



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

09/03/2009

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 001-09

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: Wednesday, September 16, 2009

This amendment was submitted to DLCD for review 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 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

DLCD 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 27 2009

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: Maine Local File No.: Ann-01-09
(If no number, use none)

Date of Adoption: July 14, 2009 Date Mailed: 8-26-09
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: March 20, 2009

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

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

Annex land south of Maine

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."

added zoning to annex land
parcels # 500, 600, 700, 800, 900 Residential
lots 6, 10, 15 abuts residential and will take on that designation; City of Maine properties will be zoned Industrial

Plan Map Changed from : _____ to _____

Zone Map Changed from: County designation to City of Maine: Residential ; Industrial

Location: _____ Acres Involved: 58.97

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 001-09 (17440) [15695]

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: Klamath County,

City of Madras, Madras Park, Madras Cemetery, Madras Fire Dept

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

Address: PO Box 61

City: Madras 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 - ATTENTION: PLAN AMENDMENT SPECIALIST.

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

(AN ORDINANCE ANNEXING TO THE CITY OF MALIN, OREGON, THE
TERRITORY HEREIN DESCRIBED, ESTABLISHING THE PROPERTIES ZONING,
AND DECLARING AN EMERGENCY)

ORDINANCE NO. 316

WHEREAS, the City of Malin, Oregon, did by Ordinance No.315 adopted on June 9, 2009, propose to annex to said City and include in the boundaries thereof, the territory herein described, and did by said ordinance call a public hearing on July 14, 2009, to be held in Malin City Hall, where and when registered voters of the City might be heard, which meeting was duly advertised by notices published and posted as required by law, proof of such publishing and posting of notices being held on file herein; which meeting and hearing were held as provided by said Ordinance and notice; and, now therefore,

THE CITY OF MALIN DOES ORDAIN AS FOLLOWS:

Section 1. That thereby and is hereby annexed to and included within the bounds of the City of Malin, Oregon, territory adjacent and contiguous to said City AND;

WHEREAS, City of Malin, Deanne Simmons, Paul and Donna Donahoe, Maria Hernandez, Kenneth and Evelyn Duncan, Tori Hill, owner of said property which is described in Exhibit A:

Section 2. That the zoning of properties owned by the City of Malin, and Tori Hill be zoned Industrial with parcels #500, 600, 700, 800, 900, be zoned Residential.

Section 3. That the Recorder of the City of Malin, Oregon, be and she is hereby authorized and directed to forthwith forward a copy of this Ordinance (certified copy) to each of the following, to wit: Clerk of Klamath County, Oregon; County Assessor of Klamath County, Oregon; and that the copy forwarded to said Secretary of State by accompanied with certified copies of each Ordinance in this matter.

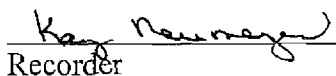
Section 4. Declaring an emergency. Whereas the peace, safety, and general welfare of the citizens of Malin, Oregon are involved in the enactment of this ordinance, and in order to properly safeguard the same, there is and exists the necessity and emergency for immediate regulation. An emergency is hereby 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 14th day of July 2009.

Presented to the Mayor and by him signed and dated this 14th day of July 2009.



Mayor



Recorder



ANDERSON ENGINEERING AND SURVEYING, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

