

## **M E M O R A N D U M**

To: The Honorable Mayor and City Commission  
From: Community Development Director Laura Terway, AICP  
Re: Membrane and Fabric Covered Storage Area Regulations  
Date: December 6, 2016

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The Oregon City Municipal Code prohibits most fabric and metal accessory buildings, known as membrane structures, when visible from the adjacent sidewalk or right-of-way. In June of this year the City received a significant number of Code Enforcement complaints concerning these structures which created a larger City Commission conversation. As a result the applicable standards and associated violations were discussed at a series of City Commission meetings.

### **Oregon City Municipal Code**

In addition to the requirements by the Building and Development Services Divisions, the Planning Division regulates accessory structures. The regulations were adopted through a public process which included notification to all property owners and a variety of public meetings including review by the Planning Commission before approval by the City Commission. A summary of the applicable regulations is provided below.

- Accessory buildings are defined in chapter 17.04.010 of the Oregon City Municipal Code (OCMC) as “a detached structure subordinate in size and use, but located on the same lot as, a principal building”. Structures are further defined in OCMC 17.04.1215, as “anything constructed or erected that requires location on the ground or attached to something having location on the ground”. Thus, all membrane structures including barns, carports, sheds, and outbuildings are considered accessory buildings.
- Accessory buildings are listed as a permitted use in all residential zoning designations. Each zoning district includes:
  - Minimum setbacks (distance from the structure to the property line)
  - Maximum building height
  - Maximum lot coverage (the percentage of property covered with a building)
- Additional restrictions for accessory structures are identified in OCMC Chapter 17.54.010 and include:
  - Maximum building footprint
  - Limitations that the structures may not be located in front of the home
  - A reduced setback in cases where requirements are met
  - Requirements and limitations for exterior building materials (including a section on membrane structures)
- Lastly, residential design standards in OCMC Chapter 17.20.020 requires membrane structures used or designed to be used for parking vehicles to be mitigated with design elements on the front of the home (such as window trim).

## **Code Enforcement**

Since the retroactive membrane structure prohibition became effective on January 1, 2011, the City received 105 complaints through May of this year. Over this time period most of the violations have been into compliance, including five cases where property owners were required to remove their structures through the court process.

The City received 37 complaints in June of this year, more than a third of all complaints in the past 5 years combined. Seventeen of those violations, have been remedied. The remaining structures are metal and all but one fails to comply with other applicable requirements, such as the minimum setback distance from the property line. As a result, even if the material of the structures was acceptable, 16 of the 17 structures themselves would remain in violation. Seven of the structures were constructed after the membrane structure prohibition.

Currently, enforcement is being delayed while the City Commission considers direction on this matter.

## **Options for the City Commission**

The City Commission is encouraged to provide direction for one of the following options:

### Option #1: Maintain the Existing Regulations

Staff would proceed with enforcement of the municipal code as adopted.

### Option #2: Change the Code

Though the Commission may seek to amend any portion of the regulations, from the previous discussions, the following areas of concern were identified most frequently by the Commission:

- Amend the code to allow membrane structures constructed before the prohibition to remain in place.
- Amend the code to allow metal membrane structures.
- Amend the code to remove the setback requirements for accessory buildings.

The City Commission could send this issue to the Planning Commission to provide a recommendation.

The City Commission could:

1. Direct staff to begin the process to amend the code; or
2. Request that the Planning Commission review the issues and provide the City Commission a recommendation.

## **Conclusion**

Most metal and fabric membrane structures are currently prohibited when visible from the adjacent sidewalk or right-of-way in Oregon City. With direction from the City Commission, staff will continue implementing the Oregon City Municipal Code as it was adopted, proceed with amendments through the public review process, or have the Planning Commission review the issue and provide a recommendation.