



# Valley Advocates for Responsible Development

September 2, 2011

Teton County Planning & Zoning Commission  
150 Courthouse Drive  
Driggs, Idaho 83422

RE: Teton Springs Helipad CUP

Dear Commissioners:

There are several obvious economic benefits to permitting heliskiing tours in Teton Valley. From many perspectives, Teton Springs may be one of the best locations to accommodate flights to the Palisades. That said, the progression of how this unpermitted use has continued despite being prohibited by Teton County is very familiar, and also very frustrating.

**Act first. Ask later.**

This is the classic situation where unpermitted uses spring up, apparently relying on representations of a 3<sup>rd</sup> party who is often the developer or owner of the property. The end result is a round-robin of accountability.

Reviewing the June 12, 2000 hearing minutes, and discussing these hearings with VARD board members who were actually in attendance the night Teton Springs was approved by previous County Commissioners, it is clear that a commercial helipad was expressly prohibited. In fact, the minutes reflect that the principals of Teton Springs expressly represented that it would be not be a commercial pad.<sup>1</sup> Nonetheless, a commercial helipad operation quickly sprung into existence, which High Mountain Heli says was at the invitation of Teton Springs' principals. In 2004, this operation was cited by prior Teton County planning administrator, Larry Boothe. High Mountain Heli again points the finger at the Teton Springs principals who they argue assured them back in 2004 that everything was resolved with the county. (Whether this defense is true or not, it still does not bootstrap a prohibited use into legitimacy.) Then, the use resumed in 2010, once again prompting a response from the planning office. Now here we are today.

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<sup>1</sup> Teton County Board of County Commissioners hearing minutes, page 12, (June 12, 2000).



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## **The use of this helipad can still potentially change and expand**

Some comment letters mentioned that last years' commercial use of the helipad was quiet and unobtrusive to residential neighbors. Let's keep it that way. As you know, CUPs run with the land. Thus, any new operator could move into this location. Another obvious concern is how this helipad (which is limited to "emergency and alternative travel") could easily morph into accommodating summer time tours of the valley. If this happens, will they also point to the Teton Springs Principals for inviting their commercial use? Given the track record of this particular helipad, that does not seem far-fetched. So how do you prevent this from happening? The answer is to leave no room for ambiguity in the permit and include consequences for breach of permit.

### **Leave no room for ambiguity. Include consequences.**

Let's avoid unintended consequences here. In order to not let this helipad expand into intensified or unexpected uses, it is critical that precise, thoughtful, and unambiguous language be crafted into any CUP that is issued.

1. Heliskiing is governed by US Forest Service permits. The applicant should provide all permits, special use permits, and pending permit applications so this commission can review the precise terms of what type of use is allowed by the Forest Service. These permits should be reviewed by this commission before determining a season of use, hours of use, area of use, flight patterns, # of permitted helicopters in use at one time, or # of flights per day.
2. Many comment letters referenced a nearby bald eagle's nest. If this is correct, this nest should be mapped on the CUP with a mitigation plan.
3. It is hard to anticipate the impacts of this CUP once it is in full swing. Thus, this CUP should be reviewed by this commission and the Board of County Commissioners in 1 year from approval.
4. Any changes to any of the applicable US Forest Service permits should also trigger an immediate review of the CUP.
5. Any accidents, hazardous incidences, or potentially hazardous incidences should trigger an immediate review of the CUP.
6. The applicant should provide and bond for a separate, sequestered helipad area with an accompanying plan for fuels storage.



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**There is no need to rush. This CUP calls for careful scrutiny.**

This CUP application was not submitted until August 5, 2011. Although you may receive pressure to approve this permit well in advance of the 2011 heli-skiing season, it is critical that you do your due diligence, particularly with such a potentially dangerous CUP. Please do not feel compelled to rush the approvals process, but rather, make sure you have all the materials needed to make a thoughtful examination of this application.

I hope you will table this application, giving the applicant time to provide any additional materials. More importantly, should a CUP be granted, the terms will have to be carefully drafted with accompanying flight maps, helipad site plans, fuels storage plans, wildlife plans, etc.

If this permit is approved, let's do it right this time. Thank you once again for all of your hard work in the service of our community.

Sincerely,

Anna Trentadue

VARD Staff Attorney / Program Director