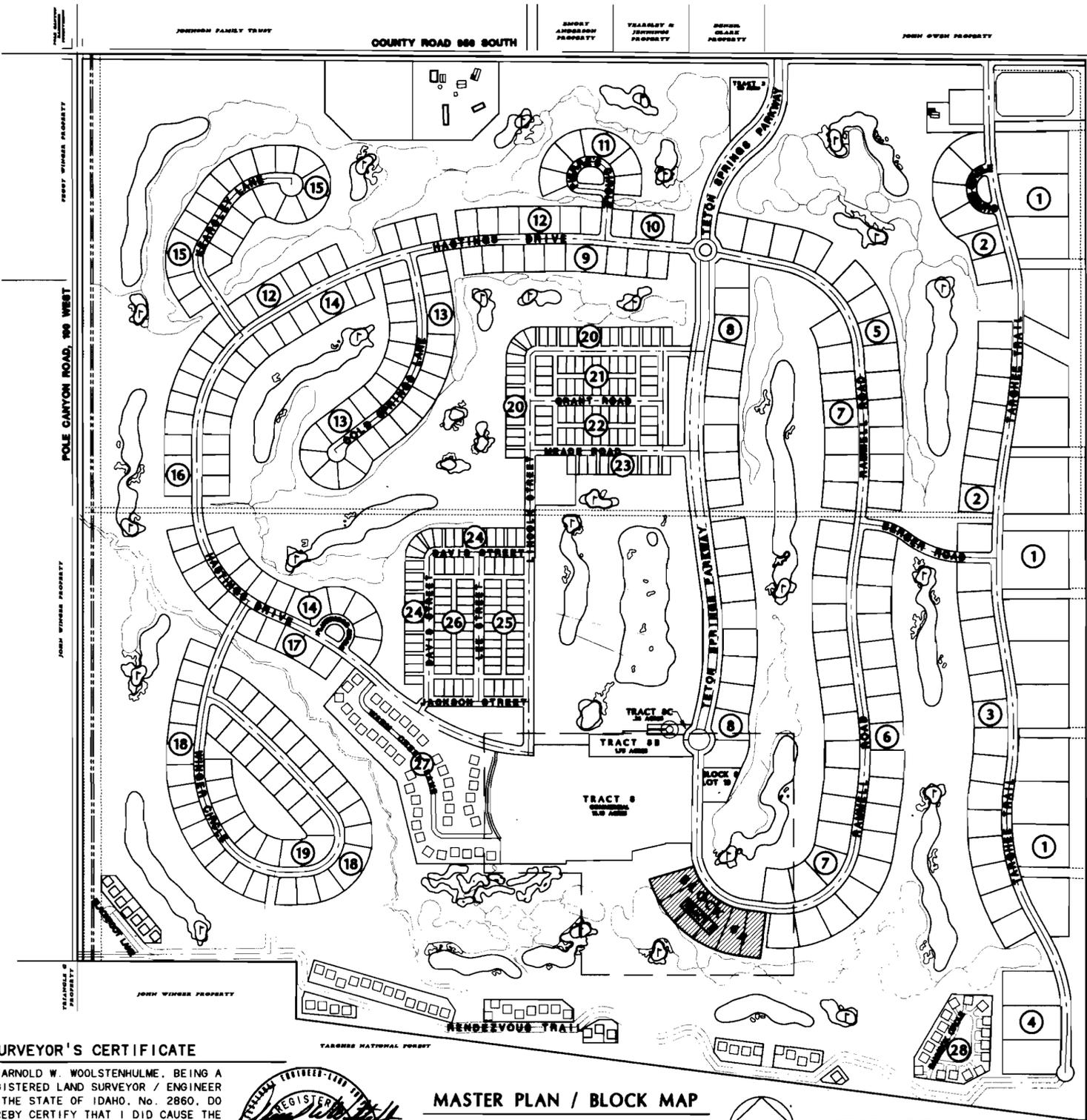
# TETON SPRINGS

## GOLF AND CASTING CLUB PHASE 1 AMENDED PLAT #3

141373  
143017  
159008  
159009  
167302  
159032  
159030  
167302  
159009

Teton Springs  
Golf & Casting Club  
Phase 1, Amended Plat # 3

Sec. 13, 14, 23, 24  
Twn. 3N, Rng. 4E  
157406



**MASTER PLAN DESIGNED BY:**

AW ENGINEERING BOTA CARL THRIESEN, ASLA LAND DESIGN STUDIO MICHAEL E. POTTER, ASLA	PC DEVELOPMENT VICTOR, IDAHO JACKSON, WYOMING BILLINGS, MONTANA LOVELAND, COLORADO BOZEMAN, MONTANA
--	--

**GOLF COURSE DESIGNED BY:**

STEVE JONES / GARY STEPHANSON  
BYRON NELSON

AREA	BLOCK(S)	ACRES	UNITS(R)	UNITS(C)	DENSITY
COUNTY ROADS	-	7.65	-	-	-
SUBDIVISION ROADS	-	59.69	-	-	-
OLD TOWN ALLEYS	-	4.25	-	-	-
<b>TOTAL ROADS</b>		<b>71.59</b>			
RANCH ESTATE LOTS	1, 4	35.28	18	-	0.51
GOLF ESTATE LOTS	2-3, 5-8	73.29	98	-	1.35
GOLF HOME LOTS	9-19	76.24	172	-	2.26
OLD TOWN NORTH LOTS	20-23	10.79	82	-	8.16
OLD TOWN SOUTH	24-26	10.19	84	-	8.24
TRACT 9 (WARM CREEK CABINS)	-	12.82	40	-	3.90
FOREST CABINS (TR. 10-14)	-	12.58	60	-	4.73
TRACT 5	6A	4.28	6	-	1.40
<b>TOTAL RESIDENTIAL</b>		<b>235.47</b>	<b>560</b>		<b>2.37</b>
TRACT 2 (ENTRY LOT)	-	1.18	-	-	-
TRACT 8 (COMMERCIAL)	-	16.19	-	150	4.25
TRACT 8B (GOLF SHOP/CART AREA)	-	1.75	-	-	-
TRACT 8C (HELIPAD)	-	0.26	-	-	-
<b>TOTAL COMMERCIAL</b>		<b>19.38</b>		<b>150</b>	<b>6.14</b>
TRACT 15 (HASTINGS RANCH)	-	5.00	5	-	1.00
TRACT 1 (OPER. & MAINT.)	-	5.12	24	-	4.69
TRACT 3 (EQUEST. & ACT.)	-	3.97	-	-	-
TRACT 4 (OLD BARN)	-	0.74	-	-	-
TRACT 7 (GOLF ACADEMY)	-	1.44	-	-	-
TRACT 16 (WELL LOT)	-	0.92	-	-	-
<b>TOTAL MISCELLANEOUS</b>		<b>17.19</b>	<b>29</b>		<b>1.47</b>
OPEN AREAS (A-D)	-	3.25 (ADMINISTERED BY HOMEOWNERS)	-	-	-
OPEN SPACE (1-7)	-	427.29 (ADMINISTERED BY GOLF COURSE)	-	-	-
<b>TOTAL OPEN SPACE</b>		<b>430.54 (55.6% OF TOTAL LAND IN PROJECT)</b>			
<b>TOTAL PROJECT</b>		<b>774.17</b>	<b>590</b>	<b>150</b>	<b>0.97</b>

(NET OPEN SPACE INCREASES FROM ORIGINAL PHASE I PLAT: +.11 ACRES.)

