



NOTICE OF HEARING

August 24, 2022

James Prather
Dawn Neilsen
16334 S Hwy 211
Molalla, OR 97038

RE:: County of Clackamas v. James Prather and Dawn Neilsen
File: V0065219

Hearing Date: September 27, 2022

Time: This item will not begin before 12:00 pm however it may begin later depending on the length of preceding items.

Location: Hearing will be held by virtual Zoom meeting. Please see attached information regarding the process for the Zoom meeting.

Enclosed you will find the following:

1. Notice of Rights;
2. Copy of Exhibits which have been submitted by the County

You **must** appear at the time set forth in this Notice of Hearing or the relief requested in the **Complaint** may be **granted against you by default**.

You can access the complete hearing packet at
<https://www.clackamas.us/codeenforcement/hearings>

You may contact Andrea Hall, Code Compliance Specialist for Clackamas County at (503) 742-4467, should you have any questions about the violation(s) in the **Complaint**. Do not call the Compliance Hearings Officer.

Enclosures
CC: Carl Cox -Compliance Hearings Officer

STATEMENT OF RIGHTS

1. **Prior to the Hearing.** You have the right to make the following requests:
 - (A) You can request the opportunity to review public records and to talk to County staff about the violations or request a subpoena for that purpose if the County does not allow you to do so.
 - (B) You can request that the Hearings Officer postpone the hearing for good cause by writing the Hearings Officer at least 7 calendar days prior to the scheduled hearing date.
 - (C) You can request that the Hearings Officer decide the matter based exclusively on written materials from the parties or conduct the hearing by phone.
2. **Procedure.** The hearing will be governed by general rules of procedure designed to allow you to hear and confront the evidence against you, and for you to present evidence favorable to you. You are not required to present any evidence, the burden is on the County to establish by a preponderance of the evidence that a violation exists, or existed. Either party may, at their own expense, obtain an attorney to represent them at the hearing. If you wish to be represented by an attorney they need only notify the County and the Hearings Officer in writing of their intent to appear on your behalf. The County will present evidence first, and then you may question that evidence. You may then present your own evidence, if you wish, and the County may question your evidence. Testimony by witnesses is evidence. The Hearings Officer may inquire into any facts that are relevant to the hearing and may question the parties or witnesses about the case. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
3. **Record of Proceedings.** An audio record will be made of the proceedings when a hearing is conducted. The audio record is available through the Clackamas County Code Enforcement Section and is available to you upon request.
4. **Hearings Officer.** The Hearings Officer is an independent contractor paid by the County to conduct hearings and render decisions. He/she is not a County employee. His/her function is to preside over the hearing, make a record of proceedings, consider admissible evidence, and interpret and apply the law. After the hearing is closed the Hearings Officer will enter written findings of fact, conclusions of law, and any Order deemed proper. If a violation is proven, then the Order may include civil penalties, fines, administrative fees, or may require the respondent to take certain actions, or refrain from certain actions. An Order issued by the Hearings Officer may be a Final Order or Continuing Order. The Hearings Officers Order is the final decision of the County, and may be appealed pursuant to Oregon law. The Hearings Officer for Clackamas County is:

Carl Cox
Attorney at Law
14725 NE 20th Street, #D-5
Bellevue, WA 98007
5. **Right to Recess.** If, during the course of the hearing, Respondent or the County requests a recess or postponement, or additional time to present crucial evidence, the Hearings Officer may allow a continuance of the hearing for good cause. The Respondent may also request that the proceeding be continued after the end of the hearing if the Respondent determines that additional evidence should be brought to the attention of the Hearings Officer.
6. **Right to Appeal.** The Final Order of the Hearings Officer shall set forth the right of the respondent to appeal any adverse Order. Appeal may be taken pursuant to Section 2.07.130 of the Clackamas County Hearings Officer Code, and Oregon Revised Statute 34.010-34.100. If appeal is taken, appellant is responsible for all costs of appeal including preparation of transcript.



DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

You must have access to the internet or to a telephone line to use the Zoom platform. Please contact Andrea Hall to receive either the link or the phone number with password in order to attend the hearing.

If you would like to present evidence at the Hearing please email or mail your evidence to AndreaHall@clackamas.us or 150 Beaver Creek Rd, Oregon City, Oregon 97045, no later than **4 work days prior** to the hearing. Staff will number your evidence for the hearing and provide the numbered documents to the Hearings Officer and send them back to you for reference.

If you are unable to participate in a hearing through the Zoom platform please contact Andrea Hall at 503-742-4467 within **3 calendar days** of receipt of the notice of hearing packet.

If you do not know how to use Zoom, please Google “how to use Zoom” and there are many interactive guides on the internet.

If you experience difficulties connecting to the Zoom hearing **before** your scheduled start time, **please call 503-348-4692 for assistance**.

**Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that a \$75.00 monthly Administrative Compliance Fee will be assessed if a violation has been determined and has not been abated. When a property owner works cooperatively with the County to resolve a confirmed code violation, the County may waive all or part of that fee.*

Department of Transportation and Development

Nondiscrimination Policy:

The Department of Transportation and Development is committed to non-discrimination. For more information go to:

www.clackamas.us/transportation/nondiscrimination, email JKauppi@clackamas.us or call (503) 742-4452.

¡LE DAMOS LA BIENVENIDA! Spanish

El Departamento de Transporte y Desarrollo está comprometido con la no discriminación. Para obtener más información, visite: www.clackamas.us/transportation/nondiscrimination, envíe un correo electrónico a JKauppi@clackamas.us o llame al 503-742-4452.

ДОБРО ПОЖАЛОВАТЬ! Russian

Департамент транспорта и развития инфраструктуры стремится к соблюдению политики недопущения дискриминации. Для получения дополнительной информации посетите веб-сайт: www.clackamas.us/transportation/nondiscrimination, отправьте письмо на адрес эл. почты JKauppi@clackamas.us или позвоните по телефону 503-742-4452.

欢迎! Chinese (Mandarin)

交通和发展部致力于实现非歧视。如需了解更多信息，请访问 www.clackamas.us/transportation/nondiscrimination，发送电子邮件至 JKauppi@clackamas.us 或致电 503-742-4452。

CHÀO MỪNG! Vietnamese

Bộ Vận Tải và Phát Triển cam kết thực thi chính sách không phân biệt đối xử. Để biết thêm thông tin, vui lòng truy cập trang mạng:

www.clackamas.us/transportation/nondiscrimination, gửi email đến JKauppi@clackamas.us hoặc gọi điện thoại theo số 503-742-4452.