17681 Hwy. 395, Lakeview, Oregon 97630
 (541) 947-4407 Fax (541) 947-2321
www.andersonengineering.com

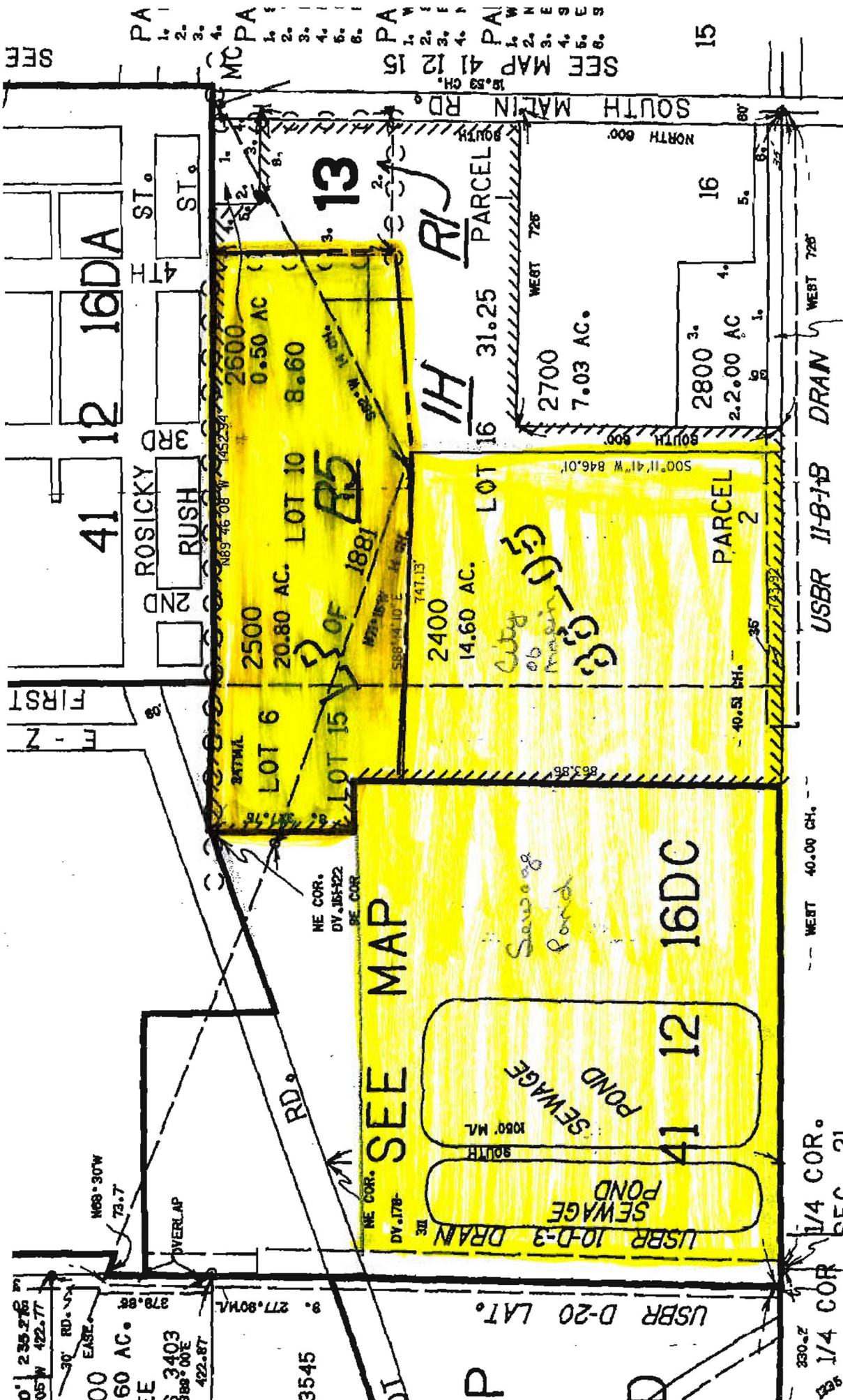
ANNEXATION AREA FOR CITY OF MALIN, OREGON

Annexation of a parcel located in the SW $\frac{1}{4}$, SE $\frac{1}{4}$, of Section 16, Township 41 South, Range 12 East, Willamette Meridian, Klamath County Oregon, more particularly described as follows:

Beginning at a point on the east/west centerline of the SE $\frac{1}{4}$ of Section 16, said point bears South $89^{\circ}57'18''$ West a distance of 307.06 feet from the Northeast corner of the SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 16, said point is also the Northeast corner of the parcel described in M83-5745 of Klamath County Record of Deeds, said point is also on the South Right-of-Way line of Malin Depot Road; thence South $70^{\circ}50'36''$ West a distance of 236.94 feet to a point, which is the Northwest corner of the parcel described in M83-5745 of Klamath County Record of Deeds; thence South $00^{\circ}30'35''$ East a distance of 251.40 feet to a point which is the Southwest corner of the parcel described in M83-5745 of Klamath County Record of Deeds; thence South $89^{\circ}25'50''$ West a distance of 228.14 feet to a point which is the Southeast corner of the parcel described in M95-14843 of Klamath County Record of Deeds; thence North $00^{\circ}30'35''$ West a distance of 176.31 feet to a point which is the Northeast corner of the parcel described in M95-14843 of Klamath County Record of Deeds, said point is also on the South Right-of-Way line of Malin Depot Road; thence continuing along the South Right-of-Way line of Malin Depot Road South $70^{\circ}46'17''$ West a distance of 521.95 feet to a point which is the Northwest corner of the parcel described in Deed Volume 105 Page 456 of Klamath County Record of Deeds; thence South $00^{\circ}31'22''$ East a distance of 971.88 feet to a point which is the Southwest corner of the parcel described in Deed Volume 178 Page 311 of Klamath County Record of Deeds, said point is also on the South section line of Section 16; thence North $89^{\circ}46'09''$ East along the south line of Section 16 a distance of 1,068.37 feet to a point; thence North $89^{\circ}46'09''$ East, continuing along the south section line of Section 16, a distance of 778.61 feet to a Point, which is the Southeast corner of Parcel Two defined by Partition Map 86-05; thence North $00^{\circ}38'32''$ East a distance of 600.00 feet to a Point; thence North $89^{\circ}46'09''$ East a distance of 726.00 feet to a Point on the East line of Section 16, said point is also the South East corner of Parcel Two as defined by Partition Map 86-05; thence North $00^{\circ}38'32''$ East, along the East line of Section 16, a distance of 279.84 feet to a Point; thence South $89^{\circ}57'18''$ West a distance of 338.00 feet to a Point; thence North $00^{\circ}38'32''$ East a distance of 410.00 feet to a Point on the East / West centerline of the Southwest $\frac{1}{4}$ of Section 16; thence South $89^{\circ}57'18''$ West

A distance of 1314.18 to the Point of Beginning;

Area of annexation is 58.97 acres more or less.



10' 235.276
 105' W 422.77
 30' RD. W
 100 EAST
 .60 AC. 378.88
 EE S 3403
 S 88° 00' E
 422.87

3545
 9. 277.80 W/L
 100 EAST
 378.88
 OVERLAP

SEE MAP
 NE COR. DY. 178-30
 NE COR. DY. 151-22
 SE COR.

USBR 10-D-3 DRAIN
 USBR 10-D-3 DRAIN
 USBR D-20 LAT.
 1/4 COR. SEC. 16
 1/4 COR. SEC. 21
 230.2'

F-2
 FIRST

LOT 6
 LOT 10
 LOT 15
 LOT 16

2500
 20.80 AC.
 2400
 14.60 AC.
 2800
 2.200 AC

2600
 0.50 AC
 8.60
 31.25
 2700
 7.03 AC.
 2800
 2.200 AC

41 12 16DA
 ROSICKY RD
 RUSH

SEE MAP 41 12 15
 SOUTH MAIN RD.
 PARCEL 13
 PARCEL 16

15
 NORTH 800'
 WEST 725'
 WEST 725'
 USBR 11-B-1-B DRAIN
 2000

PA 1. 2. 3. 4.
 MC PA 1. 2. 3. 4. 5. 6.
 PA 1. 2. 3. 4. 5. 6. 8.

SEE MAP 41 12 15
 SOUTH MAIN RD.
 PARCEL 13
 PARCEL 16

15
 NORTH 800'
 WEST 725'
 WEST 725'
 USBR 11-B-1-B DRAIN
 2000

City of Malin
PO Box 61
Malin, OR 97632



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97301

U.S. POSTAGE
PAID
MALIN, OR
97632
AUG 26, 2009
AMOUNT

\$1.05
00011212-22

Att: Plan Amendments Specialist
PLCO
635 Capitol St, NE, Suite 150
Salem, OR 97301-2540