



## NOTICE OF RESET HEARING

May 11, 2023

Duane Meier  
Darrah Dye-Meier  
3890 SE Sunset Ct.  
Milwaukie, OR 97267

**RE::** County of Clackamas v. Duane Meier & Darrah Dye-Meier  
**File:** V0000523

**Hearing Date:** May 23, 2023

**Time:** This item will not begin before 12:00pm 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 Complaint and Request for Hearing

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 Kimberly Benthin, Code Compliance Specialist for Clackamas County at (503) 742-4457, 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 Officer's 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 20<sup>th</sup> 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.



You must have access to the internet or to a telephone line to use the Zoom platform. We have sent you the Zoom invite to [darrahdye@gmail.com](mailto:darrahdye@gmail.com), [duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil) and [dmmeier66@gmail.com](mailto:dmmeier66@gmail.com). Please contact Kimberly Benthin if you are unable to find the email.

If you would like to present evidence at the Hearing please email or mail your evidence to KimBen@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 Kimberly Benthin at 503-742-4457 **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 503-830-9960 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](http://www.clackamas.us/transportation/nondiscrimination), email [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), envíe un correo electrónico a [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), отправьте письмо на адрес эл. почты [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination)，发送电子邮件至 [JKauppi@clackamas.us](mailto: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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto: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/nondiscrimination](http://www.clackamas.us/transportation/nondiscrimination)을 참조하거나 이메일 [JKauppi@clackamas.us](mailto: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,

File No: V0000523

Petitioner,

v.

DUANE MICHAEL MEIER and  
DARRAH A. DYE

Respondents.

COMPLAINT AND REQUEST FOR HEARING

I, Kimberly Benthin, Code Compliance Specialist for Clackamas County,  
allege the following:

1.

Respondents' place of residence is: 3890 SE Sunset Ct, Milwaukie, OR  
97267.

2.

The address or location of the violations of law alleged in this Complaint  
is: 3890 SE Sunset Ct, Milwaukie, OR 97267 also known as T2S, R1E., Section  
12AD, Tax Lot 02701, and is located in Clackamas County, Oregon.

3.

On or about the 22<sup>nd</sup> of February, 2023, Respondents violated the  
following laws, in the following ways:

Respondents violated Section 821 of the Clackamas County Zoning and  
Development Ordinance (ZDO) by keeping geese on the above referenced  
property. Said property is zoned Urban Low Density Residential District 315,  
R8.5 and pursuant to Section 821 of the Zoning and Development Ordinance,  
fowl known for its loud call, such as geese, are prohibited.

This violation is a Priority 2 violation pursuant to the Clackamas County Violation Priorities,

4.

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

5.

Notice of the violations was given to Respondents in the following manner: Administrative Citation No. 23005-1 in the amount of \$400.00 was first class mail on May 1, 2023. A copy of the notice document is attached to this Complaint as Exhibit P, 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 violation 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 Board of County Commissioners. Said range for a Priority 2 violation being \$500.00 to \$2500.00 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. Ordering any other relief deemed reasonably necessary to correct the violations.

DATED this 9<sup>th</sup> day of May 2023.



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Code Enforcement Specialist  
for Clackamas County

COUNTY OF CLACKAMAS,

Petitioner,

v.

DUANE MICHAEL MEIER, and  
DARRAH A DYE

Respondents.