환영합니다. Korean

운송개발부는 차별 금지를 위해 모든 노력을 기울이고 있습니다. 자세한 내용은 홈페이지 www.clackamas.us/transportation/nondiscrimination을 참조하거나 이메일 JKauppi@clackamas.us, 또는 전화 503-742-4452번으로 연락 주십시오.

BEFORE THE COMPLIANCE HEARINGS OFFICER
for the
CLACKAMAS COUNTY BOARD OF COMMISSIONERS

COUNTY OF CLACKAMAS,

Petitioner,

v.

JAMES PRATHER,
and

DAWN NEILSEN,

Respondents.

File No: V0065219

COMPLAINT AND REQUEST FOR HEARING

I, Andrea Hall, Senior Code Enforcement Specialist for Clackamas County, allege the following:

1.

Respondents James Prather and Dawn Nielsen mailing address is: 16334 S Hwy 211,
Molalla, OR 97038.

2.

The address or location of the violation(s) of law alleged in this Complaint is:
16334 S Hwy 211, Molalla, OR 97038, also known as T5S, R2E, Section 2C , Tax Lot 800, and is
located in Clackamas County, Oregon.

On or about the 6th day of January, 2021 the Respondents violated the following laws, in
the following ways:

- a. Chapter 9.02.040 of the Clackamas County Code as it pertains to the Application and
Enforcement of the Clackamas County Building Code for failing to permit an on-site
sewage disposal system on the property. This violation is a Priority 1 violation pursuant
to the Clackamas County Violation Priorities.

On or about the 11th day of March, 2022 the Respondents violated the following laws, in the following ways:

- b. Chapter 9.02.040 of the Clackamas County Code as it pertains to the Application and Enforcement of the Clackamas County Building Code for failing to permit an on-site sewage disposal system on the property. This violation is a Priority 1 violation pursuant to the Clackamas County Violation Priorities.

4.

The Department initiating this procedure is the Code Enforcement Section of the Department of Transportation and Development.

5.

Notice of the violation was given to Respondents in the following manner: Citation and Complaint numbers 1900652 and 1900652-2. A copy of the notice document is attached to this Complaint as Exhibits C & F, and incorporated by this reference.

Based on these allegations, petitioner requests that a hearing be set in this matter.

Petitioner seeks an Order from the Hearings Officer granting the following relief:

1. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to immediately abate the violations and bring the property at issue into compliance with all laws, and permanently enjoining Respondents from violating these laws in the future;

2. Pursuant to Clackamas County Code Section 2.07.090, imposing a civil penalty against Respondents for each violation, within the range established by the Board of County Commissioners. Said range for the Priority 1 violation being \$750.00 to \$3500.00 per occurrence as provided by Appendix B to the Clackamas County Code;

3. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to pay an administrative compliance fee as provided by Appendix A to the Clackamas County Code; and
4. Pursuant to Clackamas County Code Section 2.07.090, ordering Respondents to reimburse the County for any expense the County may incur in collection of any penalties, fines or fees that may be imposed:
5. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED THIS 5th day of August, 2022.

Andrea Hall

Andrea Hall
Senior Code Enforcement Specialist
FOR CLACKAMAS COUNTY

COUNTY OF CLACKAMAS,

Petitioner,

v.

JAMES PRATHER,

and

DAWN NEILSEN,

Respondents.

File No.: V0065219

STATEMENT OF PROOF

History of Events and Exhibits:

November 15, 2019
Exhibit A

A potential buyer of the subject property retained a licensed septic contractor to evaluate the on-site sewage disposal system. The contractors report indicated there were several issues with the system and that information was passed on to staff in the Clackamas County Septic and Onsite Wastewater Program.

March 13, 2020
Exhibit B

A violation notice was sent to Respondents with a deadline of April 3, 2020 to apply for a Site Evaluation. Once the evaluation was complete, the Respondents were to apply for a construction permit for the new system within 30 days.

January 6, 2021
Exhibit C

After a review of the County's permit system revealed that a site evaluation had not been applied for, citation 1900652 was issued in the amount of \$100.00. This citation was sent first class mail and was not returned to the County, the citation has not been paid.

May 13, 2021
Exhibit D

An Existing System Repair Evaluation was issued by the County.

July 21, 2021
Exhibit E

Onsite Wastewater Systems staff evaluated the property and determined that the site was suitable for an on-site waste water system and sent the septic contractor a detailed report.

March 16, 2022
Exhibit F

After a review of County records revealed that a construction permit for the septic system had not been applied for, citation 1900652-2 was issued to the Respondents in the amount of \$500.00. This citation was sent first class mail and not returned to the County, the citation remains unpaid.

August 5, 2022

After a review of County records revealed that a construction permit for the septic system had not been applied for, this matter was referred to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents to retain a licensed contractor to apply for the septic construction permit within 30 days of the date of the Order and to obtain an approved final inspection within 90 days of the date the permit is issued.

The County will submit a timely Post Hearing Status Report. The report will be sent to the Compliance Hearings Officer and to the Respondent. The report may include the following recommendations:

- Payment of citation 1900652 for \$100.00 and citation 1900652-2 for \$500.00.
- The imposition of civil penalties of up to \$3500.00 for each day cited January 6, 2021 and March 11, 2022.
- The administrative compliance fee to be imposed from January 2020 until the violation is abated, that amount is currently \$2250.00.
- If the violations are not abated the County may request authorization for further enforcement action including to proceed to Circuit Court.
- The County requests the Hearing's Officer to permanently enjoin the Respondent from violating these laws in the future.

INVOICE



Billed On 11/18/2019
Invoice # 452-1564
Unit #
Due Date 11/19/2019

Check payable to:

American On Site

31881 S HWY 213 Molalla,
OR 97038

Phone #: (503) 829-7600

Billed To:

Julie Larson

16267 South Crossover Road, Molalla, OR, 97038

Job Address:

16334 Oregon 211,
Molalla, OR, 97038

Payment Method:

Credit
Card

PAID

\$995.00

Activity	Qty	Rate	Amount
Services 97038 Standard - Pumped 1000 gallons	1	410.00	410.00
Services Digging and Locating	1	135.00	135.00
Services DEQ Inspection	1	450.00	450.00

Total \$995.00

Amount Paid -\$995.00

Applied Credits -\$0.00

Amount Due \$0.00

Note:

Terms: Payment is due now. For payment, please mail a check or call with bank card information. If paying with bank card, 1.5% service fee will be added to amounts over \$1000.00

2% finance charge shall be charged monthly on all accounts 30 days past due.

Should this account be placed in the hands of an attorney for collection, customer will be charged a reasonable amount to cover American On Site's attorney fees and collection costs even if no suit or action is filed.

