



## MEMORANDUM

To: The Honorable Mayor and City Commission  
From: Community Development Director Laura Terway, AICP  
Re: Membrane and Fabric Covered Storage Area Regulations  
Date: August 30, 2016

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Since January 1, 2011, the Oregon City Municipal Code has prohibited most fabric and metal accessory structures, known as membrane structures when visible from the adjacent sidewalk or right-of-way. The intent of the regulation is to enhance the appearance of Oregon City by ensuring quality sheds, carports, garages and barns which are compatible with the residential neighborhoods and reduce the accumulation of outdoor junk, inappropriate storage, and solid waste. The following memorandum summarizes the code regulation, the process to amend the code as well as an update on recent Code Enforcement violations.

### Code Language

The City first began limiting the exterior building material of accessory structures in 1991. Fabric and metal structures larger than 200 square feet were no longer allowed, and were required to be the same exterior building materials as the home onsite, or an acceptable substitute, as determined by the Community Development Director. After a robust public engagement effort including 32 public hearings, as well as a series of open houses, meetings with various committees and boards, mailed notices, Trail News articles, and flyers throughout the City, the City adopted regulations in mid-2010 limiting fabric and metal membrane structures of all sizes if they are visible from the right-of-way. Because the restriction applied to both new and existing structures, the Commission allowed extra time for enjoyment of the structures and education of the code change before it was effective on January 1, 2011. The outreach process included a variety of notifications including utility billing inserts, articles in the Trail News, and a press release, among other public outreach efforts.

Chapter 17.54.010.B.4 of the Oregon City Municipal Code reads:

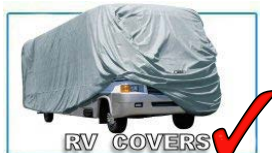
*Membrane or Fabric Covered Storage Area. All membrane and fabric structures:*

*a. Shall be located behind the front building line of the primary structure.*

- b. *Shall not be visible from the abutting right-of-way when viewed at pedestrian level.*
- c. *Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.*
- d. *This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.*
- e. *This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.*

The definition of Membrane or Fabric Covered Storage Area is provided in OCMC 17.04. 743:

*Membrane or Fabric Covered Storage Area - An area covered by a tarp or tensioned metal or fabric membrane that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long the covering is attached directly to and covers only the particular item.*



### **Process to Amend the Code**

The City is obligated to enforce the standards within the Oregon City Municipal Code, however, the community may change the regulations at any time through a Legislative application process with the Planning Division. The Legislative process allows the public to review and comment on code changes. Any citizen, business, or organization can apply for the Legislative application which will be ultimately be adopted if approved by the Planning Commission and City Commission.

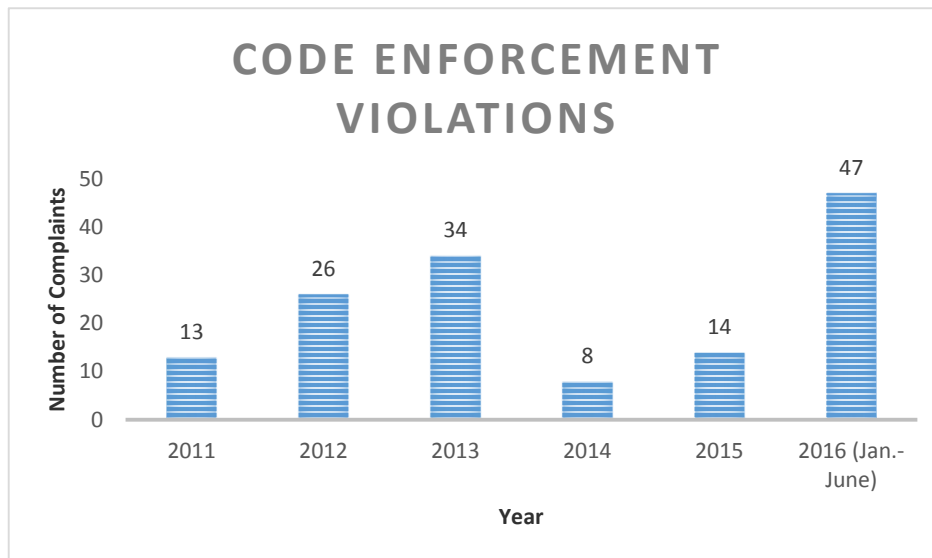
The cost of submitting a Legislative application can vary depending on the process of notification. If notification is mailed to all property owners within the City and adjacent urban

growth boundary, the cost rises from approximately \$3,800 to \$9,500 to pay for the cost of the mailing. The property owner mailing is required if the amendments further restrict the use of property owners, so an amendment allowing fabric or metal membrane structures would not legally require mailed notification. The base fee includes notification in a newspaper, online, emailed to various organizations (such as neighborhood associations, DLCD, and Metro), creation of a staff report with findings demonstrating compliance with applicable criteria, consultation and review of all documentation by City attorneys, a series of public hearings by the Planning and City Commissions, transmittal of a notice of decision as well as amending the municipal code online. There is no guarantee that such a text amendment would be approved by the Commissions, and no refund of the application fee is given if the amendment is not approved.

The Legislative amendment process is anticipated to take approximately 6 months once an application is submitted. The City recommends a robust public outreach and engagement process to listen to the community and gain support for any proposed amendments.

### **Code Enforcement Since Adoption**

Due to the prioritization of resources, Code Enforcement does not proactively seek or initiate membrane structure violations throughout the City. Code Enforcement violations are generally in response to a complaint. The City recently received 37 complaints of membrane structures in June of this year. As demonstrated below, this is remarkably high, given that only 95 had been submitted in the previous 5 years combined. Over this time period most of the property owners were able to work with the City to bring their property into compliance, though there have been five cases where property owners were required to remove the structures through the court process.



Eighteen properties remain in Code Enforcement due to a membrane structure which does not comply with the standards in the Oregon City Municipal Code. In addition to material standards, sheds, garages and carports must comply with the community adopted regulations for building location, size, height, and lot coverage in addition to compliance with any onsite easements and obtaining any necessary building permits. The attached matrix of the remaining code enforcement violations reveal that in addition to building material, the structures fail to comply with other standards, such as setback distance from the neighboring property line. Even if the material of the structures was acceptable, the structures themselves would remain in violation.

### **Continuing Education**

Informing the public of the regulations must occur periodically over time. Emails informing the public of the regulations and informational inserts were provided in the utility bills when the regulations were first adopted. Since that time the public has been informed about the topic with articles in the Trail News once or twice a year, flyers on the City's website, Planning Commission updates regarding this topic, and staff education. In order to strengthen communication regarding this topic, the Planning and Building Divisions are working together to send a letter with the regulations to membrane structure manufactures and retailers in order to inform them of the regulations and requirements for permits.

### **Conclusion**

Most metal and fabric membrane structures are currently prohibited when visible from the adjacent sidewalk or right-of-way in Oregon City. Despite the considerable community effort creating and adopting membrane structure regulations and continual education, they remain throughout the City. Anyone may initiate an amendment to the Oregon City Municipal Code through a Legislative review process with the Planning Division. The City suggests all amendments to the Code be reviewed comprehensively by the community.