**RECEIVED DEVELOPMENT NOTES**

SEP 22 2003  
TETON CO., ID  
CLERK RECORDER

- DEVELOPMENT IS ZONED R-1
- CENTRAL SEWER SYSTEM
- CENTRAL WATER SYSTEM
- EXISTING USE OF LAND - RESIDENTIAL / GOLF COURSE

**SETBACKS:**

- COUNTY STANDARD R-1 ZONE	FRONT 30'	REAR 20'	SIDES 10'
- OLD TOWN	20'	20'	10'
- NATURAL STREAMS TO ALL STRUCTURES	100'	100'	100'
SETBACKS FOR LOT 6A ONLY	30'	40'	10'

Instrument # 157406  
DRIGGS, TETON, IDAHO  
2003-08-22 10:23:30 No. of Pages: 1  
Recorded for: A W ENGINEERING  
NOLAN G. BOYLE Fee: 10.00  
Ex-Officio Recorder Deputy  
Index to PLAT

157406

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED.



**MASTER PLAN / BLOCK MAP**

SCALE 1" = 500'

AMENDED BY THIS PLAT

NOTE: 100 OVERNIGHT UNITS / ACCOMADATIONS SHIFTED TO TRACT 8 FROM TRACT 5

44	SURVEYED AWE	2002 - 2003	DRAWN SRJ	05/07/03	REVISED 3/09/03. gww	TSPP-AMD.DAT	TRACSAMI.OCD
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**INDEX**

SHEET NO.	DESCRIPTION
1	TITLE PAGE / INDEX / NOTES
2	TRACT 5 AND TRACT 6 AMENDMENT
3	VICINITY MAP / CERTIFICATES / NOTES

AMENDED PLAT FOR INSTRUMENT #153992:

### TETON SPRINGS

GOLF AND CASTING CLUB PHASE 1, TRACT 5, AMENDED PLAT #3

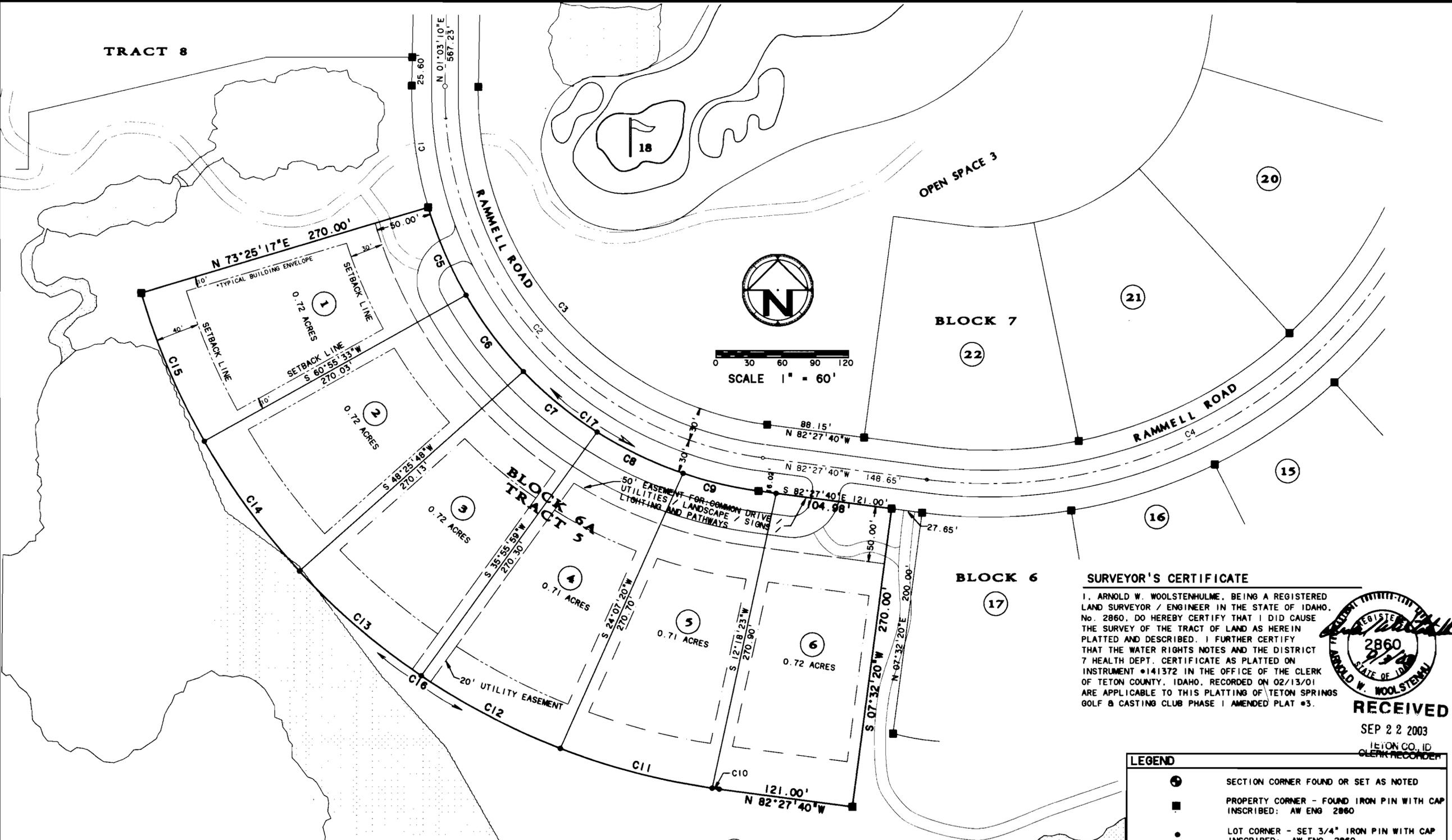
THE S 1/2 SECTION 14, THE N 1/2 SECTION 25, A PART OF SECTION 19, A PART OF SECTION 24, AND A PART OF H.E.S. 986, ALL IN TOWNSHIP 3 NORTH, RANGE 45 EAST, E.M., TETON COUNTY, IDAHO

OWNERS/DEVELOPERS:  
**TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.**

TITLE PAGE / INDEX / NOTES SHEET 1 OF 3

**EXHIBIT H**

TRACT 8



**LOT 6A SET BACKS**

FRONT	- 30'
SIDE	- 10'
REAR	- 40'

CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C 1	17°37'53"	360.00'	110.78'	55.83'	110.35'	S 07°45'47"E
C 2	83°30'50"	330.00'	481.01'	294.61'	439.54'	N 40°42'15"W
C 3	83°30'50"	300.00'	437.28'	267.83'	399.58'	N 40°42'15"W
C 4	89°22'20"	430.00'	670.73'	425.31'	604.77'	S 52°51'10"W
C 5	13°41'14"	360.00'	86.00'	43.21'	85.80'	S 23°25'20"E
C 6	13°41'14"	360.00'	86.00'	43.21'	85.80'	S 37°06'35"E
C 7	13°41'14"	360.00'	86.00'	43.21'	85.80'	S 50°47'49"E
C 8	13°41'14"	360.00'	86.00'	43.21'	85.80'	S 64°29'03"E
C 9	11°07'59"	360.00'	69.95'	35.09'	69.84'	S 76°53'40"E
C 10	00°35'26"	630.00'	6.49'	3.25'	6.49'	N 82°09'57"W
C 11	12°52'53"	630.00'	141.64'	71.12'	141.34'	N 75°25'47"W
C 12	12°52'51"	630.00'	141.63'	71.12'	141.33'	N 62°32'55"W
C 13	13°10'35"	630.00'	144.88'	72.76'	144.56'	N 49°31'12"W
C 14	13°10'35"	630.00'	144.88'	72.76'	144.56'	N 36°20'36"W
C 15	13°10'35"	630.00'	144.88'	72.76'	144.56'	N 23°10'01"W
C 16	65°52'57"	630.00'	724.42'	408.21'	685.16'	N 49°31'12"W
C 17	68°25'51"	360.00'	429.96'	244.80'	404.86'	S 50°47'38"E

NOTE: BLOCK 6A IS SUBJECT TO MASTER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS.