Thank You



Existing System Evaluation Report for Onsite Wastewater Systems

State of Oregon Department of Environmental Quality
Onsite Program
165 East Seventh Ave, Suite 100
Eugene, OR 97401

Please answer the following questions completely. Do not leave any blank responses. Write unknown if unknown. Refer to Oregon Administrative Rule 340-071-0155 for more information, and please visit: <http://www.oregon.gov/deq/Residential/Pages/Septic-Smart.aspx>

Septic System Owner-Provided Information:

Property Owner(s)(Sellers): _____ Telephone: _____

Site Address: 16334 Oregon 211 City: Molalla Zip Code: 97308

County: Clackamas Lot Size: 6.23 Acres Acres/Square Feet (circle units)

Legal Description: 52E02C 00800

Age of wastewater treatment system _____ (years) Is there a service contract for system components? _____

Date the septic tank was last pumped _____ (please attach receipt if available)

Number of people occupying dwelling _____ If unoccupied, for how long has it been vacant? _____

Was this section completed by the evaluator because owner or agent was unavailable? _____

The above information is true and to the best of my knowledge.

Date (MM/DD/YYYY)

Signature of Owner, or agent if present

Name of person performing evaluation (please print): Bobby Anderson

Certification:

- | | |
|---|--|
| <input type="checkbox"/> Installer | <input type="checkbox"/> Professional Engineer |
| <input checked="" type="checkbox"/> Maintenance Provider | <input type="checkbox"/> Environmental Health Specialist |
| <input type="checkbox"/> National Association of Wastewater Technicians | <input type="checkbox"/> Waste Water Specialist |
| <input type="checkbox"/> Other: DEQ approved in writing (please describe) _____ | |

Certification Number: M-319

Business name American On Site Email AOSSEPTICS@YAHOO.COM

Business address 31881 S. Hwy 213, Molalla OR 97038 Phone 503 829-7600

Date of Evaluation: 11/15/2019 (MM/DD/YYYY)

I hereby certify, by my signature, that I meet all of the qualifications required to perform onsite wastewater system evaluations in the state of Oregon pursuant to OAR 340-071-0155.

11/15/2019

Date (MM/DD/YYYY)


Signature of Qualified Septic System Evaluator

1. **General System Information**

The Existing System Evaluation Report form contains 8 pages. Some of the questions on this form may not pertain to the system being evaluated, as there are many system designs. If you (the septic system evaluator) are unable to answer any of the questions on this form please indicate, in writing, why this information was not available at the time the evaluation was completed.

- The existing septic system consists of (check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Septic Tank | <input type="checkbox"/> Cesspool |
| <input type="checkbox"/> Dosing Tank | <input checked="" type="checkbox"/> Disposal Trenches/ Leach Lines |
| <input type="checkbox"/> Multi-compartment Tank | <input type="checkbox"/> Capping Fill |
| <input type="checkbox"/> Seepage Bed | <input type="checkbox"/> Sand Filter |
| <input type="checkbox"/> Other _____ | |

Note: Cesspools may be used only to serve existing sewage loads and if failing only be replaced with a seepage pit system on lots that are too small to accommodate a standard system or other alternative onsite system.

There is a permit for the septic system ☐Yes ☒No ☐Unknown

- Permit Number(s) _____
- Year original septic system installed: _____ (YYYY) ☐No record of installation date
- Dates of subsequent repairs or alterations: _____ (YYYY)
- All plumbing fixtures are connected to the septic system ☒Yes ☐No ☐Unknown

If you answered "No" or "unknown," please describe below:

- Additional Comments:

2. **Overall Septic System Status**

- Discharge of sewage to the ground surface ☐Yes ☒No ☐None observed
- Discharge of sewage to surface waters ☐Yes ☒No ☐None observed
- Sewage backup into plumbing fixtures ☐Yes ☒No ☐Unknown
- Additional Comments:

3. **Septic tank**

In order to fully describe the condition of the tank, the septic tank may need to be pumped. Please indicate below if the septic system tank was pumped during the course of *this* evaluation.

- Septic tank was pumped during the course of *this* evaluation ☒Yes ☐No
- If the septic tank was **NOT pumped** during the course of *this* evaluation, please explain (e.g. septic system owner declined to have the tank pumped etc):

- The septic tank material is:

- ☒ Concrete
- ☐ Steel
- ☐ Plastic
- ☐ Fiberglass
- ☐ Other (explain) _____
- ☐ Unknown

- Is the septic tank accessible? ☒ Yes ☐ No

- Septic tank volume in gallons 750

- Tank volume determined by: Check all that apply, add comments below as needed

☐ Permit Records ☒ Measured ☐ Stamped on Tank ☐ Other

- Septic tank risers are at ground level ☒ Yes ☐ No

- Tank appears to be free from defects, leaking and signs of deterioration ☐ Yes ☒ No

If you answered "No," please describe the condition of the septic tank below. For example, evidence of gas corrosion, cracks, leaks, etc.

Tank was poured in place and not water tight.

- Septic tank lid(s) is intact ☐ Yes ☒ No

- Septic tank baffles are intact: Inlet ☐ Yes ☒ No Outlet ☒ Yes ☐ No

- Baffle material - Inlet ☐ Plastic ☐ Concrete ☐ Metal Outlet ☒ Plastic ☐ Concrete ☐ Metal

Effluent filter is present ☐ Yes ☒ No

- Effluent filter is free of debris ☐ Yes ☐ No ☒ Not Applicable

- Liquid level in tank relative to invert of outlet ☐ At ☐ Above ☒ Below

If above or below invert outlet, please explain: Septic tank is leaking.

- Scum layer 2 (inches) Sludge layer 2 (inches)

- Scum and Sludge layer more than 35% of the total tank volume ☐ Yes ☒ No

Indicate where sludge measured from: ☐ Inlet ☐ Middle ☒ Outlet

- Additional Comments:

Riser not water tight. No septic tank lid.

4. Dosing tank / Pump Basin

Dosing tanks use a pump to send effluent to a treatment unit or a soil absorption field.

- The septic system has a dosing tank ☐ Yes ☒ No

(If "No," skip the rest of section 4)

- At the time of this evaluation the power was on to test the pump(s): ☐ Yes ☐ No

- Dosing tank capacity _____ (gallons)
- Tank volume determined by: Check all that apply, add comments below as needed
☐ Permit Records ☐ Measured ☐ Stamped on Tank ☐ Other
- Dosing tank material _____
- Dosing tank appears to be watertight and in good condition ☐ Yes ☐ No
- Dosing tank lid is intact ☐ Yes ☐ No
- Electrical components are sealed and watertight ☐ Yes ☐ No
- Pump/ siphon is functional ☐ Yes ☐ No
- Type of Pump ☐ Demand dose ☐ Time dose
- Pump control mechanism is functional (floats, pressure transducer) ☐ Yes ☐ No
- There is a high water alarm ☐ Yes ☐ No
- The high water alarm (audible and visual) is working ☐ Yes ☐ No ☐ Not Applicable
- Type of screen _____
- Screen is clean and free of debris ☐ Yes ☐ No - Screen cleaned for this evaluation ☐ Yes ☐ No
- Scum/ sludge present in Dosing tank ☐ Yes ☐ No
- **Scum** layer _____ (inches) **Sludge** layer _____ (inches)
- Additional Comments:

5. Soil absorption system

The soil absorption system is a set of trenches that receives effluent from the septic tank and filters the effluent before it enters the groundwater.

