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Proposed amendment to the Zoning Ordinance Chapter 10.

10-10-1 administrative appeal paragraph C. The proposed limitation of only allowing persons within 300 feet of the subject property the right to testify is not appropriate in that a decision made by the administrator can create an impact on property owner's significantly farther away depending on the circumstances. Such as a waste incinerator, a rendering plant or a use of land affecting a flood plain. In fact it could affect the entire county in certain instances, lets say interpreting development right standards or similar general standards. You should not be afraid of the landowners voicing their opinions or expert testimony concerning the issue.

10-10-2 section C. appeal of a commission decision. This section proposes limiting the appeal to the Board of County Commissioners to a on the record review were no testimony is received the appellant or the appellant's legal counsel nor any of the public. It proposes that only county staff and legal council may speak. You must understand that all appeals are made against the county be it the administrators decision on the planning commission's decision it is not against the applicant. In effect the county is the defendant in an appeal of an appellant. The board of county commissioners are acting in a judicial capacity conducting a review of the case. The ordinance as drafted only allows the defendant to present their side and argue their interpretation. This is in my opinion quit irregular particularly if it's an appeal of an administrative decision of the zoning administrator. The administrator should not be able to be the only one who answers the boards questions. If the board has a question as to what the appellants concern is or what the meant, ask the appellant. The county should not be afraid of hearing what the appellants' opinion is and also the opinions of the county residents as to how the appeal affects them. In so doing the Board can make a fair decision by hearing both sides and maybe do a better job of staying out of court.

It was stated during the first hearing that a review was made of the Bonneville County Ordinances as to how appeals were handled at the County Commissioner's level and that it was the same as this proposed section. I can assure you that at every appeal hearing before the Bonneville County Commissioner's for the last forty years they have allowed the appellants to testify as well as the public and it was not restricted to those owning property within 300'. I can make this statement in that I was in attendance of every one of those hearings.

**Exhibit
T-11**