NOTE: PONDS / PATHS AND OTHER USES DIAGRAMATIC FOR GENERAL REFERENCE ONLY.

NOTE: CHANGE OF USE TRACT 5 FROM COMMERCIAL TO RESIDENTIAL

NOTE: 100 OVERNIGHT UNITS / ACCOMMODATIONS SHIFTED TO TRACT 8 FROM TRACT 5

SURVEYED AWE 01/03 LOT&AMD.DAT DRAWN SRJ 07/17/03 TRACSAM2.GCD PROJECT 99-044

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED. I FURTHER CERTIFY THAT THE WATER RIGHTS NOTES AND THE DISTRICT 7 HEALTH DEPT. CERTIFICATE AS PLATTED ON INSTRUMENT #141372 IN THE OFFICE OF THE CLERK OF TETON COUNTY, IDAHO, RECORDED ON 02/13/01 ARE APPLICABLE TO THIS PLATTING OF TETON SPRINGS GOLF & CASTING CLUB PHASE I AMENDED PLAT #3.



**RECEIVED**  
SEP 22 2003  
TETON CO. ID  
CLERK/RECORDER

**LEGEND**

- SECTION CORNER FOUND OR SET AS NOTED
- PROPERTY CORNER - FOUND IRON PIN WITH CAP INSCRIBED: AW ENG 2860
- LOT CORNER - SET 3/4" IRON PIN WITH CAP INSCRIBED: AW ENG 2860
- ROAD POINT
- SETBACK LINE
- STREET CENTER LINE
- SECTIONAL BREAKDOWN LINE
- EASEMENT - TYPE AND WIDTH AS NOTED

157406

AMENDED PLAT FOR INSTRUMENT: #199992

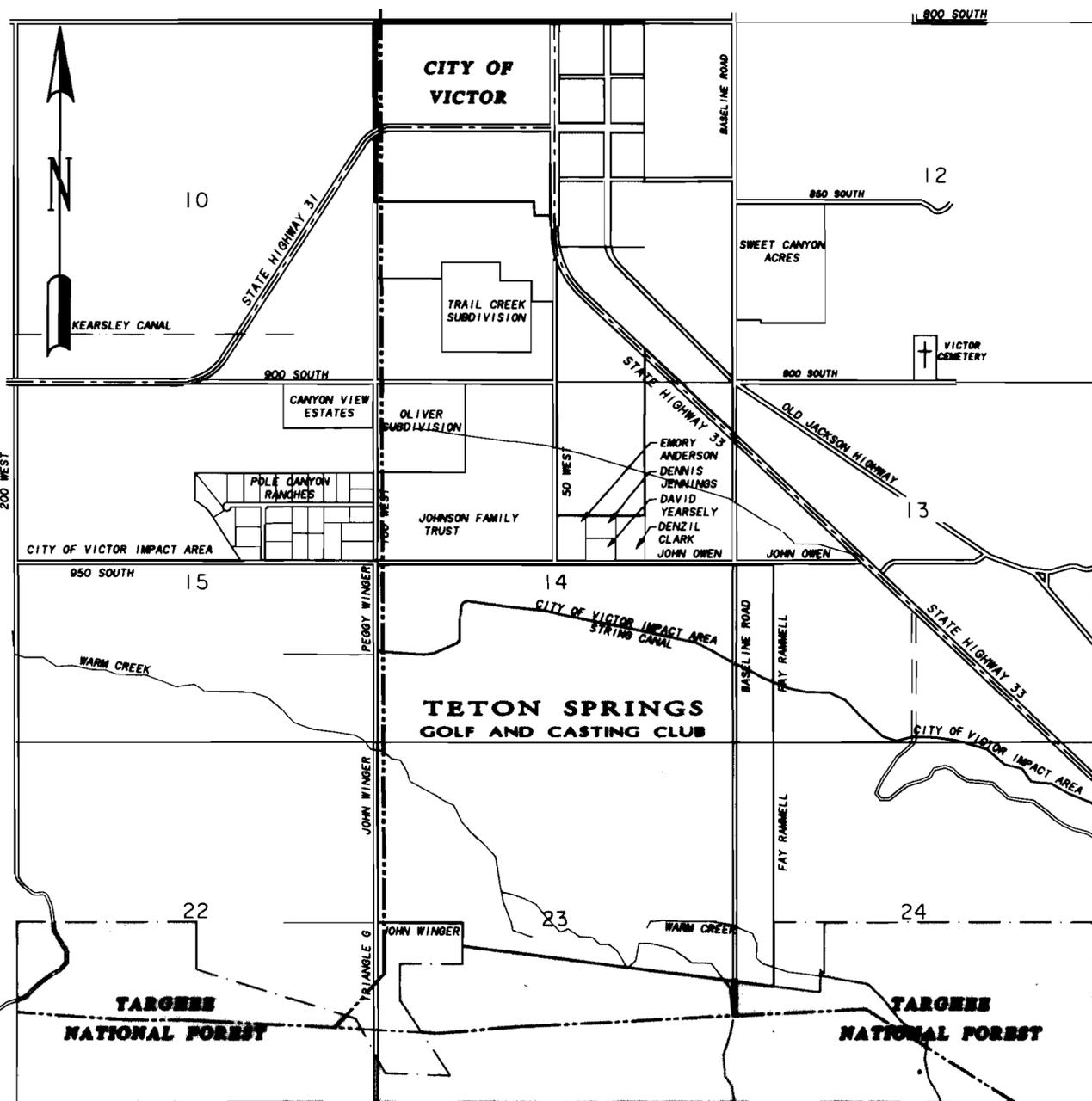
**TETON SPRINGS BLOCK 6A**

GOLF AND CASTING CLUB PHASE I, TRACT 5, AMENDED PLAT #3

A PART OF THE N 1/2 SE 1/4 SECTION 14, TWP. 3N., R1NG. 45E., B.M., TETON COUNTY, IDAHO

TRACT 5 AMENDED - BLOCK 6A

SHEET 2 OF 3



VICINITY MAP

1" = 1500'

**CERTIFICATE OF REVIEW**

I, THE UNDERSIGNED, BEING A LICENSED SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT I HAVE REVIEWED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS

NAME: [Signature]  
 DATE: 9/3/03

**CITY OF VICTOR APPROVAL**

PRESENTED TO THE CITY COUNCIL OF VICTOR, IDAHO, ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

[Signature] 9/18/03  
 MAYOR, CITY OF VICTOR, IDAHO DATE  
 ATTEST: [Signature]  
 CITY CLERK

**TREASURER'S CERTIFICATE**

I HEREBY CERTIFY THAT ALL TAXES DUE HAVE BEEN PAID ON THE TRACT OF LAND AS SHOWN ON THIS PLAT.