- The septic system has a soil absorption system ☒ Yes ☐ No ☐ Unknown
- Was the soil absorption system part of the evaluation? ☒ Yes ☐ No ☐ See note below

If the soil absorption system was not evaluated, please explain below (for example unable to locate, client did not authorize this part of the evaluation):

- Absorption distribution ☒ Equal ☐ Serial ☐ Pressure ☐ Equal via pressure
- Absorption lines construction material:
☐ Gravel and pipe ☒ Chamber ☐ Tile ☐ Polystyrene foam and pipe ☐ Other _____
- Absorption distribution unit(s): ☐ dropbox ☐ hydrosplitter ☒ equal distribution box
- ☒ Intact ☐ Damaged ☐ N/A
- Absorption distribution unit(s) are free of debris or solids ☒ Yes ☐ No ☐ N/A

- Locate all drain lines in soil absorption system ☒ Yes ☐ No

Total length of drain lines 65 (ft)

Lengths determined by ☒ Physically uncovering portions of system/probing ☐ Written records

☐ Fish tape ☐ Electronic locator ☐ camera

- Absorption area appears to be **free** from roads, vehicular traffic, structures, livestock, deep-rooted plants etc.

☒ Yes ☐ No

If you answered "No," please describe below:

- Absorption area appears to be **free** from surface water runoff and down spouts ☒ Yes ☐ No

- Evidence of ponding in absorption area or distribution unit(s) ☐ Yes ☒ No

- The soil absorption system replacement area assigned in the permit record appears to be intact:

☐ Yes ☒ No ☐ Replacement area not identified in permit record

If you answered "No," please explain below:

- Additional Comments:

65 feet of infiltrator 36" deep. Distribution box is 30" deep. Ran camera from back line into D-box.

Septic tank is under the deck.

6. Sand Filter System

There are different sand filter system designs used in Oregon. Not every sand filter system will contain all of the components mentioned below, e.g. pumps. The owner of a sand filter system **permitted on or after January 2, 2014 must** maintain an annual service contract with a certified Maintenance Provider. Maintenance records should be available from the system owner, or the contracted Maintenance Provider. **Please attach copies of the previous two years of maintenance records to this evaluation form.**

- The septic system has a sand filter ☐ Yes ☒ No

(If "No," skip the rest of section 6)

- Type of sand filter

☐ Intermittent
☐ Recirculating
☐ Bottomless

- Sand filter container appears free from defects, leaks and signs of deterioration: ☐ Yes ☐ No

- Sand filter unit appears to be **free** from roads, vehicular traffic, structures, livestock, deep-rooted plants etc.

☐ Yes ☐ No

If you answered "No," please describe below:

- Sand filter appears to be **free** from surface water runoff and down spouts ☐ Yes ☐ No
- Evidence of ponding in/ on sand filter media surface ☐ Yes ☐ No
- Surface access to manifold and valves ☐ Yes ☐ No
- Monitoring ports are present ☐ Yes ☐ No
- Lateral lines flushed and equal distribution verified ☐ Yes ☐ No
- The sand filter has a pump ☐ Yes ☐ No

(If "No", skip the rest of section 6)

- Pump vault appears to be watertight and in good condition ☐ Yes ☐ No ☐ N/A
- Pump is functional ☐ Yes ☐ No
- Pump control mechanism is functional (floats, pressure transducer) ☐ Yes ☐ No
- High water alarm in pump vault (audible and visual) is working ☐ Yes ☐ No
- Pump electrical components are sealed and watertight ☐ Yes ☐ No
- Additional Comments:

7. **Alternative Treatment Technology System**

The owner of an ATT system *must* maintain an annual service contract with a certified Maintenance Provider. Maintenance records should be available from the system owner, or the contracted Maintenance Provider. **Please attach copies of the previous two years of maintenance records to this evaluation form.**

Note* Some ATT systems may have a WPCF permit. Please contact the local Health Department or the DEQ to obtain a copy of the WPCF permit.

- The septic system has an **Alternative Treatment Technology (ATT)** ☐ Yes ☒ No
(If "No," skip the rest of section 7)
- Please provide the product name, system ID number, and manufacturer name below:

Product name _____
System ID number _____
Manufacturer name _____

- Previous two years of maintenance records are available ☐ Yes ☐ No
If you answered "No," please explain below:

- Previous two years of maintenance records are attached to this form ☐ Yes ☐ No
If you answered "No," please explain below:

- Additional Comments:

8. **Please attach a copy** of the following items to this form. Contact the DEQ, or the local Health Department to locate these items.

- The septic system permit(s) to this form, if available
- The as-built drawing(s) to this form, if available
- The Certificate of Satisfactory Completion to this form, if available
- Additional Comments:

9. **Provide a Site Plan**

- Please provide a sketch of the complete system (show only system components that were evaluated) on page 8 of this form, if a copy of the original "as-built" drawing is *not* available.
- Please provide a sketch of the complete system on page 8 of this form if the original "as-built" drawing is *not* accurate or representative of the existing system.
- If the original "as-built" drawing is available for copy, and the original appears to be accurate and representative of the existing system, write "see attached as-built" on page 8 of this form, redrawing the system is unnecessary.
- Additional Comments:

10. **Disclaimer:**

This evaluation report describes the septic system as it exists on the date of evaluation and to the extent that components and operation of the system are reasonably observable. DEQ recognizes that this evaluation report does not provide assurance or any warranty that the system will operate properly in the future.

11. I hereby certify, by my signature, that the above information and the plot plan on the next page of this form are accurate and true to the best of my knowledge.

