



# 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

08/31/2009

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

**FROM:** Plan Amendment Program Specialist

**SUBJECT:** City of Malin Plan Amendment  
DLCD File Number 002-09

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:** Thursday, September 10, 2009

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Kay Neumeyer, City of Malin  
Gloria Gardiner, DLCD Urban Planning Specialist  
Jon Jinings, DLCD Regional Representative

<paa> YA

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

AUG 24 2009

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Mason Local File No.: None  
(If no number, use none)

Date of Adoption: 8-11-09 Date Mailed: 8-20-09  
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 3-27-09

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_  
(Please Specify Type of Action)

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

Amended Land Use ordinance by adding  
Section 152.044 Downtown Development Code

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."

Color code was defined. Alleyway behind businesses  
was eliminated

Plan Map Changed from : \_\_\_\_\_ to \_\_\_\_\_

Zone Map Changed from: \_\_\_\_\_ to \_\_\_\_\_

Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_

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

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

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

DLCD File No.: 002-09 (17467) [15688]

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: \_\_\_\_\_

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

Address: PO Box 61

City: Madin 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 MALIN'S LAND USE AND DEVELOPMENT  
CODE BY INCLUDING SUBSECTION 152.044, DOWNTOWN DEVELOPMENT  
CODE, FOR THE CITY OF MALIN; AND DECLARING AN EMERGENCY)

ORDINANCE NO. 317

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**WHEREAS**, the City of Malin has a need to amend the city's Land Use and Development Code to include rules for the business section of Malin; and

**WHEREAS**, the Malin Planning Commission had numerous meetings and a Public Hearing regarding developing a Downtown Development Code for business owners to follow; and

**WHEREAS**, the Malin City Council has had two Public Hearing for input on the proposed Downtown Development Code to be include in Malin's Land Use and Development Code; **NOW THEREFORE**;

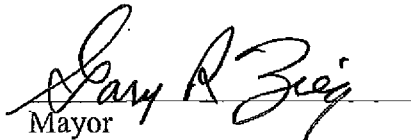
**THE CITY OF MALIN ORDAINS AS FOLLOWS:**

**Section 1. Adoption.** Section 152.044 of Malin's Land Use and Development Code, known as the Downtown Development Code section, attached as Exhibit B, is hereby adopted.

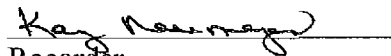
**Section 2. Emergency.** Whereas, the peace, safety, and general welfare of the citizens of Malin, Oregon, are involved in the enactment of this ordinance, and in order to properly safeguard the same, there is and exists the necessity and emergency for immediate regulation. An emergency is hereby declared 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 11<sup>th</sup> day of August 2009.

Presented to the Mayor and by him approved and signed this 11<sup>th</sup> day of August 2009.

  
Mayor

ATTEST:

  
Recorder

- (H) Any tower or monopole shall be designed in a manner that it can carry the antennas of at least two additional wireless carrier. This criterion may be satisfied by submitting that statement of a licensed structural engineer licensed in Oregon that the monopole or tower has been designed with sufficient strength to carry such an additional antenna array and by elevation drawings of the proposed tower or monopole that identifies an area designed to provide the required spacing between antenna arrays of different carriers.
- (I) An approval of a wireless telecommunication facility shall include a condition that if the facility is left unused or is abandoned by all wireless providers located on the facility for more than one year the facility shall be removed by the landowner, or as set forth in the lease between the landowner and the applicant.

**§ 152.044 – DOWNTOWN DEVELOPMENT CODE.**

The purpose of this section is to establish a downtown business district to instill a positive and lasting first impression of Malin to persons passing through and an inviting friendly atmosphere that beckons people to stop shop and return to our community. To obtain this goal this ordinance will establish appearance standards for buildings and businesses located within this district establishing a homogeneous appearance and the feeling and appearance of an early 20<sup>th</sup> century rural town.

(1) This district will consist of all commercial properties abutting Main Street, Rush Avenue, and Broadway.

(2) Buildings existing within this district at the time of its creation will be exempted from this until they are updated, remodeled, replaced or otherwise changed in appearance or usage.

(3) Building Facades.

(A) Facades shall be constructed of masonry, stucco, wood, or a combination of these materials.

(B) Facades shall be consistent with the theme of an early 20<sup>th</sup> century small rural community.

(4) Sidewalks and Parking requirements.

(A) Buildings shall abut the sidewalk except in those cases where they contain a Plaza, courtyard, or other area located between the sidewalk and the business but in no case shall there be any facility for the parking or driving of any vehicle between the building and the sidewalk.

(B) Businesses shall use their alley access or side street for delivery of inventory and supplies as well as the pickup of shipped product and garbage.

(C) Sidewalks shall be at least 6 feet wide.

(D) Sidewalks shall be inset 3 feet from the roadway and the area between the sidewalk and road shall be planted with grass or shrubbery and maintained by the landowner. This area shall be available for the placement of trees and/or street lights.

- (E) Parking will be permitted on street only.
- (5) Awnings.
  - (A) Awnings will be permitted.
  - (B) Awnings may not exceed 6 feet.
- (6) Balconies.
  - (A) Balconies will be permitted.
- (7) Residential Use. Residential use where permitted shall have the following restrictions in addition to all others imposed by this and other ordinances.
  - (A) Access and egress from permitted residential use shall not be visible from the street.
  - (B) Parking as required shall not be visible from the street.
  - (C) No sign of residential shall be visible from the street.
- (8) Color Code. Color is a very important ingredient for enlivening and enhancing the built environment. A building's color should accentuate and harmonize with its architecture, as well as complement surrounding structures. To achieve these ends, applicants should use color that is compatible with the existing built environment. A building's color should not compete for attention with neighboring buildings. The color and intensity of color of all building materials is subject to City approval.
  - (A) In general, subdued colors typical of the muted native grasses, wood, rocks, and soil of the high desert plains and Malin's natural setting are to be used as the primary colors.
  - (B) The use of warm and darker tones with low reflectivity is recommended. Soft browns, ambers, muted greens and gold, buffs, terra cottas and taupe are examples of earth and rock colors that are indigenous of this general area.
  - (C) Accent and trim colors must compliment and enhance the effect of the primary building color.
  - (D) Bold, brash, intense, bright, fluorescent, black, or metallic accent colors are prohibited unless approved by the City in very limited application.
  - (E) Darker colors are recommended for roofs, with the exception of flat roofs where lighter colors will reduce the effect of solar gain. The color of flat roofs must be visually harmonious and unobtrusive.
  - (F) The use of any strong or intense color is limited to signage and the approval from the city.
  - (G) The paint scheme will be limited to three (3) colors unless approved by the City.

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City of Malin  
PO Box 61  
Malin, OR 97532-0061



Attention: Plan Amendment Service  
DLCD  
635 Capitol Street NE, Suite 150  
Salem, OR

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