[Signature] 9-5-2003  
 COUNTY TREASURER DATE

**COMMISSIONERS' CERTIFICATE**

PRESENTED TO THE TETON COUNTY BOARD OF COMMISSIONERS ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

CHAIRMAN, COUNTY COMMISSIONERS DATE

NOTE: TETON COUNTY WILL NOT BE HELD RESPONSIBLE FOR THE CONSTRUCTION OR MAINTENANCE OF ANY NATURE OF ANY STREET, ALLEY, OR ROAD WITHIN THIS SUBDIVISION.

**OWNER'S CERTIFICATE**

BE IT KNOWN THAT TETON SPRINGS GOLF & CASTING CLUB, L.L.C., HEREAFTER REFERRED TO AS "TETON SPRINGS" DID CAUSE THE P.U.D. SUBDIVISION OF LAND AS HEREIN PLATTED AND DESCRIBED AND DO HEREBY CERTIFY THAT IT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID PARTNERS AND PROPRIETORS OF SAID DESCRIBED LANDS: THAT THE NAME OF THE SUBDIVISION SHALL BE TETON SPRINGS GOLF AND CASTING CLUB; THAT ACCESS TO SAID SUBDIVISION SHALL BE FROM COUNTY ROAD "850 SOUTH"; THAT THE SUBDIVISION IS SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF RECORD TO BE FILED CONCURRENTLY WITH THIS PLAT; THAT THE SUBDIVISION IS SUBJECT TO ANY RIGHTS-OF-WAY OR EASEMENTS OF RIGHT OR RECORD OR AS CAUSED BY THIS PLATTING; THAT BASELINE ROAD, SHOWN AS BARN RIDGE TRAIL FROM "850 SOUTH" TO THE NATIONAL FOREST BOUNDARY, IS A PUBLIC ACCESS ROADWAY THAT WILL BE MAINTAINED BY TETON SPRINGS; THAT THE PATHS AROUND THE PERIMETER OF THE PROJECT ON THE WEST, NORTH, AND EAST SIDES WILL BE PUBLIC PATHS UNLESS DAMAGE, VANDALISM, OR OTHER TRESPASSES NECESSITATE THEIR CLOSURE TO THE GENERAL PUBLIC SAID CLOSURE WILL BE BY A MUTUAL AGREEMENT BETWEEN THE BOARD OF TETON COUNTY COMMISSIONERS AND TETON SPRINGS. ALL OTHER ROADS AND PATHS WITHIN THE SUBDIVISION WILL BE PRIVATE PATHS FOR THE USE AND ENJOYMENT OF THE TETON SPRINGS RESIDENTS AND MEMBERS, INCLUDING THOSE TO WHOM TETON SPRINGS HAVE GRANTED A RIGHT OF USE; THAT THE PRIVATE OWNERSHIP DOES NOT RESTRICT OR PROHIBIT ANY COUNTY EMERGENCY VEHICLES, SHERIFF'S DEPARTMENT OR OTHER OFFICIALS THE RIGHT OF ACCESS, NORMAL DELIVERY AND PUBLIC SERVICE VEHICLES ARE ALSO NOT RESTRICTED; THAT THE PRIVATE ROAD DESIGNATION DOES REQUIRE TETON SPRINGS TO PROVIDE ALL MAINTENANCE, SNOW REMOVAL AND OTHER JURISDICTIONAL DUTIES; THAT TETON SPRINGS WILL BE RESPONSIBLE FOR THE COORDINATION OF WATER IN THE STRING CANAL SYSTEM WITH THE STATE WATER MASTER AND TRAIL CREEK SPRINKLER IRRIGATION COMPANY IN REFERENCE TO EXISTING WATER ON THE PROPERTY AND WATER USE; THAT TETON SPRINGS ACKNOWLEDGES THE RIGHT OF THE TRAIL CREEK SPRINKLER IRRIGATION COMPANY TO ACCESS THEIR EASEMENTS, TRUNKLINES AND CONTROL VALVES LOCATED WITHIN THE PERIMETERS OF SAID SUBDIVISION; THAT ALL LANDSCAPE MAINTENANCE WILL BE PERFORMED BY TETON SPRINGS UNTIL SUCH TIME AS A HOMEOWNERS' ASSOCIATION IS FORMED, AT WHICH TIME SAID HOMEOWNERS' ASSOCIATION WILL ASSUME RESPONSIBILITY FOR SAID LANDSCAPE MAINTENANCE WITHIN THE SUBDIVISION; THAT EASEMENTS AND OPEN AREA AS PLATTED ARE DEDICATED FOR THE TETON SPRINGS GOLF & CASTING CLUB GOLF COURSE, PONDS, PATHS, SEWER, WATER, ELECTRICAL POWER LINES AND ALL UTILITIES AS REQUIRED FOR THE COMPLETION OF SAID SUBDIVISION; THAT OPEN SPACE AND AREAS OUTSIDE BUILDING ENVELOPES ARE INTENDED FOR UTILITIES, PATHS, RECREATION, LANDSCAPING, AND AGRICULTURE USES. OTHER LIMITED USES, SUCH AS RECREATION AND AGRICULTURE BUILDINGS MAY BE ALLOWED IF APPROVED BY THE MANAGEMENT COMMITTEE. OPEN AREA A-D ARE TO BE ADMINISTERED BY THE HOMEOWNERS' ASSOCIATION UPON ITS FORMATION. OPEN SPACE 1-7 ARE TO BE ADMINISTERED BY TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.; THAT WE HEREBY AGREE TO THE AMENDMENTS TO INSTRUMENT #141372 AS HEREIN PLATTED; THAT THIS AMENDED PLAT IS FOR A CHANGE OF USE OF TRACT 5 AS PLATTED ON INSTRUMENT #153992; THAT SAID TRACT 5 WILL BE DIVIDED INTO 6 RESIDENTIAL LOTS; THAT SAID TRACT 5 WILL ALSO BE KNOWN AS BLOCK 6A.

[Signature]  
 ANTHONY VEST, MANAGING MEMBER, TETON SPRINGS GOLF AND CASTING CLUB, L.L.C.  
 STATE OF IDAHO  
 COUNTY OF TETON

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 5<sup>th</sup> DAY OF SEPTEMBER, 2003 BY ANTHONY VEST WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: [Signature]  
 MY COMMISSION EXPIRES: Oct 15, 2008



**RECEIVED**  
 SEP 22 2003  
 TETON CO., ID  
 CLERK RECORDER

**PLANNING AND ZONING APPROVAL**

PRESENTED TO THE TETON COUNTY PLANNING AND ZONING ADMINISTRATOR ON THE FOLLOWING DATE AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

[Signature] 9/21/03  
 ADMINISTRATOR, PLANNING AND ZONING DATE

**ASSESSOR'S CERTIFICATE**

PRESENTED TO THE TETON COUNTY ASSESSOR ON THE FOLLOWING DATE FOR APPROVAL AND ACCEPTANCE.

[Signature] 9-5-03  
 COUNTY ASSESSOR DATE

**RECORDER'S CERTIFICATE**

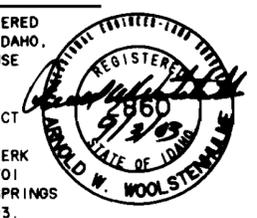
STATE OF IDAHO )  
 ) SS  
 COUNTY OF TETON )

I DO HEREBY CERTIFY THAT THIS PLAT WAS FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2003, AT \_\_\_\_\_ AT THE REQUEST OF \_\_\_\_\_ INSTRUMENT NUMBER \_\_\_\_\_

COUNTY RECORDER

**SURVEYOR'S CERTIFICATE**

I, ARNOLD W. WOOLSTENHULME, BEING A REGISTERED LAND SURVEYOR / ENGINEER IN THE STATE OF IDAHO, No. 2860, DO HEREBY CERTIFY THAT I DID CAUSE THE SURVEY OF THE TRACT OF LAND AS HEREIN PLATTED AND DESCRIBED. I FURTHER CERTIFY THAT THE WATER RIGHTS NOTES AND THE DISTRICT 7 HEALTH DEPT. CERTIFICATE AS PLATTED ON INSTRUMENT #141372 IN THE OFFICE OF THE CLERK OF TETON COUNTY, IDAHO, RECORDED ON 02/13/01 ARE APPLICABLE TO THIS PLATTING OF TETON SPRINGS GOLF & CASTING CLUB PHASE 1 AMENDED PLAT #3.



AMENDED PLAT FOR INSTRUMENT #153992:  
**TETON SPRINGS**  
 GOLF AND CASTING CLUB PHASE 1, TRACT 5, AMENDED PLAT #3  
 VICINITY MAP / CERTIFICATES / NOTES SHEET 3 OF 3

Teton Springs



# Valley Advocates for Responsible Development

November 5, 2012

Teton County Board of County Commissioners  
150 Courthouse Drive  
Driggs, Idaho 83422

RE: Teton Springs Application for Permanent Helipad Approval

Dear Commissioners:

On behalf of Valley Advocates for Responsible Development, I would like to submit to following comments for the November 15, 2012 public hearing to consider an amendment to the Teton Springs Development Agreement to allow for the permanent seasonal use of a commercial helipad.

## **Enforcement of a development agreement is different than administration of a permit.**

One of the many issues before this Board is whether to amend the existing Teton Springs Development Agreement and permit the permanent seasonal commercial usage of a helipad. Another alternative is to reissue a Temporary Use Permit (TUP).

The existing Teton Springs Development Agreement functions as a contract between Teton County and Teton Springs. As equal parties to the contract, both entities have rights and remedies at their disposal. Even if a "sunset clause" is inserted into the Development Agreement that limits the approval of the commercial helipad site until only 2016, Teton County's ability to enforce this contract over the next four years will still be difficult. Should certain contract provisions pertaining to the helipad be breached (ie: exceeding the number of flights per day, deviations from flight path, etc.), Teton County will have to sue on the contract in order to enforce it. And if Teton County sues to enforce this contract, Teton Springs can lobby any and all defenses at their disposal, which can be time consuming and costly for Teton County to litigate. Teton County will ultimately have to prove to the satisfaction of a Judge or jury that a breach has in fact occurred, meaning that Teton County may not ultimately prevail in enforcing this contract.

By contrast, should Teton County issue a TUP, this puts Teton County in a much better position from an enforcement perspective. The TUP vests the Teton County Planning Administrator with the authority to revoke or modify the TUP for (1) any misrepresentations in the original application, (2) for violation of one or more of the terms, conditions, or uses upon which the permit was granted, or (3) if the permit



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becomes detrimental to the public health, safety, or welfare and such was not the condition at the time of approval.<sup>1</sup>

I recognize that there are many lingering questions as to the validity of the 17 previous plat amendments that have been recorded for Teton Springs, many of which altered both the location and the designated purpose of the helipad site.<sup>2</sup> This Board previously required the complete review of the Teton Springs Development Agreement as a condition of approval.<sup>3</sup> However, the applicant has recently submitted a written objection to this being a condition of approval of the helipad site.<sup>4</sup>

Regardless of the applicant's objection, it does not make sense to amend the existing Development Agreement to allow for the permanent approval of this helipad site without resolving all of the additional procedural questions and vagueries with the earlier Development Agreement and plats. It likewise does not make sense to issue a TUP until these issues have been resolved because the TUP might be improperly granted upon previous illegitimate plat amendments involving the helipad site.

## **Flight paths from both helipad sites overlap with 0.5 mile Bald Eagle nest buffer.**

Helicopter impacts to nearby Bald Eagle nests have been a top concern expressed by the public throughout this process.<sup>5</sup> As a consequence, this Board has taken the issue

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<sup>1</sup> See, Teton Springs Temporary Use Permit, page 2 (December 11, 2012 (sic)).

<sup>2</sup> Teton County Inst. 141372 (February 13, 2001), Inst. 150263 (September 19, 2002), Inst. 153990 (April 4, 2003); Inst. 153992 (April 4, 2003); Inst. 155277 (June 9, 2003); Inst. 157406 (September 22, 2003); Inst. 162408 (July 26, 2004); Inst. 163776 (September 29, 2004); Inst. 164749 (November 23, 2004); Inst. 164926 (November 30, 2004); Inst. 168086 (May 17, 2005); Inst. 170402 (August 23, 2005); Inst. 170401 (August 23, 2005); Inst. 171721 (October 11, 2005); Inst. 174048 (January 13, 2006); Inst. 181903 (October 30, 2006); and Inst. 195405 (February 13, 2008).

<sup>3</sup> See, Teton County Board of County Commissioner Minutes, September 13, 2012, condition #14: *Prior to the 2013-2014 ski season operations are allowed to commence, Teton Springs Golf and Casting shall amend the Teton Springs Development Agreement to include a complete table or list of all the existing and probable future uses within the Teton Springs PUD. In addition to including a provision for the heli-ski operations, and providing a list of all existing and desired future land uses, the amended Development Agreement shall define a process for reviewing and approving any new uses being proposed in the future.*

<sup>4</sup> See, Letter from Jeff Naylor on behalf of Teton Springs, page 4. (November 2, 2012).

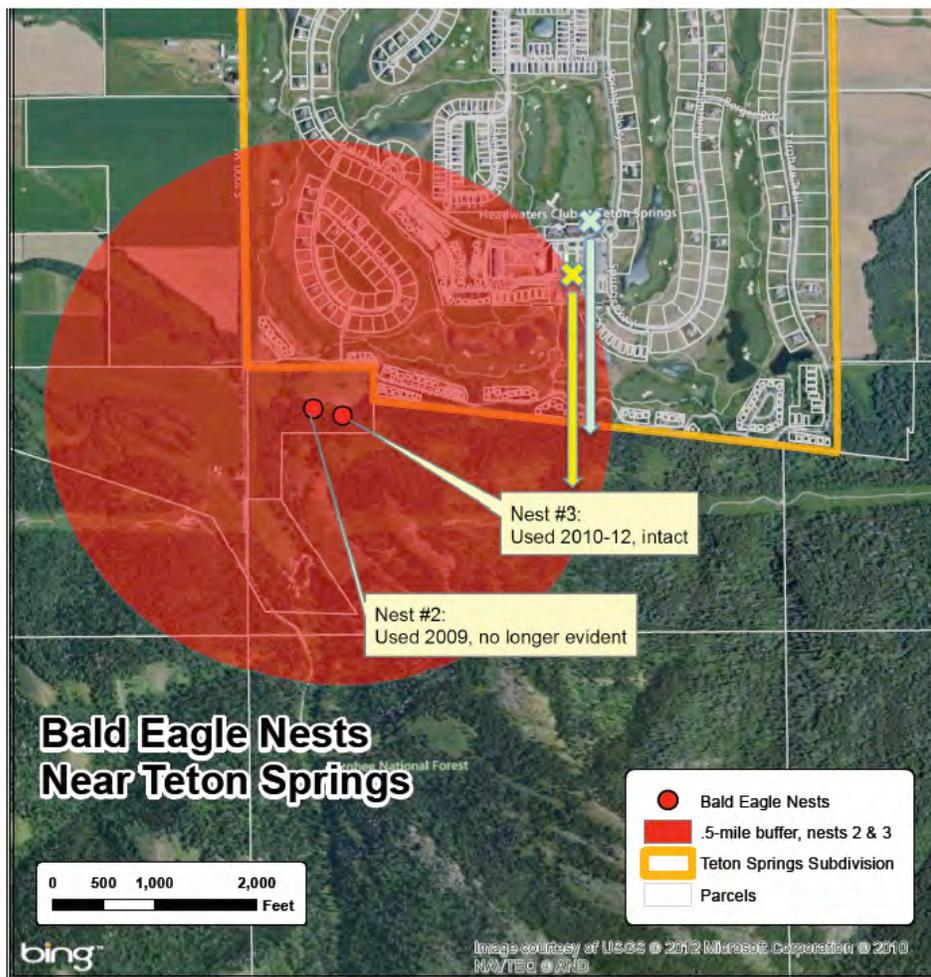
<sup>5</sup> See, Letter from Pamela Colby reporting repeated flights over homes to the Southwest of the helipad (February 3, 2012); Letter from Diane Murphy reporting flights to the Southwest of the helipad over the bald eagle nest (February 18, 2012); Letter from Diane Murphy reporting how flights over the bald eagle nest to the Southwest of the helipad altered the behavior of the eagles,