11/15/2019

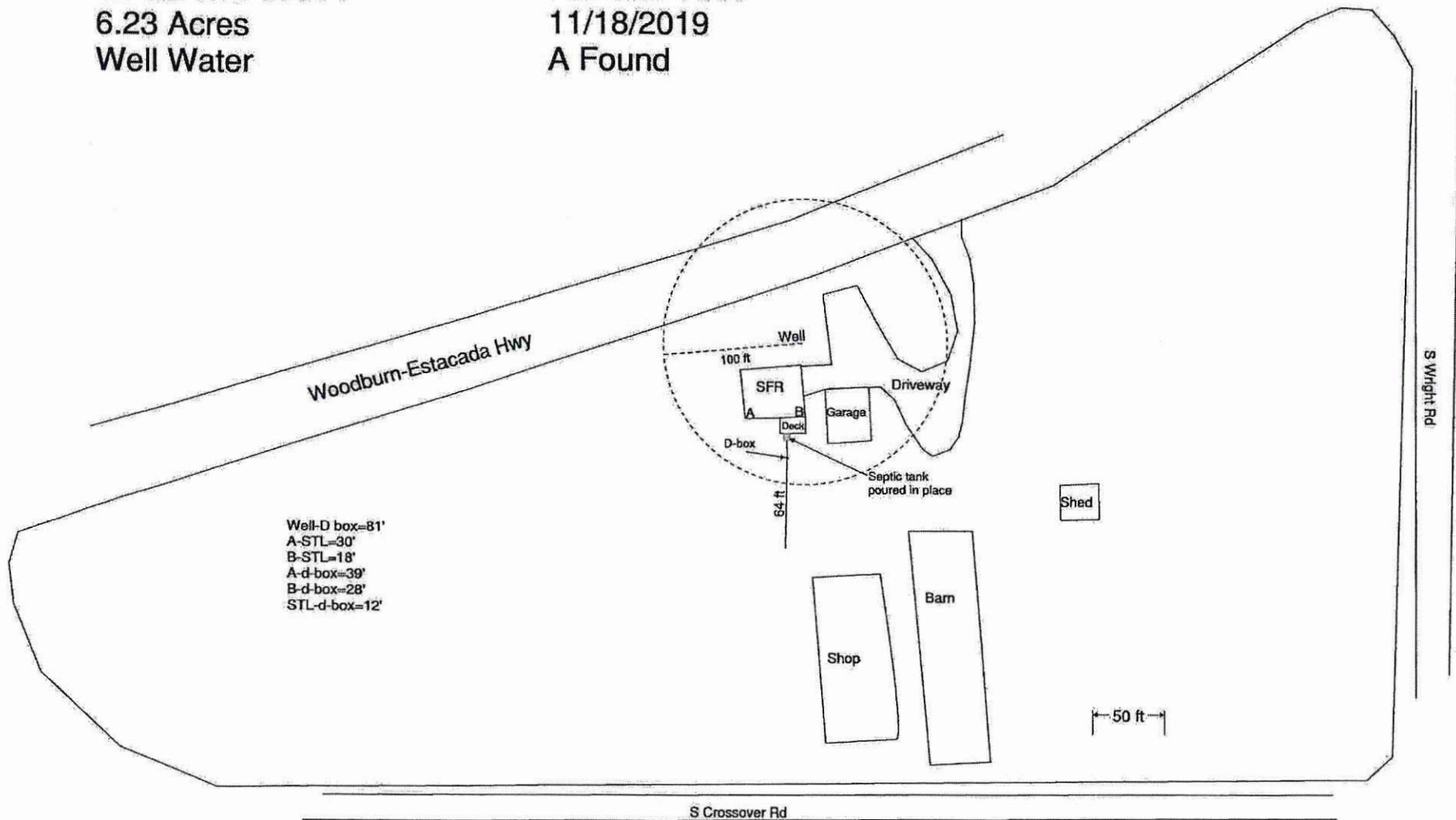
Date



Signature of Qualified Septic System Evaluator

16334 HWY 211
5S 2E 02C 00800
6.23 Acres
Well Water

American On Site
503-829-7600
11/18/2019
A Found





DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

March 13, 2020

V0065219

James Prather & Dawn Marie Neilsen
16334 S Hwy 211
Molalla, OR 97038

IMPORTANT DOCUMENT – PLEASE READ CAREFULLY

SUBJECT: Onsite Wastewater Violation

SITE: Township 5S Range 2E Section 02C Tax Lot 00800
16334 S Hwy 211, Molalla, Oregon 97038

To whom it may concern:

Clackamas County Septic Onsite Wastewater staff have confirmed the sewage treatment system serving the above site is currently in violation of Oregon State Rule and Clackamas County Code.

An inquiry was received via email on November 26, 2019 from a prospective buyer regarding the septic system on the property. Attached to the email was an Existing System Evaluation Report (ESER) from a licensed contractor describing the state of the system. The ESER indicated the tank is no longer water tight and that the drainfield consisted of 65 ft of chambers. Chambers have only been approved as drainfield media since the 1990s, when a permit would have been required to conduct work on the drainfield. We have no permits for the septic system, which was likely installed in approximately 1947 when the residence was constructed. Permit requirements began in the 1970s. The poured in place tank reported on the ESER is typical of a 1947 system, the chambers indicate the drainfield was replaced without a permit.

Insufficiently treated wastewater is a threat to public health. Improper wastewater management is a violation of Oregon Administrative Rule 340-071-130 and Clackamas County Code 9.02.040 (J)

340-071-0130

General Standards, Prohibitions and Requirements

(15) Permit requirements:

(a) A person may not cause or allow construction, alteration, or repair of a system or any part thereof without a WPCF permit issued under OAR 340-071-0162 or a construction-installation, alteration, or repair permit under OAR 340-071-0160, 340-071-0210, and 340-071-0215 except for emergency repairs authorized under OAR 340-071-0215(1) and (2)

For compliance, the following corrective actions are required: A permitted system needs to be installed on the property. This process begins with a Site Evaluation conducted on the property to determine the size and type of system that will be required based on property specific conditions. Once the Site Evaluation has been completed, a Construction Permit will need to be applied for, reviewed, issued, and the new system installed. The Site Evaluation must be applied for by **April 3, 2020**. The Construction Permit must be applied for within 30 days of the results of the Site Evaluation and installed within 30 days of the permit being issued. I have included a list of septic professionals; it is highly recommended that you use a septic professional to guide you through the permit process.

Please call me at 503-742-4568 or email me at hnielsen@clackamas.us if you have questions or concerns. Health and safety is our highest priority.

Sincerely,

A handwritten signature in dark ink, appearing to read "Heather Nielsen". The signature is fluid and cursive, with the first name "Heather" written in a larger, more prominent script than the last name "Nielsen".