File No.:V0000523

STATEMENT OF PROOF

History of Events and Exhibits:

- |   |   |
|---|---|
| December 26, 2022                           | Clackamas County received a complaint regarding extremely loud geese residing on the subject property. The complainant requested confidentiality and per County policy the file was held until additional complaints were received.   |
| February 8, 2023                            | Clackamas County received a second complaint regarding loud geese residing on the subject property in violation of the Zoning and Development Ordinance.  |
| February 9, 2023<br>Exhibit A               | Correspondence was mailed to the Respondents regarding the alleged violation.   |
| February 17, 2023<br>Exhibit B              | Respondent Dye sent an email confirming receipt of the correspondence. Code Enforcement Specialist (CES) Kimberly Benthin responded by email and provided information regarding the Ordinance.  |
| February 21,-22, 2023<br>Exhibit C          | Respondent Dye and CES Benthin exchanged emails regarding geese and Section 821.  |
| February 22, 2023                           | Clackamas County received another complaint regarding the loud geese.   |
| February 22, 2023<br>Exhibit D<br>Exhibit E | Respondent Meier sent CES Benthin an email explaining he is unclear on how to gain compliance. CES Benthin responded by email and attached a copy of the Violation Notice. The Notice of Violation was also mailed first class mail to the Respondents regarding the violation of Section 821 that exists on the property, and the path to compliance. The Notice requested compliance not later than March 29, 2023. |



February 23, 2023 Exhibit: F	Respondent Dye sent an email to CES Benthin with pictures of the geese and explanation that there is no noise ordinance during the day. CES Benthin responded with an email explaining the code. Respondent Dye expressed that the guidelines are vague.
February 27, 2023 Exhibit: G	Respondent Dye, CES Benthin and staff from Planning Zoning exchanged emails regarding compliance with Section 821 and provided information regarding a Directors Interpretation to review the criteria regarding domestic geese.
February 28, 2023 Exhibit: H	CES Benthin replied by email answering Respondent Dye's questions and addressing her concerns.
March 1, 2023 Exhibit: I	Respondent Dye sent an email to the Planning and Zoning Department and Planner Fritchie replied explaining the document was a guidance for implementation of Zoning and Development Ordinance Section 821.
March 17, 2023 Exhibit J	Respondent Dye sent an email to Planning and Zoning expressing that she had twice asked for a Code Enforcement Supervisor and not had a call back. CES Benthin responded with the Supervisors name and phone number.
March 21, 2023 Exhibit: K	Respondent Dye emailed and stated she would like to schedule a hearing. Discussion regarding a hearing date that would work for Respondent Dye and her husband.
March 22, 2023 Exhibit: L	Respondent Dye emailed explaining that April 13 <sup>th</sup> would not be convenient and asked for other dates.
March 23-24, 2023 Exhibit: M	Respondent Dye requested background information from Planning and Zoning that was used to create the guidelines for loud fowl. Emails were exchanged and the Planning and Zoning was able to send by email the requested documents.
March 27, 2023 Exhibit: N	CES Benthin sent an email to the Respondents. Received in response an auto email stating that Duane is gone.
April 27, 2023	CES Benthin received a call from a Complainant requesting update. Complainant explained how the loud geese affect sleep. Complainant also stated that per tiktok posts the pen for the geese is being changed.
April 27, 2023 Exhibit : O	A review of tiktok posts reveals geese remain on site and the pen is being modified.

April 28, 2023  
Exhibit : P

Having no response from the Respondents and confirmation that the geese remain on site, Citation #2305-1 of \$400.00 was issued for the violation of Section 821 for keeping fowl with loud calls. The citation was sent via first class mail. The first class mail was not returned. This citation has not been paid.

May 4, 2023

The County referred this matter to the Code Enforcement Hearings Officer.

If the Hearings Officer affirms the County's position that a violation of ZDO Section 821 exists on the subject property, the County would request a Continuing Order be issued requiring the Respondents bring the subject property into compliance with Section 821 by completing one of the following options:

- Remove the geese from the property.
- Submit a land use application in pursuit of compliance such as an interpretation. Once the decision is issued, compliance must be completed within two weeks of the date of the decision.

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 #2305-1 of \$400.00
- The imposition of civil penalties of up to \$2500.00
- The monthly \$75.00 administrative compliance fee to be imposed from February 2023.
- 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.



