



**TEMPORARY USE PERMIT
TETON COUNTY T.U.P. # 2013-1 -T.S. HELI-SKI
REVISED 01/28/2013**

**GRANTED TO TETON SPRINGS GOLF & CASTING CLUB
FOR A LIMITED HELI-SKIING OPERATION
LOCATED ON TRACT 8C (HELIPAD) TETON SPRINGS GOLF & CASTING CLUB**

Teton Springs Golf & Casting Club (TSGCC) along with High Mountain Heli-Skiing (HMHS), having made an application for a Temporary Use Permit for a **Limited Heli-Skiing Operation**, and the Planning Department and Board of County Commissioners having reviewed the application and determined that the required performance standards in Section 8-6-3 can be met, Teton County concludes that the applicant is entitled as a matter of law to the issuance of a Temporary Use Permit. TSGCC & HMHS are hereby granted a Temporary Use Permit to allow limited Heli-Skiing, as described in the Permit Application submitted January 2, 2013.

DATE OF ISSUANCE: January 2, 2013, effective immediately, amended January 28, 2013 by motion of the Board of County Commissioners

LOCATION: Lot 8C (helipad) Teton Springs Golf & Casting Club

LOT SIZE: 0.26 acres

PARCEL NUMBER: RP002208C0000A

ZONING DISTRICT: Teton Springs Golf & Casting Club PUD

PERMIT ISSUED FOR: The operation of the Teton Springs Golf & Casting Club helipad for a winter time heli-skiing operation, dates of operation to be December 25 through April 1 and operated by High Mountain Heli-Skiing as described in the application materials submitted to the Planning Office.

LIMITATIONS UNIQUE TO THIS TEMPORARY USE PERMIT:

1. The operation of the Teton Springs Golf & Casting Club helipad for a winter heli-skiing operation, dates of operation to be December 25 through April 1 and operated by High Mountain Heli-Skiing as described in the application materials submitted to the Planning Office.
2. This project is temporarily approved based upon all public hearing application materials for calendar years 2011 and 2012 and as supplemented with the flight path aerial pictures and description, and as conditioned or modified below. This TUP authorizes Teton Springs Golf & Casting Club to allow High Mountain Heli-Skiing to utilize Lot 8C, and Lot 8C only, during the ski season which is hereby delineated as December 25th to no later than April 1st. No other expansion of uses are authorized or permitted by this permit. Specifically, no scenic flights are authorized; only High Mountain Heli-Skiing flights are authorized for the purpose of delivering skiers to and from the USFS special use permit area. Skiers may be transported from Wyoming to Teton Springs on the day of their heli-ski activity. These flights plus flights for refueling will be counted as part of the High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad. For safety reasons, flights for mechanical problems or medical emergencies shall not be counted as part of the High Mountain Heli-Skiing commercial helicopter flights coming to or departing from the Teton Springs helipad.
3. As a condition of approval, the Owner or an agent of Owner acceptable to the County shall defend, indemnify, and hold harmless the County and its agents, officers, and employees from any claim, action, or proceeding, against the County or its agents, officers, and employees; including all costs,

attorneys' fees, expenses, and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, void or annul an approval by the County, the Planning and Building Department, or other County advisory agency, appeal board, or legislative body concerning the TUP. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.

4. Owner(s), Owner's agent(s) or Applicant shall comply with all applicable federal, state, and local laws, ordinances, and regulations, including the requirements of Title 8 of the Teton County Zoning Ordinance, as amended August 11, 2011 and subsequent amendments.
5. A fuel spill containment plan shall be maintained and a cover will be placed over the drain when fuel is present. Any liability and cost for cleanup of spills will be incurred by the applicant.
6. In order to minimize adverse noise impacts to valley citizens and to avoid the disturbance of eagle nests, the commercial flight path of the departing and incoming helicopter flights shall be to/from Teton Springs, Lot 8C, with a bearing between ~~160 degrees to 170 degrees~~ 140 degrees and 160 degrees (as depicted in Staff Report Section 4: flight Patterns). Commercial flights north of Teton Springs PUD are not authorized and flights north of Teton Springs, Lot 8C, may be made only for emergency reasons. Flights from Teton Springs to pick up skiers to the north of Teton Springs and/or the Driggs Airport are prohibited.
7. No more than 14 one-way flights are allowed in a single day with a maximum of 40 days of flying per season (December 25 – April 1). Hours of operation shall be restricted to between 9:00 AM and 5:00 PM with emergency flights as needed.
8. A flight log shall be maintained, including GPS tracking past the half-mile buffer from the eagle nest, and turned into the Planning and Building Department. The GPS tracking information shall be submitted to the Planning Department daily, but no later than 48 hours after the end of the last flight, and the monthly flight log shall be submitted to the Planning Department on a monthly basis (due the 10th day of the following month), with reasons for deviation from the time restrictions noted in the logs.
9. Loading and unloading of gear and clients from the helicopter shall occur only on the helipad located on Teton Springs Lot 8C.
10. Allowed Equipment: The Bell 407, or its equivalent or less noisy helicopter, shall be used.
11. Provided the 2012-2013 ski season has no significant and substantiated violations to the conditions 2, 4, and 5 through 10 above and 14 below, and by September 30, 2013 the Master Homeowners Association, in accordance with the controlling CC&R's of Teton Springs PUD, must approve by a super majority vote (67%) of voting members the continuation of the helipad operations as stated in the TUP with all its conditions as specified on November 15, 2012, then the helipad operations may continue until April of 2015.
12. Teton County may revoke the TUP if any of the stated conditions are not met and the flights will be grounded until such time as an appropriate remedy has been made. Multiple offenses to the stated conditions will allow the County to permanently stop the winter heli-skiing operation.
13. By April 30, 2015 Teton Springs Golf and Casting shall amend, with County approval, the Teton Springs Development Agreement to include a complete table or list of all uses within the Teton Springs PUD. In addition to including a provision for the heli-ski operations, and providing a list of all land uses, the amended Development Agreement shall define a process for reviewing and approving any alternate uses being proposed in the future. Per the County Prosecutor, the uses should be specific and not probable future uses. The uses should be defined and labeled on the plat.