Heather Nielsen, WWS, RG
Soil Scientist

Enclosures:

Site Evaluation Guidelines

Onsite Wastewater Application

Soil Evaluation Plot Plan form

List of DEQ Septic Maintenance Providers (a full list of DEQ Certified Installers may be found at <https://www.oregon.gov/deq/FilterDocs/Installers.pdf>)

CC:

It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. Failure to resolve those violations may result in one or more of the following: (1) a citation and fine, (2) assessment of a \$75 per month administrative compliance fee, and (3) referral of this matter to the County Code Enforcement Hearings Officer for legal.

The Clackamas County Code provides for fine amounts of up to \$500 and additional civil penalties of up to \$3500 for *each day* of noncompliance. Fine amounts and civil penalties are assessed for each cited violation and may be assessed separately against each named party. In addition, the Code Enforcement Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.

Clackamas County encourages voluntary compliance with code violations to support a safe and healthy community for all. Please note that when a property owner works cooperatively with the County to resolve a confirmed code enforcement violation, the County may waive all or part of the \$75 per month administrative fee.

Fines and costs are payable upon the effective date of the final order declaring the fine and costs. Fines and costs under this Chapter are a debt owing to the County, pursuant to ORS 30.460, and may be collected in the same manner as any other debt allowed by law. If fines or costs are not paid within 60 days after payment is ordered, the County may file and record the order for payment in the County Clerk Lien Record.

Also, be advised that non-compliance with a Hearings Officer's Order may result in the matter being referred to County Counsel for legal action in Circuit Court and may result in additional penalties or other sanctions.

Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.



Citation No. 1900652

Case No. V0065219

ADMINISTRATIVE CITATION

Date Issued: January 6, 2021

Name and Address of Person(s) Cited:

Name: James Prather
Name: Dawn Neilsen
Mailing Address: 16334 S Hwy 211
City, State, Zip: Molalla, OR 97038

Date Violation(s) Confirmed: On the 6th day of January, 2021, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 16634 S Hwy 211, Molalla, OR 97038

Legal Description: T5S, R2E Section 2C, Tax Lot(s) 800

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (K)
☒ Other law: OAR 340-071-0130(15)(a)

Description of the violation(s):

- 1) Persons cited failed to permit the on-site sewage disposal system on the subject property.

Maximum Civil Penalty \$3500.00

Fine \$100.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$100.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by: Andrea Hall
Telephone No.: 503-742-4467

Date: January 6, 2021
Department Initiating Enforcement Action: Code Enforcement

PLEASE READ CAREFULLY!

You have been cited for the violation(s) of law stated on the front of this form. You MUST exercise ONE of the following options within fifteen calendar days of the date of this citation.

If you fail to exercise one of these options within fifteen calendar days of the citation date, the County may request a hearing before the Code Enforcement Hearings Officer following which you may be ordered to pay the maximum civil penalty and abate the violation.

Options:

1. Abate the violation and pay the fine. Sign the statement of Understanding below and deliver or mail this form, together with a check or money order payable to Clackamas County in the amount of the fine to:
Clackamas County Code Enforcement Section
150 Beavercreek Rd.
Oregon City, OR 97045
2. Request a hearing in writing. You may request a hearing to contest the violation(s) alleged. A written request for a hearing must be mailed to Clackamas County at the address listed above.

A request for hearing must contain all of the following information:

- a. Your name and address
- b. A copy of the citation
- c. The description of the relief you are requesting

At the hearing, an administrative fee may be assessed by the Hearings Officer in addition to civil penalty(ies) if the Hearings Officer concludes you are responsible for the violation. If a civil penalty is imposed the amount will likely exceed the fine amount on this citation.

STATEMENT OF UNDERSTANDING

I, the undersigned, do hereby acknowledge that I understand the following:

1. By paying the fine I admit the existence of the violation(s) alleged on this citation and my responsibility for it.
2. Paying the fine does not relieve me of my responsibility to correct the violation and to comply with all applicable laws.
3. Additional citations may be issued to me if I fail to correct the violation or violate other applicable laws.

Signature: _____ Date: _____

Address: _____

City, State, Zip

Contact Number: _____ Email: _____



Dan Johnson
Director

Department of Transportation and Development

Development Services Building
150 Beavercreek Road | Oregon City, OR 97045

EXISTING SYSTEM REPAIR EVALUATION

Permit Number:	SE025021	Applied:	05/13/2021
Description:	REPAIR EVALUATION FOR A 2 BEDROOM SFR - V0065219		
Permit Status:	Ready for Insp	Insp Area:	West
Site Address:	16334 S HWY 211 MOLALLA, OR 97038	Acres:	6.22
Parcel:	52E02C 00800	Completed By:	Shelby Wonsley
Applicant:	E AND Z EXCAVATING LLC - PO BOX 453 MOLALLA, OR 97038 - ERINEANDZ@GMAIL.COM	County Fee:	\$0.00
		DEQ Surcharge:	\$100.00
Applicant Phone:	503 829-4070	Total Fees:	\$835.00
Contractor:	E AND Z EXCAVATING LLC - PO BOX 453 MOLALLA OR 97038 - ERINEANDZ@GMAIL.COM	Total Payments:	\$835.00
		Balance Due:	\$0.00
Contractor Phone:	503 829-4070		
Owner:	PRATHER JAMES		

Structure Type:	Single Family Residence	Water Supply:	Private Well
# Bedrooms:	2	Projected Daily Gallons:	300

Fax Line (503) 742-4550 • Inspection Line (503) 742-4720

RECEIPT

Clackamas County
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK RD.
OREGON CITY, OR 97045

Application: SE025021

Application Type: Soils/Combo/NA/NA

Address: 16334 S HWY 211
MOLALLA, OR 97038

Receipt No. 1332356

Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Comments	Payor
Check	2981	\$835.00	5/13/2021	SHELBYW		E AND Z EXCAVATING LLC
		<hr/> \$835.00				

Owner Info.: PRATHER JAMES
16334 S HWY 211
MOLALLA, OR 97038

Work Description: EXISTING SYSTEM REPAIR EVALUATION



DAN JOHNSON
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

July 21, 2021

Erin Sharp, E and Z Excavating, LLC
erineandz@gmail.com

IMPORTANT DOCUMENT – PLEASE READ CAREFULLY
This is not a septic construction permit.

Site: Township 5S Range 2E Section 02C Tax Lot 00800
16334 S Hwy 211, Molalla, Oregon 97038

Application Number: SE025021

Results: Approved

To whom it may concern:

Onsite Wastewater Systems program staff have completed an evaluation at the property referenced above. The site that was prepared for this evaluation was found suitable for an Onsite Wastewater treatment system. A detailed report of this investigation is enclosed. Current minimum design standards for a TWO bedroom single family residence are also included. This office can provide updated standards (fees may apply) for alternative developments or updated minimum standards as required by rule. If you have any questions, feel free to contact me at 503-502-8163 or at hnielsen@clackamas.us.

Sincerely,

Heather Nielsen, WWS, RG
Soil Scientist

Enclosures:
General Site Evaluation Information
Construction Detail Sheet
Minimum Setback Requirements
Field Sheet

CC: James Prather, via email (jamesdprather@gmail.com)
Andrea Hall, Clackamas County, via email (andreahal@clackamas.us)

phone: 503-742-4740

fax: 503-742-4550

www.clackamas.us/septic

General Site Evaluation Information

Please note that this approval is site specific to the area tested and does not address the feasibility of locating the system elsewhere on the property. The enclosed diagram indicates the limited area that appears suitable for this type of system. Please refer to the enclosed diagram for specifics concerning the dimensions and/or special conditions of the approved site.

Site evaluation report review. An applicant may request the Oregon Department of Environmental Quality to review a site evaluation report issued by an agent. The application for review must be submitted to the department in writing within 60 days after the site evaluation report issue date and must include the site evaluation review fee in OAR 340-071-0140(2). The department will review and approve or disapprove the site evaluation report.

This approval will remain valid until the system is installed and approved. Technical rule changes which take place after the date of this letter will not invalidate this approval, except that construction standards may be changed to meet codes applicable at the time of permit issuance. However, if conditions on this or adjacent properties are changed in any manner which would prohibit issuance of a permit because of a conflict with the applicable State rules, this approval will then be considered null and void. **Modifications to the approval area including logging, filling, cutting, or grading may render this approval invalid.** Check with this Department before conducting any of this work in the approval area.

The approval of this property and the conditions set forth in this letter in no way waives requirements as may be set by the zoning of the area. A permit to construct a system on this property will be subject to the review and approval of the County Planning Department. This Approval in no way waives any requirements set forth by other government agencies.

Minimum design requirements for an onsite wastewater treatment system

Work in the vicinity of the absorption area shall begin when unsaturated soils conditions are found to a depth of at least six inches below the bottom of the absorption facility

Tank:

- The multi-compartment dosing tank will have a minimum liquid capacity of 1,500 gallons, and shall be equipped with TWO watertight riser(s) to the surface. (SEE NOTE 2)
 - a. You may use a 1,000 gallon septic tank with a 500 gallon dosing tank, both equipped with watertight riser(s) to the surface.
 - b. An effluent lift pump may be required as part of this system.

Pretreatment:

- Your site requires installation of a pretreatment unit. Construction details must be included in the system design plans, along with any applicable standards found in this letter and OAR 340-071-290; 340-071-295; 340-071-0302 &/or 340-071-0345, Complete design plans must be submitted for review and approved before permit issuance.
 - a. Plans must include an operation and maintenance agreement in accordance with OAR 340-071-0130 (23)
 - b. Gravelless absorption method: A minimum of 90 lineal feet of gravelless half pipe absorption trench is required with a maximum trench depth of 12 inches and a minimum trench depth of 10 inches. Trenches shall be constructed 1 foot wide on 10 foot minimum centers. Please reference OAR 340-071-0290(6) for comprehensive construction details.

Conditions:

- Install system in location shown on included Field Sheet.
- Keep traffic, such as vehicles, heavy equipment, or livestock off the drainfield and replacement area.
- Do not add fill or excessively grade within the approval area.
- No part of the system can be installed within any utilities, right of way, or access easement.
- Maximum number of bedrooms shall be TWO if only 90 lineal feet of absorption trench is installed. To size the system for up to FOUR bedrooms, 135 lineal feet of absorption trench is required.

Although it may not be required by Oregon DEQ for your system, the Clackamas County Onsite Wastewater Systems Program strongly encourages you to have an effluent filter added to the outlet of your septic tank during construction.

An effluent filter can add to the longevity of your septic system by preventing solids and non-biodegradable materials from entering and prematurely clogging the drainfield. Effluent filters can also enhance the performance of your septic tank by retaining larger solids, allowing them to undergo additional decomposition.

Contact your Wastewater Professional or County Wastewater Program staff if you would like additional information regarding effluent filters.

NOTE 1: SOME SYSTEMS MAY REQUIRE A DIFFERENT TANK SIZE THAN INDICATED CONSULT INSTALLERS GUIDE OR THIS OFFICE WITH QUESTIONS

NOTE 2: SOME ALTERNATIVE DRAIN MEDIA PRODUCTS ALLOW FOR DIFFERENT CONSTRUCTION STANDARDS. CONSULT INSTALLERS GUIDE OR THIS OFFICE WITH QUESTIONS

TABLE 1
OAR 340-071-0220
MINIMUM SEPARATION DISTANCES

Items Requiring Setback	From Subsurface Absorption Area Including Replacement Area	From Septic Tank and Other Treatment Units, Effluent Sewer and Distribution Units
1. Groundwater Supplies and Wells.	*100'	50'
2. Springs:		
• Upgradient.	50'	50'
• Downgradient.	100'	50'
**3. Surface Public Waters:		
• Year round.	100'	50'
• Seasonal.	50'	50'
4. Intermittent Streams:		
• Piped (watertight not less than 20' from any part of the onsite system).	20'	20'
• Unpiped.	50'	50'
5. Groundwater Interceptors:		
• On a slope of 3% or less.	20'	10'
• On a slope greater than 3%:		
• Upgradient.	10'	5'
• Downgradient.	50'	10'
6. Irrigation Canals:		
• Lined (watertight canal).	25'	25'
• Unlined:		
• Upgradient.	25'	25'
• Downgradient.	50'	50'
7. Manmade Cuts Down Gradient in Excess of 30 Inches (top of downslope cut):		
• Which Intersect Layers that Limit Effective Soil Depth Within 48 Inches of Surface.	50'	25'
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	25'	10'
8. Downgradient Escarpments:		
• Which Intersect Layers that Limit Effective Soil Depth.	50'	10'
• Which Do Not Intersect Layers that Limit Effective Soil Depth.	25'	10'
9. Property Lines.	10'	5'
10. Water Lines.	10'	10'
11. Foundation Lines of any Building, Including Garages and Out Buildings.	10'	5'
12. Underground Utilities.	10'	—
* 50-foot setback for wells constructed with special standards granted by WRD.		
**This does not prevent stream crossings of pressure effluent sewers.		