February 9, 2023

Michael Meier & Darrah Dye  
3890 SE Sunset Ct  
Milwaukie, OR 97267

**Subject: Alleged Violations of the Zoning and Development Ordinance,  
Title 12, Section 315 of the Clackamas County Code**

Site Address: 3890 SE Sunset Ct Milwaukie, OR 97267  
Legal Description: T2S, R1E, Section 12AD, Tax Lot 02701

It has come to the attention of Clackamas County Code Enforcement that you may be maintaining geese and/or other livestock that is not allowed on the above referenced property.

This may constitute a violation of the Zoning and Development Ordinance, Title 12, Section 315 of the Clackamas County Code.

Please contact Kimberly Benthin, Code Enforcement Specialist, within ten (10) days of the date of this letter in order to discuss this matter.

E-mail address is [kimben@clackamas.us](mailto:kimben@clackamas.us)

Telephone number is 503-742-4457

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**ДОБРО ПОЖАЛОВАТЬ!** Russian

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**欢迎!** Chinese (Mandarin)

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**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](http://www.clackamas.us/transportation/nondiscrimination), gửi email đến [JKauppi@clackamas.us](mailto:JKauppi@clackamas.us) hoặc gọi điện thoại theo số 503-742-4452.

**환영합니다.** Korean

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## Benthin, Kim

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**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Friday, February 17, 2023 1:18 PM  
**To:** Benthin, Kim  
**Subject:** Re: 3890 Sunset

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**Warning: External email. Be cautious opening attachments and links.**

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Thank you for the timely response. We appreciate the information. Have a great weekend.

On Fri, Feb 17, 2023 at 11:26 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Violation File: V0000523

Good morning Darrah and Duane,

For your convenience I have attached the related ordinance. The Clackamas County Zoning and Planning Division determined that geese are fowl known for its loud call. Therefore, in your zoning district geese are not allowed.

The attached ordinance also applies to any other poultry, fowl or livestock on the subject property.

If you have any questions please let me know!

Or if you would like to contact Planning and Zoning 503-742-4500 by email: [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

Kimberly Benthin

Code Enforcement Specialist

Code Enforcement Section

Clackamas County Department of Transportation and Development

Please check the Clackamas County webpage for Clackamas County building hours of operation. The Clackamas County Development Services Building lobby hours are Monday, Tuesday and Thursdays 8:00 AM to 4:00 PM. The Development Services Building **is closed to the public on Wednesdays and Fridays** but we are available by phone and email. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at [DTDCustomerInfo@clackamas.us](mailto:DTDCustomerInfo@clackamas.us)

**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>  
**Sent:** Friday, February 17, 2023 10:47 AM  
**To:** Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>; Meier, Duane SSG USARMY NG ORARNG (USA) <[Duane.meier3.mil@army.mil](mailto:Duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>  
**Subject:** 3890 Sunset

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**Warning: External email. Be cautious opening attachments and links.**

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Dear Kim Benthin,

On behalf of myself, Darrah Dye and my husband, Duane Meier, this email is to inform you that we have received a correspondence dated February 9, 2023. For alleged violations.

Thank you,

Darrah Dye  
3890 Sunset

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**Darrah Dye**

## Benthin, Kim

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**From:** Benthin, Kim  
**Sent:** Wednesday, February 22, 2023 1:20 PM  
**To:** 'Darrah Dye-Meier'; Meier, Duane SSG USARMY NG ORARNG (USA); My Husband  
**Subject:** RE: 3890 Sunset

Good afternoon Darrah and Duane,

I think there may be a misunderstanding. I confirmed with Planning and Zoning that the policy determination that geese are known for a loud call is still in effect. The breed, domestic or wild, is not relevant. Do you know who you spoke with? If you wish, I can follow up with a manager or the Planner that told you pet geese were allowed.

Secondly, I cannot verify that the coop and husbandry are code compliant via a site plan. It is Code Enforcement's policy that an inspection must take place.