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seriously. As requested by this Board, the GPS coordinates for the nearby Bald Eagle nests have now been mapped with a surrounding 0.5 mile buffer zone as recommended by the Idaho Department of Fish & Game (IDFG). Our staff has superimposed the agreed helicopter flight routes from both proposed helipad location onto this map.

-  Proposed Future Helipad
-  2011-2012 Helipad



(Pictured above: Teton County map of the Bald Eagle nests near Teton Springs and their overlap with the flight route from both of the proposed Helipad locations just North of the pro shop and just East of the Teton Springs Lodge.)

causing them to leave the nest unattended (September 3, 20120); Letter from Chuck Iossi including March 10, 2012 video footage showing an HMH helicopter deviating from the flight path (September 3, 2012).



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There is clearly a conflict between flight routes from both of the proposed helipad sites and the 0.5 mile buffer zone. As stated by the applicant, “High Mountain heli (sic) agrees that if an active eagle nest is located within the half mile radius of an active nest as determined by a qualified biologist, the heli-skiing operation will be suspended.”<sup>6</sup> **In light of this conflict between the buffer zone and the agreed flight path, there are a few options for proceeding forward:**

- 1. Alternate routes:** This conflict should be used as a basis for establishing alternate flight routes to minimize additional deleterious impacts to this nest.
- 2. Relocation to the Driggs Airport:** In the alternative, this conflict should be used as a basis for requiring flights from the Driggs Airport.
- 3. GPS tracking:** As previously required by this Board, GPS tracking of helicopter flight paths is a necessity here.<sup>7</sup> The record indicates at least three residents of Teton Springs filed complaints last winter reporting that the helicopters deviated from the promised flight path on at least three separate occasions, flying in close proximity to the nest in question.<sup>8</sup> The record also indicates that Idaho Fish & Game (IDFG) has reported that although this nest has been successful in years past, the eaglets in this nest died for the third season in row this winter. Disturbances can scare adult eagles off the nest, causing the young eaglets to perish from cold and exposure due to lack of feather development.<sup>9</sup> The applicant has recently submitted a written objection to this Board’s condition requiring the use of GPS tracking devices on their helicopters.<sup>10</sup> Given the fact that this nest has failed all three years High Mountain Heli (HMH) has operated, the public has submitted numerous complaints regarding HMH deviating from

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<sup>6</sup> See, Letter from Jeff Naylor on behalf of Teton Springs, page 5. (November 2, 2012).

<sup>7</sup> See, Teton County Board of County Commissioner Minutes, September 13, 2012, condition #8: *A flight log with GPS track to power line 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.*

<sup>8</sup> See, Letter from Pamela Colby reporting repeated flights over homes to the Southwest of the helipad (February 3, 2012); Letter from Diane Murphy reporting flights to the Southwest of the helipad over the bald eagle nest (February 18, 2012); Letter from Diane Murphy reporting how flights over the bald eagle nest to the Southwest of the helipad altered the behavior of the eagles, causing them to leave the nest unattended (September 3, 2012); Letter from Chuck Iossi including March 10, 2012 video footage showing an HMH helicopter deviating from the flight path (September 3, 2012).

<sup>9</sup> See, Letter from Idaho Fish & Game (September 12, 2012).

<sup>10</sup> See, Letter from Jeff Naylor on behalf of Teton Springs, page 6. (November 2, 2012).



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the flight path, and the county mapping which confirms that the helicopter flight path does conflict with the 0.5 mile buffer around the nest, GPS flight tracking is an absolute necessity to ensure future flights do not further impact this nest.

### **Conflicts between commercial and residential interests may intensify as Teton Springs builds out over time. Now is the time for due diligence.**

To date, there are 10 homes and 32 vacant residential lots within 1,000 feet of the newly proposed helipad site East of the Teton Springs Lodge. There are two homes within 500 feet of the helipad site.<sup>11</sup> Of the 739 lots platted in Teton Springs, 212 have homes constructed on them. This is 29% build out.<sup>12</sup>



(This 2010 aerial photo shows the current state of build out for Teton Springs. This photo is taken facing South. The helipad sites are located to the North of the Teton Springs pro shop and the East of the Teton Springs Lodge, which is located in the center foreground of this picture. Photo Credit: Sandy Mason)

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<sup>11</sup> Teton County GIS mapping program.

<sup>12</sup> Source: Teton County Planning Department Subdivision Spreadsheet (August 2012).



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As homes continue to be built in Teton Springs and more people become permanent residents of this community, this conflict between residents who are living with the impacts from a commercial helipad on a daily basis and the commercial interests of Teton Springs Resort are likely to intensify. Because this application involves the permanent approval of a potentially dangerous commercial use in an increasingly residential community, it is critical that you do your due diligence, and have all the materials needed to make a thoughtful examination of this application.

**This includes gathering the following information for an informed review:**

- 1. Transparent Homeowner Surveys.** The prior HOA surveys allowed for anonymous responses, and in fact, 83% of all HOA surveys received by Teton County were anonymous. The surveys did not distinguish the divergent property interests of the permanent residents and commercial interests. The prior surveys also incorrectly stated that the vote was strictly for the 2012-2013 heli ski season and did not indicate that Teton County was considering the permanent approval of a commercial helipad.<sup>13</sup> This led to the logical misunderstanding by many Teton Springs residents that only a 1-year permit was up for review.
- 2. Alternative use analysis.** Considering that some adverse impacts of this commercial use simply cannot be mitigated in the present location, an alternative use analysis would effectively address the feasibility of alternative sites such as the Driggs Airport or another offsite location.
- 3. Clarity of helipad sites.** The applicant has requested dual usage of both the helipad site North of the pro shop and another site East of the Lodge. Pictured below is the currently platted helipad site North of the pro shop.

(See next page.)

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<sup>13</sup> See, Teton Springs HOA ballot: *Some minor changes to last season's operations are proposed for 2012-2013.*



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(Pictured above is the current helipad site as depicted on “Lot 8C” of the Teton Springs consolidated plat map. Teton County Inst. 195405.)

The newly proposed alternative site for picking up guests and their equipment is on lawn to the East of the Teton Springs Lodge. (See next page)



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(Pictured above is the lot and lawn to the East of the Teton Springs Lodge, the proposed alternative helipad site.)