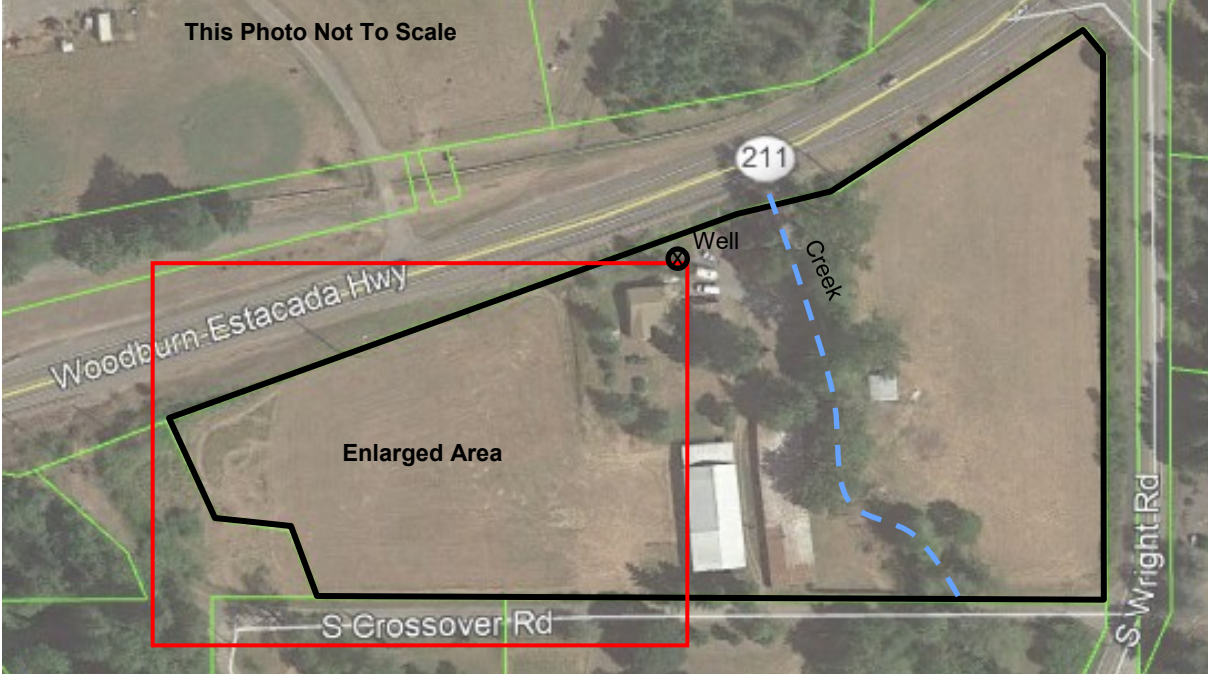
FIELD SHEET
SEPTIC AND ONSITE WASTEWATER SYSTEMS



Owner PRATHER SEQ25021

Township 5S Range 2E Section 02C Tax Lot 00800 Acreage 6.22

Soil Scientist H. Nielsen, WWS Weather Sunny; 80° Date 7/7/2021



Hardscrabble soil series
Permanent Water Table



Approved for Sand Filter / ATT Treatment Standard 2 Denied due to NA

Proposed Facility Repair for a 2 Bedroom SFR Septic/Dosing/Holding Tank Capacity 1000 gallons

Leach lines per 150gpd 45 lineal feet Total required 135* Drain field Distribution Pressure

Burial Depth 12 Max 10 Min Groundwater Interceptor NA Depth Gravel Water Supply Well

Comments: *May install 90ft of drainfield, which would limit the residence to 2 bedrooms (300gpd).

Area is mapped as permanent water table. A clay layer (ESD) was observed, but pits are of insufficient depth to determine thickness of ESD and whether the sand layer observed in Test Pit #1 is present elsewhere.

Test Pit 1

Slope: 8% NE

N: 45.16145

W: -122.53323

Depth	Texture	Color	Redox/Conc	Consistency (Moist)	Structure	Roots	H2O, ESD, Conditions associated with saturation, etc.
0-12	sil	10YR 3/3	None	fr	2mgr	3 vf-f	
12-22	sic	10YR 4/4	None	fr	2msbk	None	
22-38	fs-s	2.5Y 4/3	F3M 10YR4/6 (veins)	fr	2cogr	None	

Test Pit 2

Slope: 8% NE

N: 45.16170

W: -122.53330

0-12	sil	10YR 3/3	None	fr	2mgr	3 vf-f	
12-21	sic	10YR 4/4	F3M 10YR cD1-2 RMX 10YR5/2 cD1-2	fr	2msbk	None	CAS
21-37	c	2.5Y 6/2	F3M 10YR4/6 mD2 MNM mP3	fr	m	None	ESD

Test Pit 3

Slope: 7% NE

N: 45.16140

W: -122.53293

0-8	sil	10YR 3/3	None	fr	2mgr	3 vf-f	
8-18	sic	10YR 4/4	F3M 10YR cD1-2 RMX 10YR5/2 cD1	fr	2msbk	None	CAS Dug deeper and identified clay at 20", as pits #2 and #4

Test Pit 4

Slope: 5% NE

N: 45.16153

W: -122.53300

0-12	sil	10YR 3/3	None	fr	2mgr	3 vf-f	
12-18	sic	10YR 4/4	F3M 10YR cD1-2 RMX 10YR5/2 cD1-2	fr	2msbk	None	CAS
18-25	c	2.5Y 6/2	F3M 10YR4/6 mD2 MNM mP3	fr	m	None	ESD

Test Pit 5

Slope:

N:

W:

Test Pit 6

Slope:

N:

W:



Citation No. 1900652-2

Case No. V0065219

ADMINISTRATIVE CITATION

Date Issued: March 16, 2022

Name and Address of Person(s) Cited:

Name: James Prather
Name: Dawn Neilsen
Mailing Address: 16334 S Hwy 211
City, State, Zip: Molalla, OR 97038

Date Violation(s) Confirmed: On the 6th day of January, 2021 and continues to exist on the 11th day of March 2022, the person(s) cited committed or allowed to be committed, the violations(s) of law described below, at the following address:

Address of Violation(s): 16334 S Hwy 211, Molalla, OR 97038

Legal Description: T5S, R2E Section 2C, Tax Lot(s) 800

Law(s) Violated:

- ☒ Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040, (K)
☒ Other law: OAR 340-071-0130(15)(a)

Description of the violation(s):

- 1) Persons cited failed obtain a permit and an approved final inspection for the on-site sewage disposal system.

Maximum Civil Penalty \$3500.00

Fine \$500.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$500.00. If you have questions regarding how to abate the violation(s) contact Clackamas County Code Enforcement at the number listed below. Please be advised a \$75 monthly administrative fee is being assessed.

I hereby certify under penalties provided by ORS 153.990 that I have reasonable grounds to and do believe that the above person(s) committed or allowed to be committed the violation(s) described on this form.

Citation issued by: Andrea Hall
Telephone No.: 503-742-4467

Date: March 16, 2022
Department Initiating Enforcement Action: Code Enforcement

