

SPECIAL PLANNING COMMISSION MEETING  
CITY OF BROOKINGS  
AUGUST 21, 1973

This meeting held to transact business scheduled for the regular meeting, August 7, 1973, which was not held due to a lack of quorum.

Chairman C. William Landis called the meeting to order at 7:30 p.m. Those present were Les Curtiss, Carl Rust, Earl Breuer, Gladys Kanick, Shirley Earle, and Mayor Wilma M. Kemp. Henry Itzen was absent.

APPROVAL OF MINUTES:

MOTION by Commissioner Breuer, seconded by Commissioner Rust and passed unanimously that the minutes of July 3, 1973, meeting be approved as mailed.

BUILDING REPORT:

Building Inspector Charles C. Williams gave the building report for July 1973.

|                                 | Permit<br>No. | Value              | Fee           |
|---------------------------------|---------------|--------------------|---------------|
| Residential:                    |               |                    |               |
| S. M. Zastrow                   | 1910          | \$25,526.00        | \$ 91.50      |
| Car Port Additions:             |               |                    |               |
| Catholic Church (Car Port)      | 1901          | 1,000.00           | 10.00         |
| L. Kofford (Storage Shed)       | 1909          | 150.00             | 5.00          |
|                                 |               | <u>1,150.00</u>    | <u>15.00</u>  |
| Residential Addition:           |               |                    |               |
| L. Kofford                      | 1911          | 3,000.00           | 23.00         |
| Commercial:                     |               |                    |               |
| David R. Fortier                | 1902          | 21,000.00          | 77.00         |
| Akin Ford Co. (Add)             | 1904          | 5,000.00           | 29.00         |
| Custom Leases (Warehouse)       | 1906          | 6,000.00           | 32.00         |
| Brookings School Dist. (Garage) | 1908          | 3,300.00           | 26.00         |
|                                 |               | <u>35,300.00</u>   | <u>164.00</u> |
| Fence:                          |               |                    |               |
|                                 | 1903          | 600.00             | 6.00          |
|                                 | 1905          | 440.00             | 5.00          |
|                                 |               | <u>1,040.00</u>    | <u>11.00</u>  |
| Sign:                           |               |                    |               |
| Red Cove Gun & Tackle Shop      | 1907          | 800.00             | 8.00          |
|                                 |               | <u>\$66,816.00</u> | <u>312.50</u> |
| July 1973:                      |               |                    |               |
| 11 Permits                      |               | \$66,816.00        |               |
| Fees                            |               | 312.50             |               |
| July 1972:                      |               |                    |               |
| 9 Permits                       |               | \$167,574.00       |               |
|                                 |               |                    | 764.00        |



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The Chairman then asked the Building Inspector for a report concerning sectional or mobile home plans furnished by Leisure Living of Bandon, Oregon, in an effort to find one that would meet the building code, thus enabling them to finalize their sale to Mr. Paul McConnell who wants to place structure on his Ransom Avenue property.

Mr. Williams said the Bohemia Plan met the building code, however the sectional home referred to in June 30, 1973, letter by Attorney Mark P. O'Donnell did not meet the code and he would recommend the variance requested therein be denied.

MOTION was made by Commissioner Breuer, seconded by Commissioner Kanick and carried that the request for a variance from plumbing code requirements as presented in Attorney Mark P. O'Donnell's June 20, 1973, letter be denied. Said letter is made a part of these minutes.

LEGISLATIVE ACTION:

1. PRESENTATION FOR APPROVAL PRELIMINARY PLAT OF AL CLEMENT'S PROPOSED ADDITION ON 3RD STREET BETWEEN RANSOM AVENUE AND EASY STREET.

Presentation was made by Jerry R. Swanson, Land Surveyor.

MOTION by Commissioner Breuer, seconded by Commissioner Kanick, and carried unanimously that Clements Addition Preliminary Plat be approved as presented.

OTHER MATTERS:

BROOKINGS-HARBOR SCHOOL DISTRICT 17-C request for six foot sidewalk and curb installation along athletic field on Easy Street between Pioneer Road and Fern Avenue. Mr. Bill Ambrose, Superintendent of the District, handed his August 21, 1973, letter to the Chairman. This letter, asking for a deviation from the building code from the required eight foot wide sidewalk to a six foot wide sidewalk, and if approved to authorize establishing by survey of the street boundaries through Superintendent of Public Works Elmer Lee's office, is made a part of these minutes.



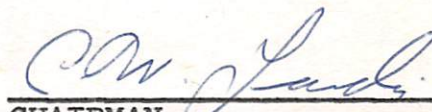
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After discussion MOTION was made by Commissioner Breuer, seconded by Commissioner Kanick and carried unanimously that the Commission recommend to the City Council they grant the request for six foot wide sidewalk as requested by the Brookings-Harbor School District 17-C, and that the City establish the boundaries of street in that area.

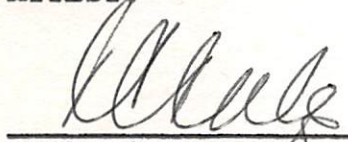
PROPOSED AMENDMENT TO ZONING ORDINANCE. Building Inspector Williams asked the Commission to give some thought to approving a minimum of 750 square feet as livable residence in an RL zone. He is receiving a number of inquiries regarding the building of garages to live in until such a time as house is built. At the present time there is no minimum for livable residence designated in the zoning ordinance.

ADJOURNMENT:

Chairman Landis adjourned the meeting at 8:10 p.m.

  
CHAIRMAN

ATTEST:

  
SECRETARY

**MARK P. O'DONNELL**

ATTORNEY AT LAW

SUITE 102

2187 S. W. MAIN STREET

PORTLAND, OREGON 97205

AREA CODE 503  
TELEPHONE 228-4375

June 20, 1973

Planning Commission  
City of Brookings  
City Hall  
Brookings, Oregon 97415

Re: Application of Paul McConnell for a variance  
from plumbing code requirements

Gentlemen:

Charles Williams advised me to write to you on behalf of Mr. Paul McConnell. Mr. McConnell has purchased a sectional home and seeks a building permit to locate it in the city of Brookings. This home consists of two 12' x 60' sections that will be placed on the foundation. Mr. Williams has approved the dwelling except for one item.

Mr. Williams informs me that the dwelling is not vented as required by the plumbing code as adopted by the city of Brookings (state plumbing code). Mr. Williams also has advised me that he has no alternative other than to enforce the regulations as adopted by the city. Mr. Williams has offered to explain to you what the city of Brookings plumbing code requires. Attached is a diagram showing the method of venting that Mr. McConnell requests for the variance. More detailed drawings will be made available at your request and have already been submitted to Mr. Williams. Basically, your city requires a dry vent system for toilets. Mr. McConnell's dwelling employs a "wet vent" system.

This method of venting has been approved by the ANSI 119.1 (NFPA No. 501B) and the Uniform Plumbing Code (IAPMO). Enclosed are the ANSI 119.1 requirements for "drainage systems" and "vents and venting."

It is Mr. McConnell's position that the "adequacy" of the proposed system of venting is at least equal to the system required by the city of Brookings code. Donald Patton, the former director of the plumbing system, Oregon State Board of Health, is willing to

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affirm this fact. He would be willing to sign an affidavit or discuss the matter with you personally. He may be reached at (503) 378-3818 from 8 a.m. to 5 p.m. Monday through Friday.

It is also well accepted that building regulations are invalid when they prohibit alternative methods of construction which are as adequate as those required.

13 Am.Jur.2d, Buildings 13, page 279  
Cox et al v. Township of Wall,  
39 N.J.Super. 243, 120 A.2d 779  
McCrary v. City of Chicago,  
292 Ill. 60, 126 N.E. 557  
Brewer v. Kelley, 295 Ill.App. 156,  
14 N.E.2d 694  
Kingsberry Homes Corporation v. Gwinnett  
County, Georgia, 248 F.Supp. 765,  
272 F.Supp. 847

Please consider this letter as formal application for a variance from the city of Brookings requirement for "venting." It is my understanding that your next hearing is July 3, 1973. We would hope to accomplish this variance without the necessity of a trip to Brookings. If our presence is required, then please advise me and we will make the necessary arrangements.

I am enclosing an extra copy of this letter for your city attorney, as I am sure he would wish to discuss the matter with me.

Thank you for your cooperation.

Very truly yours,

Mark P. O'Donnell

MPO:gv

Encs.

cc: Mr. Tom Campbell  
Mr. Paul McConnell  
Mr. Charles Williams



# BROOKINGS-HARBOR SCHOOL DISTRICT

## I7-C

P.O. BOX 640 . . . . BROOKINGS , OREGON 97415

August 21, 1973

Planning Commission  
City of Brookings  
Brookings, Oregon

Dear Commission Members:

As stated to you in a previous meeting, our school district is planning a sidewalk and curb installation along our athletic field on Easy Street. The purpose of this sidewalk is to provide a safe walking area for children from Kalmiopsis Primary and our other schools. The curb would prevent double parking and blocking of the walking area.

On behalf of the district, I am asking for a deviation from the building code from the required eight foot wide sidewalk to a six foot wide sidewalk. The City building inspector has indicated there is no dedicated parkways in the area. If approved, it would be necessary to authorize establishing by survey of the street boundaries through Elmer Lee's office.

Thank you for your consideration of this request.

Respectfully submitted,



Bill Ambrose  
Superintendent

BA:ca