



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

January 11, 2007

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Malin Plan Amendment  
DLCD File Number 005-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 24, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist  
Jon Jinings, DLCD Regional Representative  
Kay Neumeyer, City of Malin

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# FORM 2

## D L C D NOTICE OF ADOPTION

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18

(See reverse side for submittal requirements)

DEPT OF

JAN 05 2007

LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Meain Local File No.: \_\_\_\_\_  
(If no number, use none)

Date of Adoption: 12-12-06 Date Mailed: 1-3-2007  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 9-29-06

- |   |   |
|---|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment        | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input checked="" type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> New Land Use Regulation                  | <input type="checkbox"/> Other: _____                     |
- (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

Land use ordinance amended R5 zone to R2 zone

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Request was a change from R5 to R

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_  
Zone Map Changed from: R5 to R2

Location: land north : nw of meadowgen Acres Involved: 27.66 acres 20.8 acres  
subdivision

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_

Was an Exception Adopted? Yes: \_\_\_\_\_ No:

DLCD File No.: 005-06 (15604)



Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: Maine Fire Dept;

Maine Park District; Klamath Co. School District; Klamath Irrigation and  
Maine Irrigation District

Local Contact: Kay Neumeier Area Code + Phone Number: 541-723-2021

Address: PO Box 61

City: Maine Zip Code+4: 97632-0061

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

**COMMON COUNCIL OF THE CITY OF MALIN, OREGON**  
**An Oregon Municipal Corporation**

**(AN ORDINANCE AMENDING SECTIONS 152.011 AND 152.024 OF THE  
LAND USE AND DEVELOPMENT CODE FOR THE CITY OF MALIN; AND  
DECLARING AN EMERGENCY)**

**ORDINANCE NO. 308**

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**WHEREAS**, at a Public Hearing before the Malin Planning Commission on November 28, 2006, the Commission recommended changing the "R5" Zone designation to "R2" in Sections 152.011 and 152.024 of the city's Land Use and Development Ordinance; **NOW THEREFORE**;

**THE CITY OF MALIN ORDAINS AS FOLLOWS:**

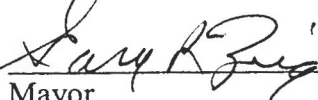
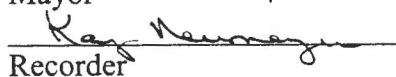
**Section 1.** Section 152.011 will be amended by changing Rural Residential designations "R5" to "R2".

**Section 2.** Section 152.024 will be amended by changing the title from Residential zone "R5" to Residential Zone "R2". Change line 2 of the section under **USES from:** enlarged, or moved and land hereafter used in the "R" residential zone shall **to:** enlarged, or moved and land hereafter used in Residential Zone "R2" shall. Change Subsection (4) D **from:** Lot Area: "Minimum five (5) Acres" **to:** Minimum two (2) Acres.

**Section 3. Emergency.** Whereas, the peace, safety, and general welfare of the citizens of Malin, Oregon, are involved in the enactment of this ordinance, and in order to properly safeguard the same, there is and exists the necessity and emergency for immediate regulation. An emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after the date of its passage.

Passed by the Common Council of the City of Malin, Oregon, on this 12<sup>th</sup> day of December 2006.

Presented to the Mayor and by him approved and signed this 12<sup>th</sup> day of December 2006.

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
Recorder

ATTEST: