



# MULTNOMAH COUNTY OREGON

Division of Assessment & Taxation  
501 SE Hawthorne #175  
Portland OR 97214  
Recording Section (503) 988-3034

*P/V  
BRIAN LYLES*

Multnomah County Official Records **2013-131550**  
 R Weldon, Deputy Clerk

 **\$51.00**

01244100201301315500030037 **09/30/2013 02:16:20 PM**

1R-DECMENVIR Pgs=3 Stn=10 ATWJH  
 \$15.00 \$11.00 \$15.00 \$10.00

*8222 N Smith  
12-12-918 RS  
12-14-899 RS*

**THIS PAGE IS A PART OF THE OFFICIAL DOCUMENT  
PLEASE DO NOT REMOVE**



**City of Portland, Oregon**  
**Bureau of Development Services**  
**Site Development**

1900 SW 4th Avenue, Suite 5000  
 Portland, Oregon 97201  
 503-823-6892  
 Fax 503-823-5433  
 TTY 503-823-6868  
 www.portlandonline.com/bds

PERMIT #: 12-126918 RS #12-146899 25

**DECOMMISSIONING WAIVER**

Record with the Title and have document returned to:  
 Bureau of Development Services, Site Development  
 1900 SW 4th Ave., Suite 5000, Portland OR 97201

RECITALS

I, Brian W. Lykes (hereinafter "owner") of  
8222 N. Smith (property address) Lot 1-3 Block 3 point view  
 (legal description: lot, block, and subdivision name)

have applied to the City of Portland, (hereinafter "City"), for the waiver of the decommissioning of an existing onsite sewage disposal system (i.e.: cesspool) on the above property as per OAR 340-71-0185, for the reason of New garage in 2009 was permitted & approved w/o review for cesspool.

It is in area of C.P. on record. One trench dug on S. side of new SFR foundation  
 (ex. Patio, addition, garage built over; attempts made could not locate) Found no pipe. Cesspool not found.

Agreed upon by Erin Mick, City Staff, on 7/5/13 (date).

AGREEMENT

In consideration of this declaration contained herein and the granting of a waiver by the City to the owner(s); owner declares:

1. Owner(s) disclose that the existing on-site cesspool has not been decommissioned.
2. Owner(s) will be allowed to waive the decommissioning of the existing on-site sewage disposal system (i.e.: cesspool).
3. Owner(s) agrees to defend, hold harmless, and indemnify the City from all claims, demands, actions or suits (including all attorney fees and costs) brought against the City arising from owner(s) failure to abide by the terms of this agreement.
4. Owner(s) agrees that failure to abide by the terms of this Agreement shall constitute a nuisance, which the City may abate pursuant to Portland City Code Title 29.
5. Owner(s) agrees that this agreement is for the benefit of the City of Portland.
6. Owner(s) agrees to comply with all relevant laws, ordinances and regulations.
7. Owner(s) agrees that the City may enter the property at any time to inspect whether the work is being completed according to this agreement.

The declaration herein are to run with the land, shall be binding on Owner and the owner's heirs, assigns and successors, and all parties and person claiming through or under owner, and may at any time be specifically enforced by the City unless an instrument executed by City and Owner has been recorded agreeing to change these covenants in whole or in part.

Required signatures on page 2

Done this Sept day of 30, 2013

Signed: Brian Lyles (owner) Brian Lyles (owner)

Acting as \_\_\_\_\_ of \_\_\_\_\_

State of Oregon )  
 ) ss.  
County of Multnomah )

Brian W. Lyles

On September 30, 2013, the above named personally appeared and who being duly sworn acknowledge said instrument to be its voluntary act and deed.

Before me:

Lisa Lynn Michael  
Notary Public for Oregon



My commission expires: May 8, 2015

**Instructions for Completion of Waiver**

1. Property Owner(s) must complete each detail of the form and sign before a notary public by the deed owner(s).
2. The signed and notarized declaration must be recorded with the Title and Deed at the Multnomah County Building, County Deed Records located at 501 SE Hawthorne Blvd., Suite 175, Portland Oregon. There is a fee associated with this recording. For questions call 503-988-3034.
3. A copy of the recorded document must be returned to our office at 1900 SW 4th Ave., Suite 5000, Portland, OR 97201, prior to any (further) approval of a permit.

**Mick, Erin (BDS)**

**From:** Mick, Erin (BDS)  
**Sent:** Friday, July 05, 2013 2:42 PM  
**To:** 'Brian Lyles'  
**Cc:** Botkin, Joseph  
**Subject:** Cess pit at 8222 N Smith  
**Attachments:** 8222 N Smith waiver 7\_5\_13.pdf

Hi Brian. I have just reviewed your e-mail, narrative and re-reviewed my inspection notes and records. What we do when there is a cesspool on record, either in drawing or narrative as we have on this property, and we can't locate the cesspool or it has been built over, is to have the property owner sign a waiver. I have written one for this site and it's attached. You need to sign in front of notary and then record with title and deed as written on page 2. Send me a copy of the recorded waiver and I can sign off the 842, decommissioning inspection. Thanks and let me know if you have any questions. Have a good rest of the day,

Erin Mick  
 REHS, Onsite Sanitation  
 Multnomah County  
 Site Development, BDS  
 1900 SW 4th, Suite 5000  
 Portland, OR 97201  
 ph: 503-823-5471  
 fax: 503-823-5433  
[Erin.mick@portlandoregon.gov](mailto:Erin.mick@portlandoregon.gov)

mailed original  
 9/26/13 waiver  
 T+D said must have  
 original - ?

**From:** Brian Lyles [mailto:lylesbrian@yahoo.com]  
**Sent:** Monday, April 29, 2013 8:39 PM  
**To:** Mick, Erin (BDS)  
**Subject:** Fw: Erin.Mick@portlandoregon.gov Cess pit at 8222 N Smith

Hello Erin, my name is Brian Lyles and I am building a new house at 8222 N Smith. Last spring I got a permit to demo the old house that was on that property and part of that permit was to demo a Cess pit that was on record with the city. Being that I had already constructed a new shop permitted by the city at that time on the said property and had done a lot of dirt work for said shop without finding evidence of a cess pit on the property. I expressed my belief that there was no longer a cess pit there or if I had missed it somehow the new shop was now built on top of it. Last summer you had me dig a 4 foot deep trench across the back of the old house to look for the pipe that would have connected the house sewer to the cess pit and you came and inspected said trench on 8/22/12 and observed that we found no such pipe crossing the trench. At that time you instructed me to write an email (which I have included with this one) explaining my reasons for believing there is no longer a cess pit on the property and that would satisfy the requirements of the demo permit. Approximately three weeks ago I received a notice from the city saying that the demo permit was about to expire and I either needed to have a approved inspection by the 1st of may or get an extension. From our conversation last summer I was understanding that the demo permit had been closed. I went ahead and got an extension but I need to get this situation resolved. At this point I'm not sure what else can be done to prove there is no longer a cess pit. The city either needs to close this permit and provide me with documentation stating such or direct me as to what the next step would be. This is the second time the city has failed to close a permit on this property after all requirements have been met, the first being the shop which I discovered when I applied for the demo permit, all requirements had been met in that case but the city failed to log that into its computer files,

7/5/2013

8222 N. Smith

luckily I still had the approved inspection slips from the inspector in that case. Your consideration in this matter is greatly appreciated.

Brian Lyles

----- Forwarded Message -----

**From:** Brian Lyles <lylesbrian@yahoo.com>

**To:** "Erin.Mick@portlandoregon.gov" <Erin.Mick@portlandoregon.gov>

**Sent:** Wednesday, August 22, 2012 5:59 PM

**Subject:** Erin.Mick@portlandoregon.gov Cess pit at 8222 N Smih.

This is concerning the conversation I had with Erin Mick on 8/22/12 at about 11:30 AM. I had previously obtained a Demo permit to take down the old existing house at 8222 N Smith to be replaced with new. Part of the demo permit was decommissioning a cess pit that was on file with the city from 1921. About two years ago I obtained a permit to build a shop in the back of the property and there was extensive excavation done for foundation footing, rain drain systems and sewer pipe for future service. This work was done in the area of the old cess pit shown by city records. At that time no evidence of a cess pit was found. In the fall of 2011 I demoed the back porch stairs of old existing house which were poured of concrete. Those stairs were directly on top of where the city records showed the pipe leaving the house to the cess pit. The fill material used under those stairs was broken up pieces of concrete pipe which I suspect was the old sewer line to the cess pit. To fulfill the requirements of locating the old cess pit for decommissioning a 4 foot deep trench was dug on the property across the area where city records showed the sewer line leaving the house and no piping was found, it was inspected by Erin Mick on 8/22/12. All this would lead me to believe that either the old sewer line to the cess pit had been dug up in the past or both the sewer line and cess pool were decommissioned sometime in the past. Given the amount of dirt removed during construction of new shop it is unlikely that the cess pit is still there, if so it would be under said such shop according to the old records filed with the city. I relayed all this information to Erin today by phone and was asked to put it in a email, I was lead to believe this would possibly satisfy the conditions for decommissioning said such cess pit. If further action is required I would like to request permission to go ahead with the foundation pour for the new house. The new foundation sits in the same footprint as the old. The foundation contractor has all forms ready for pour but needs them free as soon as possible for his next job. I am currently working in Concrete Wa. during the week so if further action is required for decommissioning cess pit I would not be able to get to it quickly. So far I have not been able to get inspections for foundations till cess pit decommissioning is done. This is putting a hardship on the foundation contractor because he needs the forms from my project for his next job. Any consideration in this matter would be appreciated.

Brian lyles  
503-936-3291

8222 N SMITH ST  
12-146899-000-00-RS

3185293

Residential 1 & 2 Family Permit

Issued: 6/22/12

Single Family Dwelling/Demolition

Occupancy: R-3

Const. Type: V-B

City of Portland BDS

INSPECTION REPORT

IVR Number: 3185293

Inspection Code: 842

No Access	1
Stop Work Order Issued	2
Not Ready	3
Could Not Locate	4
See Correction Notice on Job Site	5
No Plans on Job	6
No Permit Card on Job	7
Fees Owed	8
Subcontractor Information Missing	9
Cancelled by Customer	0

Inspection:

842 Decommission System (Pumped & Filled)

(503) 314-3526

Call Date/Time: 8/21/2012 13:23:33

Requested Date/Time: 8/22/12 AM

DEMO EXISTING SINGLE FAMILY HOUSE, NO BASEMENT. DECOMMISSIONING CESSPOOL. WAIVE DEMO DELAY, SEE 12-126918 FOR REPLACEMENT HOUSE. REMOVE ALL FOUNDATIONS AND DEBRIS.

Applicant: BRIAN W LYLES Cellular: (503) 936-3291  
Owner: BRIAN W LYLES Cellular: (503) 936-3291

Applicant: BRIAN W LYLES Cellular: (503) 936-3291  
Owner: BRIAN W LYLES Cellular: (503) 936-3291

Valuation at Issuance: 3225  
Code Edition: 2011 ORSC  
Construction Type 4:  
Decommission Permit Required  
Energy Code Edition: 2010  
Oregon Energy Efficiency Specialty Code (OEESC)  
Zoning Enforcement Agency: Portland Table-based  
Construction Val Adj - Display Only: 3225 Final adj to ICC  
Value reason - Display Only:  
Final overrides ICC-based Value  
GIS Update Flag 1: 06/05/12  
GIS Update Flag 2: 06/05/12  
Sewer Cap: 1

Most Recent Inspections:

08/21/12 360 1 RT  
08/21/12 288 5-3 RT  
07/23/12 200 5-0 PS



N. Smith

Confirmation:	Inspector/Date/Time/Phone
#251288	

possibly under new garage to the south.

No pipes found w/ trench dug

Records show CP to south although sewer lines from 1947 remodel make stack in middle of bldg but could still go south.

Dig on west side - same trench to ≈ 3-5' further on S. side then continue w/ new find.

→ Contractor to send negative about cast pipe found under back stairs concrete garage likely built over

Decommission	Fees Paid
	\$396.00