Sincerely,

Kimberly Benthin  
Code Enforcement Specialist  
Code Enforcement Section  
Clackamas County Department of Transportation and Development  
kimben@clackamas.us • phone: 503.742.4457 • Development Services Building • 150 Beaver Creek Road • Oregon City, OR 97045

Please check the Clackamas County webpage for Clackamas County building hours of operation. The Clackamas County Development Services Building lobby hours are Monday, Tuesday and Thursdays 8:00 AM to 4:00 PM. The Development Services Building is **closed to the public on Wednesdays and Fridays** but we are available by phone and email. If you have general questions, you can also contact our main customer service desk at 503-742-4400 or via email at DTDCustomerInfo@clackamas.us

**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Tuesday, February 21, 2023 3:35 PM  
**To:** Benthin, Kim <KimBen@clackamas.us>; Meier, Duane SSG USARMY NG ORARNG (USA) <Duane.meier3.mil@army.mil>; My Husband <dmmeier66@gmail.com>  
**Subject:** Re: 3890 Sunset

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**Warning: External email. Be cautious opening attachments and links.**

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Good afternoon. I spoke with zoning and I'd like to clarify that our geese are small domestic geese. The Geese are pets and not wild birds. They are domestic backyard birds. I just spoke with zoning and I will be submitting a site map to you showing that we are following the guidelines of 821.01

With that, this should wrap this up as far as I am aware.

Please let us know if there is anything else you need besides a site map to get this complete.

Thank you for your time.

**From:** [Benthin, Kim](#)  
**To:** ["Meier, Duane SSG USARMY NG ORARNG \(USA\)"; Darrah Dye-Meier; My Husband](#)  
**Cc:** [ZoningInfo](#)  
**Subject:** RE: 3890 Sunset  
**Date:** Wednesday, February 22, 2023 4:04:00 PM  
**Attachments:** [23-02-22 Vio Letter V0000523.pdf](#)

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Hello Duane and Darrah,

The process to bring the property into compliance is to remove the loud fowl, and to call me for an inspection to confirm compliance. Yes, the Zoning Ordinance does not specifically call out geese as it does for roosters and peacocks. It does state

Section 821.01(G) Roosters, peacocks, and any other fowl ***known for its loud call*** are prohibited.

You are correct fowl is a broad term. The Planning and Zoning Division made a determination that geese are fowl known for making a loud call. I do not know who you spoke to or the topic of conversation. If you want to follow up with the Planning Department you may do so. It might help to have the date and time of your conversation. I have copied the Zoning and Planning on this email.

Perhaps there was a misunderstanding about your home's location and the zoning district applied to your property? Section 821 only applies to the urban districts. Section 821 does not apply to the rural, farm and timber districts.

You are correct, this violation does not require a permit to remedy. If you had a violation of solid waste on your property you would not be required to get a permit to remove the garbage. The geese and garbage violations are remedied by removal and confirmation of the removal by inspection.

In order to clarify the process to gain compliance, I have attached the violation notice that went into the mail today.

**Kimberly Benthin**

Code Enforcement Specialist  
Clackamas County Code Enforcement Section

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**From:** Meier, Duane SSG USARMY NG ORARNG (USA) <duane.meier3.mil@army.mil>  
**Sent:** Wednesday, February 22, 2023 2:03 PM  
**To:** Benthin, Kim <KimBen@clackamas.us>; Darrah Dye-Meier <darrahdye@gmail.com>; My Husband <dmmeier66@gmail.com>  
**Subject:** RE: 3890 Sunset

**Warning: External email. Be cautious opening attachments and links.**

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Kim,

I am unclear on how this process should be working. I don't recall the name of the woman Darrah and I spoke with on the phone. She had suggested the submission of a cite map showing compliance to 821.01 and specifically subsection G. Geese are not called out specifically anywhere in the ordinance from what I have read. If that is untrue or I have misunderstood, I welcome the correction. "Fowl" is very broad term. The planning department agreed that it's not up to the county to decide what kind of pet we choose to have unless we are not following the guild lines set out in the ORS. If we are to be accused of doing something wrong, I just need to know exactly what that is and what the remediation includes. Since this matter doesn't involve any kind of permit, I'm unclear exactly how this matter gets cleared up with the county. Please advise.

Respectfully,

SSG Duane Meier  
HHC 741 BEB SNCO  
(O) (971) 355-1824  
(C) (724) 954-4362  
(E) [duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)  
(PE) [dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)



February 22, 2023

Violation File: V0000523

Duane Michael Meier and Darrah A Dye  
3890 SE Sunset Ct.  
Milwaukie, OR 97267

Subject: Violation of the Zoning and Development Ordinance Sections 315 and 821

Site Address: 3890 SE Sunset Ct., Milwaukie, OR 97267  
Legal Description: T2S, R1E, Section 12AD, Tax Lot 02701

This letter is in follow up to the exchange of emails regarding geese on the above referenced property.

The zoning applied to your property is District Urban Low Density Residential , Section 315 R8.5 of the Clackamas County Zoning and Development Ordinance. Livestock and poultry are allowed in this district subject to Section 821 (enclosed). This section states loud call fowl are not allowed and provides two options for fowl and rabbits in your zoning district:

*“Section 821.01(G) Roosters, peacocks, and any other fowl known for its loud call are prohibited. Other types of fowl, as well as rabbits, may be kept, subject to one of the following options:*

- 1. Hutches, coops, barns, or pens for any number of rabbits or fowl shall be located a minimum of 100 feet from any dwelling other than the dwelling of the owner of the subject property; or*
- 2. A maximum of six rabbits or fowl, other than their young under the age of 12 weeks, are allowed in hutches, coops, barns, or pens located behind the building line of the dwelling and a minimum of five feet from all lot lines. ...”*

The Planning and Zoning Division made a determination that geese are known for a loud call. Geese are not allowed in your zoning district. Please bring the subject property into compliance with Section 821 **no later than March 29, 2023**. Please call to schedule an inspection to confirm compliance.

If you have any questions concerning these conditions, you may contact the Planning and Zoning Division at 503-742-4500. Or, you may visit the County’s offices at 150 Beaver Creek Road, Development Services Building, Oregon City. The lobby hours are open between the hours of 8 a.m. to 4 p.m., Monday, Tuesday, Thursday. The Building is

closed to the public on Wednesdays and Fridays. You are encouraged to take advantage of the services available online, by phone or by email. It is recommended that you check the Clackamas County webpage for hours of operation before visiting.

If you need to contact me, my direct telephone number is 503-742-4457 or email [kimben@co.clackamas.or.us](mailto:kimben@co.clackamas.or.us).

Thank you for your attention to this matter.

A handwritten signature in black ink, appearing to read 'Kimberly Bentin', is positioned above the typed name.

Kimberly Bentin  
Code Enforcement Specialist  
Code Enforcement Section

## Important Notices

1. **Administrative Compliance Fees.** It is important that you contact the Code Enforcement Section to resolve the violations described in the enclosed letter. **An administration compliance fee of \$75 will now be assessed monthly until the violations are abated.**
  
2. **Failure to resolve those violations may result in one or more of the following:** (1) a citation and fine, and (2) referral of this matter to the County Code Enforcement Compliance Hearings Officer.
  
3. **Request for a Hearing:** If you dispute the existence of the violations described in the enclosed letter you may request a hearing before the Hearings Officer by sending a written request for a hearing, including your name and address to: Code Enforcement Section, 150 Beaver Creek Rd., Oregon City, OR 97045, or at [codeenforcement@clackamas.us](mailto:codeenforcement@clackamas.us).
  
4. **Potential Fines and Penalties:** The Clackamas County Code provides for Citation fine amounts of up to \$500 and additional civil penalties imposed by the Hearings Officer of up to \$3,500 for each day the County verifies the noncompliance. Fine amounts and civil penalties may be assessed for each cited violation and may be assessed separately against each named party. In addition, the Hearings Officer may order the violation to be abated by the County at the expense of the property owner(s) and responsible parties.
  
5. **Voluntary Compliance:** 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 in its discretion waive all or part of the \$75 per month administrative fee.
  
6. **Non-Compliance may result in a lien upon your property:** 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.
  
7. **Final Order may be enforced in Circuit Court:** 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 which may result in additional penalties or other sanctions.
  
8. **Recurrences will result in additional Citations:** Finally, recurrences of abated violations may result in the issuance of a citation without prior notice.

# CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

## 821 LIVESTOCK

### 821.01 STANDARDS

Livestock shall be subject to the following standards:

- A. Livestock shall not be kept for commercial purposes.
- B. Livestock shall be properly caged or housed, and proper sanitation shall be maintained at all times.
- C. All livestock food shall be stored in rodent-proof receptacles.
- D. The keeping of swine is prohibited, except that the keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (*sus scrofa vittatus*) is permitted, subject to the following standards:
  1. The maximum height of each swine is 18 inches at the shoulder, and the maximum weight of each swine is 95 pounds.
  2. The swine shall be spayed or neutered.
  3. No more than two such swine may be kept on a lot of record for any period in excess of three calendar days.
- E. The minimum lot size for the keeping of cows, horses, and similar large livestock is one acre. Each of these animals, other than their young under the age of six months, shall be provided a minimum of 25,000 square feet of usable barn or pen area.
- F. Each goat, miniature horse, or sheep, other than their young under the age of six months, shall be provided a minimum of 10,000 square feet of usable barn or pen area.
- G. Roosters, peacocks, and any other fowl known for its loud call are prohibited. Other types of fowl, as well as rabbits, may be kept, subject to one of the following options:
  1. Hutches, coops, barns, or pens for any number of rabbits or fowl shall be located a minimum of 100 feet from any dwelling other than the dwelling of the owner of the subject property; or
  2. A maximum of six rabbits or fowl, other than their young under the age of 12 weeks, are allowed in hutches, coops, barns, or pens located behind the building line of the dwelling and a minimum of five feet from all lot lines.
    - a. All animal byproducts and waste shall be kept a minimum of five feet from all lot lines.
    - b. Hutches, coops, barns, and pens shall be enclosed on those sides that are not otherwise screened from adjacent lots by a sight-obscuring fence, wall, or hedge a minimum of six feet in height.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-268, 10/2/18]

**From:** [Darrah Dye-Meier](#)  
**To:** [Benthin, Kim](#)  
**Cc:** [Meier, Duane\\_SSG\\_USARMY\\_NG\\_ORARNG\\_USA](#); [My Husband](#); [ZoningInfo](#)  
**Subject:** Re: 3890 Sunset  
**Date:** Thursday, February 23, 2023 12:06:15 PM

