

BEFORE THE HEARINGS OFFICER OF KLAMATH COUNTY, OREGONIn the matter of the request)
)of JOHNNY O'NEIL)
)CONDITIONAL USE PERMIT
NO. CUP 43-90
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This matter came before Neil D. Smith, Hearings officer for Klamath County, Oregon on 5 October 1990 in the County Commissioners' Meeting Room in Klamath Falls Oregon. The Klamath County Planning Department was represented by Mr. Kim Lundahl 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 Hearing was held pursuant to notice given in conformity with the Klamath County Land Development Code and related Statutes and Ordinances. MR. O'NEIL, the applicant for the above referenced Conditional Use Permit and his attorney Mr. Michael Brant Esq., were present and testified and presented exhibits which were received. MR. O'NEIL information was received and found to be in favor of the permit.

There was also a letter from the Klamath Irrigation District, signed by Mr. Wm. M. Ganong, Esq. opposing the Conditional Use Permit on the grounds that the sale by the K.I.D. as grantee was limited to the landholders who held land contiguous to the piece in question here, and that the deed which was delivered to Mr. & Mrs. Louis Hill had been altered after delivery to include the name of Dale R. Hill.

In addition to the letter from K.I.D. there was testimony of Mr. Robert White who is an adjoining landowner, Mr. White argued that there was no legal access to the parcel in question here and amplified the K.I.D. contention that the deed alteration prejudiced his interests in that parcel.

The hearings officer, after noting the above dispute requested that both parties consent to a discussion with Mr. Ganong regarding the effect of the addition of a name to a deed by a grantee.

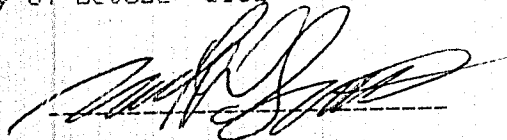
The hearings officer has received the letter attached hereto dated 10 September 1990. Based upon the contents of the cases cited and the information before the hearings officer to this date, I am prepared to make an order based upon and in conformance with the above referenced testimony and exhibits.

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This matter was again called on the 5th of October 1990 and no one appearing to cite legal authority to the contrary of the above I do find that Mr. O'Neil does not have standing to request this permit and do hereby deny his application.

DATED this 5th day of October 1990



Neil D. Smith, Hearings Officer

KLAMATH COUNTY LAND DEVELOPMENT CODE SECTION 24.007 PROVIDES:

" An Order of the Hearings Officer shall be final unless appealed within ten (10) days of its mailing by a party having standing in accordance with the procedures set forth in Chapter 3, Article 33 of this Code"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County the 8th day
of Oct. A.D., 19 90 at 3:45 o'clock P.M., and duly recorded in Vol. M90,
of Deeds on Page 20358.

FEE none

Evelyn Biehn . County Clerk

By Pauline Neukirch

Return: Commissioners Journal