

August 15, 2025

Via Email: [DLCD.PR-UGB@dlcd.oregon.gov](mailto:DLCD.PR-UGB@dlcd.oregon.gov)

**Attention:** Periodic Review Specialist  
Department of Land Conservation and Development  
635 Capitol Street, Suite 150  
Salem, OR 97301

**Re: City of Molalla ORD2025-07 – Development Code and Comprehensive Plan/Zoning Map Amendments**

Dear Specialist,

Out of an abundance of caution, I submit these comments of objection regarding the matter referenced above. The City Council and Planning Staff have been extremely willing to engage in dialogue, remain open to discussion, and are exploring options to address my concerns. These include considering legal instruments such as I have proposed, (pending City's legal counsel advice), and the installation of noise buffering barriers between future residential areas and our adjacent Heavy Industrial operations, and other measures. However, the City has not yet received a final legal opinion from their counsel. Therefore, I reluctantly submit these objections to ensure they are on record before the deadline. I wish to retain the right to withdraw this objection should the City of Molalla and Pacific Fibre Products come to a mutually satisfactory agreement.

Pursuant to the instructions for submitting objections to the Department of Land Conservation and Development (DLCD), provided in the notice titled "*Notice of Development Code Amendment and Changes to the Comprehensive Plan Map and Zoning Map*" (copy attached), I submit the following:

**1. Participation in the City's Adoption Process**

- I submitted written comments to the City Recorder for the June 25, 2025, public hearing before the City Council. Please refer to my written comments (attached in email format).

**2. Basis of Objection**

- a. Our property has historically been zoned Heavy Industrial and has operated as such for decades.
- b. The City proposes to rezone property across the street from our active Heavy Industrial operations from Light Industrial to High-Density Residential. While I understand the City's need to increase high-density residential housing units, this proposal conflicts with sound planning principles.
- c. The change would create foreseeable and ongoing conflicts between new residential uses and existing and allowed industrial operations.
- d. The proposal conflicts with Molalla's Municipal Code, which expressly intends the Heavy Industry district to accommodate intense industrial uses, including manufacturing

such as lumber mills and wood products facilities. Pacific Fibre Products is a whole-log chipper and producer of bark, mulch, and soil amendment products.

e. Amending the Comprehensive Plan Map and Zoning Map to allow high-density residential development directly across from active Heavy Industrial operations is incompatible with existing land use and should not be permitted.

### **3. Recommended Resolution**

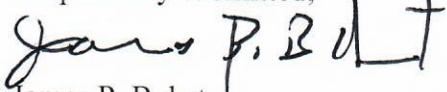
- a. Our preference is that the adopted zone change in ORD2025-07 not occur. However, Pacific Fibre Products recognizes the City's need for additional housing, particularly high-density housing.
- b. In the alternative, if the City proceeds with the amendment as adopted, we request that a legally binding instrument be required as a condition of property sale, lease, or tenancy. This instrument could take the form of a deed restriction or a Waiving Right of Remonstrance document.

For reference, I have attached a Remonstrance document signed by Pacific Fibre Products in Washington County in 2014. Our signing this document was required as part of a permitting process for a storage building constructed on Industrial-zoned land adjacent to farmland. A similar instrument in this situation could be developed and should include the following provisions:

- i. Acknowledgment that an active Heavy Industrial operation is located adjacent to the Residential-zoned property.
- ii. An acknowledgment that the Heavy Industrial facility may operate up to 24 hours per day, year-round.
- iii. Confirmation that current and future operators of the Heavy Industrial property will not cease or restrict operations due to complaints from adjacent residential owners, tenants, or lessees.
- iv. Agreement that such residential owners, tenants, or lessees will not pursue claims or actions against the operators of the Heavy Industrial facility.
- v. Requirement that all such documents (remonstrance, deed restriction, or acknowledgment) be signed by the landowner, developer, residential owner, tenant, or lessee; be notarized; and be recorded with Clackamas County and/or the appropriate state department.

Thank you for your consideration of these comments. Please contact me if further clarification is needed.

Respectfully submitted,



James P. Bobst

Vice President – Corporate Relations