14. The landing pad and flight path shall not be closer than one half mile from any active eagle nesting location (as determined by GPS coordinates) throughout the months of February through June. Teton Springs Lodge shall be responsible for determining the location of active eagle nests within one half mile of proposed landing pads and flight paths starting in February with the use of a qualified biologist approved by the Planning Department or the US Fish and Wildlife Service. Additionally, Teton Springs Lodge shall coordinate directly with the US Fish and Wildlife Service on issues related to the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act. Additionally, a statement is required from the operator that they will suspend operations or provide a Plan B in the event there are nesting eagles present within 1/2 mile during helipad operations.
15. The Teton County Idaho Fire Marshal shall inspect and approve the fueling operations.

REVOCATION AND MODIFICATION OF HOME OCCUPATION PERMITS:

Grounds for Revocation or Modification: The Planning Administrator may revoke or modify any temporary use permit granted for any one or more of the following reasons:

- a. There was a misrepresentation in the original application.
- b. One or more of the terms, conditions or uses upon which such permit was granted has been violated or altered.
- c. The use for which the permit was granted has become detrimental to the public health, safety, or welfare and such was not the condition at the time of approval.

Temporary Use Permit #2013-1-T.S. Heli-Ski

Granted by:

Angie Rutherford, Planning Administrator

Date

I acknowledge and agree to these conditions.

Jeff Naylor, Teton Springs Golf & Casting Club (TSGCC)

Date

STATE OF)

County of

On this ____ day of _____ in the year of 2013, before me, **Wendy A. Danielson**, a Notary Public in and for said State, personally appeared Jeff Naylor known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

Notary Public

(seal)

Residing at:

My commission expires:



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TETON COUNTY T.U.P. # 2013-1 -T.S. HELI-SKI**

COPY

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attack, set aside, void or annul an approval by the County, the Planning and Building Department, or other County advisory agency, appeal board, or legislative body concerning the TUP. County shall promptly notify owner of any such claim, action, or proceeding and shall cooperate fully in the defense of said claim, action, or proceeding.

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TEMPORARY USE PERMIT (TUP) APPLICATION

Teton County Planning Department
150 Courthouse Drive, Room 107, Driggs, Idaho 83422
Phone: (208) 354-2593 Fax: (208) 354-8778
www.tetoncountyidaho.gov

The planning staff is available to discuss this application and answer questions both before and after the application is submitted. Once the application is determined to be complete, it will be reviewed by the planning administrator or his/her designee and a written decision will be provided to the applicant.

SECTION I: PERSONAL AND PROPERTY RELATED DATA

Landowner: Teton Springs Golf & Casting Club, LLC
Mailing Address: 10 Headwaters Drive Victor ID 83455
Zip Code: 83455 Phone: 208-787-3600

Applicant: JEFF Naylor
Mailing Address: 10 WARM CREEK Lane
City: Victor State: ID Zip Code: 83455
Phone: 208-787-7888 E-mail: jnaylor@tetonspringsgolf.com

Agent/ Consultant: _____ Contact Person: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone: _____ E-mail: _____

Requested Land Use ~ Specify date(s) of event Heli-pad (LOT 8C)
from December 25, 2012 - April 1, 2013

I, the undersigned, have reviewed the attached information and found it to be correct. I also understand that the items listed below are required for my application to be considered complete.

Applicant Signature: _____ Date: 6/27/12

I, the undersigned, am the owner of the referenced property and do hereby give my permission to _____ to be my agent and represent me in the matters of this application. I have read the attached information regarding the application and property and find it to be correct.

Owner Signature: _____ Date: _____

Location and Zoning District: (Planning Staff use)
Project Address: 36 Springs Parkway - LOT 8C
Parcel Number: RP002208C0000AA Total Acreage: .26
Section: 23 Township: 3 North Range: 45 East Zoning District: _____
Overlays _____ Fee Amount _____
Date Paid _____ By _____ Check # _____