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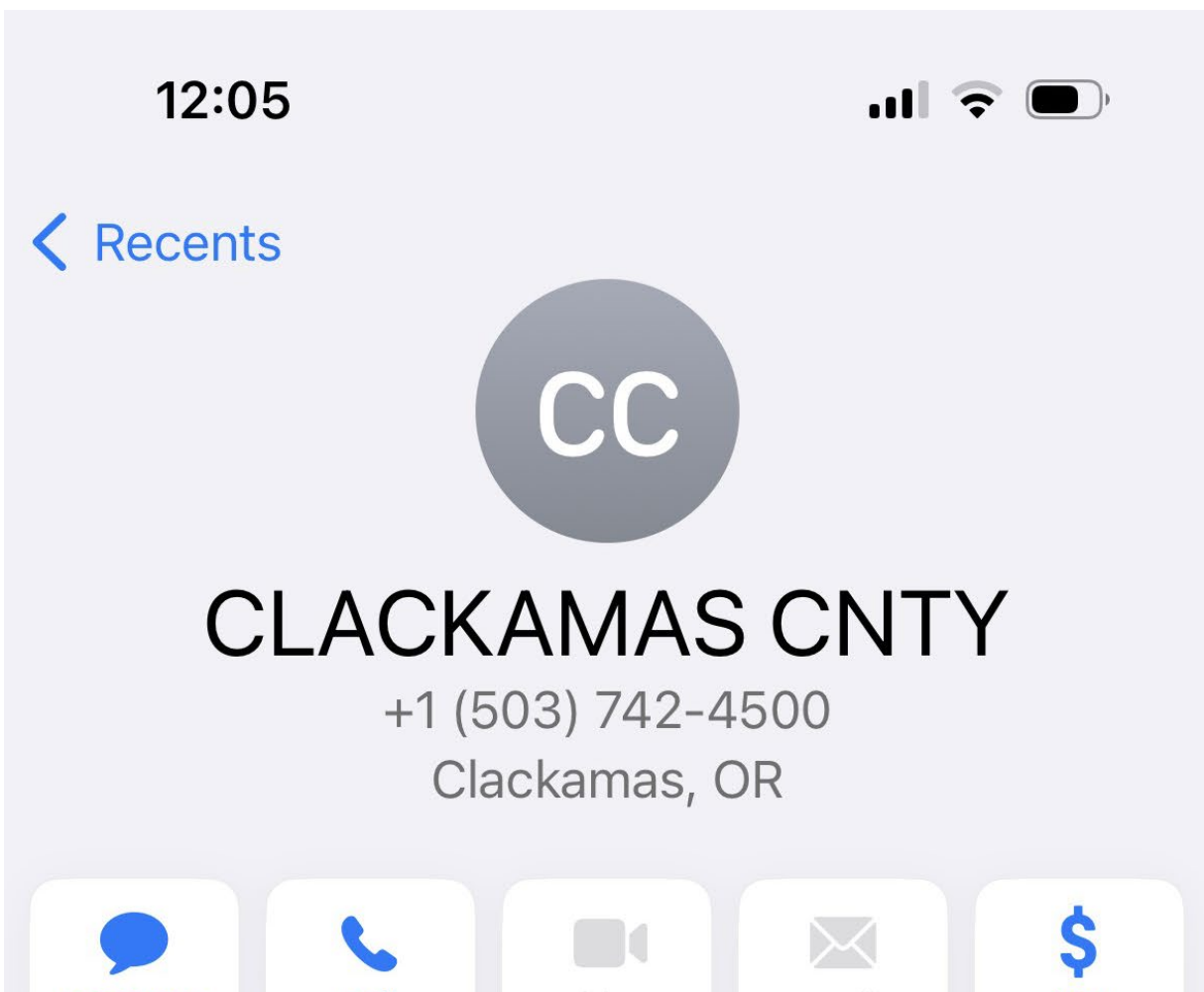
**Warning: External email. Be cautious opening attachments and links.**