What are the risks to dual sites? Is the site to the East of the Teton Springs Lodge large and “open” enough to safely accommodate a helicopter? Is a separate fuels containment plan required for each location? These issues should be resolved before any kind of permanent approval is granted.

- 4. Site visit.** Before approving a high impact, potentially dangerous use within a residential resort community, please consider a site visit to observe the appropriateness of the location and its potential impacts.

Thank you for the opportunity to submit these comments for the hearing.

Sincerely,

*Anna Trentadue*

Anna Trentadue

VARD Staff Attorney / Program Director

285 E Little Ave, PO Box 1164, Driggs, Idaho 83422  
208.354.1707 ph ♦ 208.354.1709 fax ♦ [www.tetonvalleyadvocates.org](http://www.tetonvalleyadvocates.org)

November 7, 2012

To: Honorable Teton County Commissioners

Re: Commercial Helicopter Operation in Teton Springs

As a Teton Springs full-time resident opposed to the commercial helicopter operation conducted in my subdivision, I submitted a letter to you prior to the hearing of 9/13/12. That letter expressed my concerns about the helicopter operation disturbing an established eagles' nest, as well as violating the CCR's of Teton Springs, which guarantee my right to use and enjoy my property without noxious odors, noise, or hazards.

Although I was unable to attend the hearing due to a previously planned vacation out of state, I did review the minutes from the hearing and spoke to several residents in the Valley who attended the hearing. It was my understanding that the Commissioners deferred a decision until the upcoming hearing of 11/15, as they wanted additional information from the Teton Springs Homeowners' Association (HOA) regarding the homeowners' real feelings about a permanent permit for the operation, as well as clarification of the Teton Springs' CCR's.

I attended the Teton Springs HOA Board meeting that was held on 10/18. The President of the Board, and other members of the Board, stated that they were not aware that the Commissioners wanted any information from them. The Board's attorney, Herb Heimerl, who was in attendance, also was unaware of what information the Commissioners had requested.

Mr. Heimerl did state that the helicopter pad was originally on "golf land", but that he found out - one hour prior to the Board meeting - that it was not on "golf land" after all. As such, according to Mr. Heimerl, the Teton Springs CCR's would govern the lot that the helicopter pad is on.

The applicant for the helicopter permit, Jeff Naylor (employed by the Teton Springs Lodge), was at the HOA Board meeting and said he had attended the September hearing but wasn't clear what the Commissioners wanted. He thought they wanted more information about the survey.

The Board members and Mr. Naylor felt that the survey was administered properly and sufficiently determined the homeowners' interests. This is just not true.

First of all, the wording of the HOA survey did not clearly indicate that homeowners were voting on permanent approval. The written responses indicated that the homeowners thought they were voting for a one-year approval.

Secondly, the ballots were anonymous; they did not distinguish whether the responding property owners were full-time, part-time, lot owners, etc. Names of only 17% were given and the remaining 83% were anonymous.

The reason this is significant is due to the fact that 52 of the votes could very well have been from lot owners, who are also owners of the Teton Springs Lodge. Since they have a clear financial interest in obtaining the permit (Mr. Naylor is their employee and applied on their behalf), their positive votes could appear to be biased. Furthermore, it should be noted that the survey was facilitated by the applicant - not by the homeowners.

It is also not accurate that the Teton Springs HOA and/or its attorney represent the interests of all its residents. In fact, the majority of the Board members have expressed their opinions in favor of the helicopter operation, as they feel it will help keep the golf course open. Mr. Herimerl is employed by the HOA.

As a result, several Teton Springs residents – including myself and my husband, K.C. Murphy – hired an independent attorney to represent our legal interests in this matter. Mr. Paul D'Amours has an excellent grasp of our concerns and the relevant legal issues.

Given all of the above, I urge you to deny the applicant's permit for a commercial helicopter operation in Teton Springs.

Sincerely,

Diane Murphy

November 7, 2012

Honorable Chair and Members  
Board of County Commissioners  
Teton County, Idaho 83422

Dear Commissioners:

We are writing to ask that you deny the application by Teton Golf & Casting, LLC to amend the Development Agreement to allow commercial heli-ski flights from our quiet neighborhood. The legal arguments supporting our position are articulately made by attorney, Paul D'Amours, who is representing our family and many of our neighbors – fellow homeowners in Teton Springs. We will not restate the long history of this issue nor the legal opinion Mr. D'Amours has prepared and submitted for the public record.

However, we would like to express our overall frustration with this process. It should be understood that living in a Planned Unit Development (PUD) is different than living in neighborhoods not regulated by strict CCRs. Property owners in PUDs willingly give up the right to do anything they wish on their property in order to secure the protections afforded by said regulations. Both the applicant and all homeowners have willingly accepted the CCRs and have agreed to conduct their affairs in a manner consistent with the CCRs. Alternately, we may seek to change the CCRs via a formal vote of the community. Again, as owners in a PUD, we have willingly and knowingly surrendered our unimpeded property rights. The time is long overdue for the applicant to adhere to the rules.

Last year, after two years of illegal heli-ski operations sponsored by the applicant, the Board of County Commissioners correctly referred this issue back to the Homeowners' Association (HOA). The applicant was given an entire season of operations, a free ticket if you will, without the requirement that they resolve the issues with the HOA and community. In granting this temporary use, the applicant was directed to secure input from homeowners regarding their application. However, the "vote" that was conducted by the applicant, in cooperation with the management company, was grossly flawed and not consistent with the direction of the BOCC. Among the most important deficiencies was that the vote was erroneously extended to the forty-six (46) commercial properties. This is counter to the specific direction of the BOCC who was seeking the input of the homeowners – those who would most be impacted by the commercial flight operation. Further, there was no indication on the survey that a permanent change in the Development Agreement was being considered. It stated that only minor changes were being made to the prior year's operation. There was also no requirement that each "vote" be accompanied by information to validate the legitimacy of the voter. Anonymous responses were accepted.

The Commission concurred that the applicant had not followed their clear direction. An exasperated Commissioner Benedict read the language directly from the meeting minutes of the preceding year and expressed his frustration that the applicant had not followed the BOCC's simple direction. Further, Commissioners openly acknowledged the unauthorized

letter from the “rogue” HOA president the preceding year. Accordingly, the Public Hearing was continued to November 15, 2012 and the applicant was sent back to the HOA to secure very specific input. The BOCC directed the applicant to secure a letter from the HOA President and/or legal counsel indicating that the proposed amendment to the Development Agreement is consistent with the CCRs. Plainly stated - this has not been done. The letter prepared by HOA counsel Herb Heimerl does not provide the language that the BOCC was requiring in order to approve the amendment to the Development Agreement.

Accordingly, we respectfully request that you deny the application. It is clear to those who have studied the documents and legal issues careful, that the application before you requires a formal vote of the Teton Springs community. Our preference is to avoid unnecessary litigation on this matter. We suggest that your action to deny the application will put the horse before the cart, where it belongs, in the application process.

