

96 FEB -2 P3:19

BEFORE THE BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

IN THE MATTER OF THE APPEAL OF THE DENIAL)	
OF THE DECISION OF THE PLANNING DIRECTOR)	FMD No. 13-95
FOR THE ESTABLISHMENT OF A FARM DWELLING)	
)	ORDER
JEREMIAH GEANEY,)	
)	
Applicant.)	
)	

This matter came before the Board upon the appeal by Jeremiah Geaney of the decision of the Planning Director dated December 11, 1995, denying an application to establish a farm residence in conjunction with an ongoing commercial farm. The hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related statutes and ordinances. The Klamath County Planning Department was represented by Mr. Kim Lundahl and the recording secretary was Ms. Karen Burg. The Klamath County Planning Department file and all the exhibits and other contents therein is incorporated by this reference into this matter. The appellant was present and represented by his attorney, Michael L. Spencer, who presented argument for the appellant. Susan Petterson was present and presented argument against the appeal. Her full name and address is on file with the Klamath County Planning Department.

ISSUES RAISED ON APPEAL

The Appellants filed a statement of appeal in accordance with Article 33.040 setting out the issues they were raising. Of those issues, the Board finds that the issue of the prior approval of the application is dispositive of this matter and does not address any of the substantive issues raised.

CONCLUSIONS OF LAW

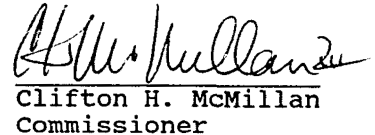
Based upon the foregoing, the Board concludes that appellant's application was approved by the Planning Director on November 20, 1995 by a written decision which was processed in accordance with the provisions of Article 22. No appeal of that decision was filed within seven (7) days of the mailing of that decision, and there is no provision within the Klamath County Land Development Code for the Planning Director to have entered the subsequent December 11, 1995 decision denying the application. Because the original decision was not appealed within the time allowed by the Code, that decision is final and the appeal of the decision denying the application is moot since there is a final approval of the application.

DATED this 31st day of January, 1996.

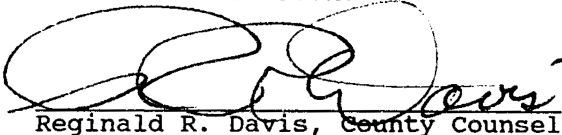
BOARD OF COUNTY COMMISSIONERS


F. Jean Elzner
Chairman


David Henzel
Commissioner


Clifton H. McMillan
Commissioner

APPROVED AS TO FORM:


Reginald R. Davis, County Counsel

NOTICE OF APPEAL RIGHTS

You are hereby notified that this decision may be appealed to the Oregon Land Use Board of Appeals by filing with the Land Use Board of Appeals a notice of intent to appeal as set out in the administrative rules of the Land Use Board of Appeals, together with the required fee, within twenty-one (21) days of the date of mailing of this decision. Failure to file a notice of intent to appeal within the time provided will result in the loss of your appeal rights.

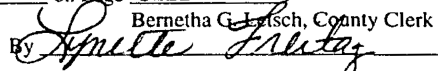
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 2nd day
of Feb A.D., 19 96 at 3:19 o'clock P M., and duly recorded in Vol. M96,
of Deeds on Page 3222

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Commissioners Journal

By  Bernetha G. Lusch, County Clerk