Sincerely,

Pamela & Lucian Carter  
125 Cluff Lane

## Curt Moore

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**From:** Angie Rutherford  
**Sent:** Thursday, November 08, 2012 8:05 AM  
**To:** Wendy Danielson; Curt Moore  
**Subject:** FW: eton Springs Ad Hoc Committee Opposed to a Commercial Helipad

**Angie Rutherford**  
Planning Administrator  
Teton County, Idaho  
208 354-2593

**From:** Chuck Iossi  
**Sent:** Wednesday, November 07, 2012 2:57 PM  
**To:** Angie Rutherford  
**Cc:** Kathy Spitzer  
**Subject:** eton Springs Ad Hoc Committee Opposed to a Commercial Helipad

Honorable Chair and Members of the Teton County, ID Board of County Commissioners,

The following Teton Springs residents/owners are members of the Ad Hoc Committee opposed to the commercial helipad at Teton Springs and are represented by Paul D'Amours, Esq. We appreciate your consideration of Mr. D'Amours letter dated November 2, 2012

Respectfully,

Chuck Iossi  
Tina Culman  
Diane Murphy  
KC Murphy  
Bill Nisbet  
David Work  
Susie Work  
Rush Jenkins  
Klaus Baer  
Pamela Colby-Carter  
Lucian Carter  
Cyndy Engelhart  
John Engelhart  
Susan Hollander  
Scott Hollander  
Dean Tucker  
Crystal Blaine

## Curt Moore

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**From:** Angie Rutherford  
**Sent:** Thursday, November 08, 2012 8:06 AM  
**To:** Wendy Danielson; Curt Moore  
**Subject:** FW: TETON SPRINGS APPLICATION FOR PERMANENT HELIPAD APPROVAL

**Angie Rutherford**  
Planning Administrator  
Teton County, Idaho  
208 354-2593

**From:** Cyndy Engelhart [mailto:cyndy.engelhart@tetoncountyidaho.gov]  
**Sent:** Tuesday, November 06, 2012 11:55 PM  
**To:** Angie Rutherford  
**Subject:** TETON SPRINGS APPLICATION FOR PERMANENT HELIPAD APPROVAL

Teton County Board of County Commissioners  
150 Courthouse Drive  
Driggs Idaho 83422

Re: Teton Springs Application for Permanent Helipad Approval

Dear Commissioners:

As we are residents of Teton Springs who will be unable to attend the November 15, 2012 public hearing concerning Teton Springs application for permanent helipad approval, we would like to submit the following comments to be read into the public record. These comments are in addition to the 11/2/2012 letter submitted by Paul D'Amours (Hess Carlman & D'Amours, LLC) on behalf of the committee, chaired by Chuch Iossi, of which we are members.

In our attending the public hearing this past September, serious concerns were raised by many residents and IDF&G regarding the negative impacts that operating commercial heli-skiing out of Teton Springs would have on nearby eagles' nests. The BOCC being sensitive to the eagle nesting situation, upon recommendation from IDF&G, requested GPS coordinates for the nests to be able to determine a 1/2 mile buffer zone around each active nest. Furthermore, GPS tracking of helicopter flights was another condition required by the Commissioners as the means to ensure flights would not violate the designated buffer zone(s). We have learned that the nests in question have now been mapped and the 1/2 mile buffer zone(s) determined. And, it appears that both proposed helipad locations and their agreed upon flight routes fall within the buffer zone(s). According to the 11/2/2012 letter from Jeff Naylor to the Commissioners, the applicant agreed to suspend operations should this situation exist. Therefore, we kindly request that the applicant to continue any heli-skiing from Teton Springs be denied.

If the above is not enough justification to deny the application, we ask that the Commissioners stand firm on their requirement for daily GPS tracking of flights. The argument made by the applicant that this is very hard and impossible to maintain on a daily basis should be viewed as an additional economic benefit to some Valley resident who may have a full time job created for accomplishing this task. The cost to employ this individual would, of course, be paid for by the patrons of the heli-skiing outfit.

Additionally, we would like to remind the Commissioners of the statement made by Rob Cavallaro (IDF&G) "Don't underestimate the economic contribution wildlife plays in Idaho". We recall our 2/6/2009 snowcat trip into Yellowstone National Park that echoes this sentiment. A bald eagle's nest, located in a dead tree roadside along the Madison River, required all visitors to maintain a 1/2 mile buffer zone around that location. A park ranger patrolled that area ensuring that the buffer zone was strictly enforced so that in the Spring the nest would remain active thus providing future visitors an opportunity to view this magnificent bird. Being able to view abundant wildlife by simply walking around a naturally peaceful community is one of the primary reasons we built our home in Teton Springs. It is also the primary reason why all our guests come to visit. Over the years (especially the last three), we have noticed a significant decrease in the area's wildlife; most notably sightings of the bald eagle. Since we believe (and we feel many others hold the same belief) that the area's wildlife draws a large number of visitors to Teton Valley, allowing wildlife viewing opportunities to continue to decline will eventually result in the Valley experiencing an economic loss far greater than the gains anticipated from the heli-skiing operation.

The last point we would like to stress concerns the initial and repeated request of the Commissioners for a vote (emphasis added) from Teton Springs residents. It is our opinion that the vague survey that was sent out was totally inadequate as it did not detail all the relevant corresponding issues that required discussion and it was misleading as many residents including ourselves did not realize that the applicant was seeking permanent approval. At this point in time, we are unaware of any actions that have been taken by either the applicant or Teton Springs' HOA to arrange for a vote of the residents. Given this perceived lack of compliance, we again respectfully ask that the applicant be denied.

Thank you.

Sincerely,

Cyndy and John Engelhart

Teton Springs

Information from ESET NOD32 Antivirus, version of virus signature database 7672 (20121108)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

Information from ESET NOD32 Antivirus, version of virus signature database 7672 (20121108)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

From: Ken Masters  
Sent: Friday, October 05, 2012 8:26 AM  
To: Dawn Felchle  
Subject: Teton Springs Heli-skiing

Dear Commissioners,

I have been a Teton Springs homeowner since 2005. My address is \*\* Blackfoot Trail. It is a second home at this time, but not a rental property. I am an avid skier but am NOT in favor of a permanent heli-skiing operation based in my neighborhood. The frequent loud noise is not consistent with why I invested in this community and it cannot possibly help the wildlife either. We cherish the bald eagles and moose that visit the Teton Springs ponds. Given this is a residential neighborhood, why would there be consideration for a commercial aviation endeavor? Not safe, not consistent with the quiet mountain lifestyle, just not smart.

Thanks for listening,  
Ken Masters

☺

David F. Work

Victor, Idaho

83455

November 8<sup>th</sup>, 2012

Board of County Commissioners

150 Courthouse Drive

Driggs, ID 83422

Dear County Commissioners:

It is my desire that my comments be read into the public record for the Commissioner meeting scheduled for Nov. 15, 2012.

I respectfully disagree that the HOA survey was "solid and unbiased". There was no project description or duration mentioned. We do not know if commercial property owners were surveyed. There were very few surveys signed by the voter. There was no way to protect that multiple ballots were not submitted by the same party since no signature was required on the returned ballot. The third party who sent out the ballot, Grand Teton Property Management, is an agent of and retained by the applicant to collect homeowner's dues and fees. We still

do not know what the HOMEOWNERS think. There are only 212 homes built to date, where others solicited – yes, I voted and I am a property owner but not a homeowner. Where commercial property owners surveyed?

I believe that the property owners should have a say (super majority rules) on any amendment to the development agreement. If not, the applicant could put in a “commercial pig farm” on lot 8c.

For a fuel spill the applicant states that the drain nearest the fuel truck “does not connect to the sewer or flow out of the property” “It is connected to gravel sumps---” In my geologic judgment this is perhaps the worst scenario whereby a fuel spill will enter the water table and move downhill, ultimately to culinary water wells, irrigation wells, and springs and would be impossible to recover and clean up.

The applicant still wants to land on the astro-turf east of the hotel to pick up passengers. If the planning dept. had used a half mile circle from the most recently used nest,#3, instead of a point half way between the two nests, the astro-turf would be within that radius. ( the outside of the circle would move approximately 150 feet to the east.)

Good luck,

Dave Work