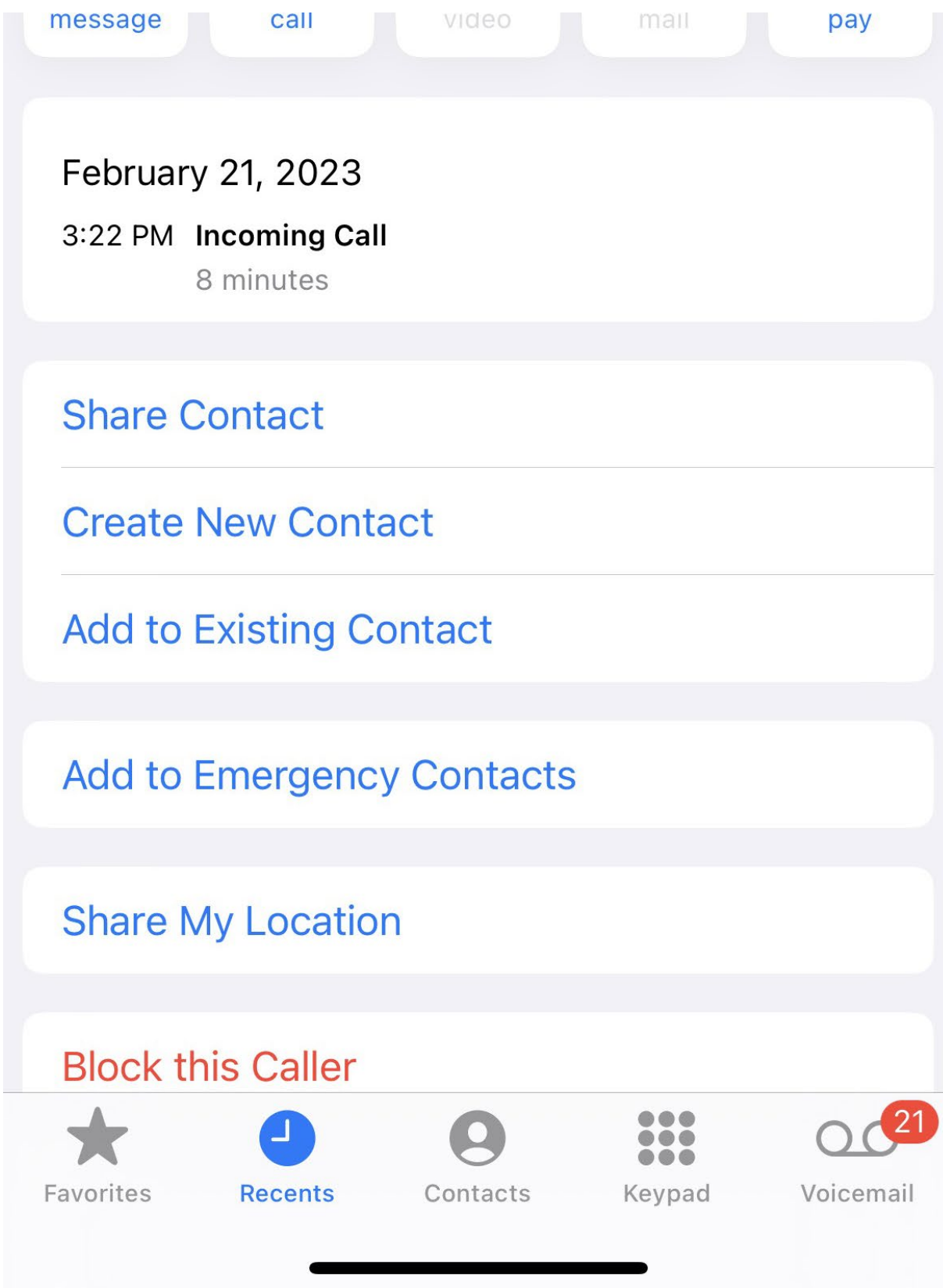
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Again, the documentation you've provided does not specify domestic geese that are pets. please show me where the code shows domestic breed geese as not prohibited.

These guidelines seem to be very vague when it comes to our situation and you have been very aggressive with how you've been giving us the information we are asking for. I do not understand why, but I also fail to see how our situation here is a violation anywhere in the information you've sent.

I received a phone call back from planning and zoning on Tuesday. I attached the call log I have.





On Thu, Feb 23, 2023 at 11:01 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

| Darrah,

I do not know who you and your husband spoke to in Planning. I can only tell you that the determination I have shared with you was made by the Director of Planning and Zoning. If the person in Planning directed you to send me a site plan for evidence of compliance – that was an incorrect path to compliance and I am sorry you were directed to do so.

The Zoning and Development Ordinance Section 821 does not apply differently to geese that are considered pets.

This is not related to Chapter 6.05 Noise Control Ordinance.

This is enforcement of the requirements of Section 821 of the Zoning and Development Ordinance.

No geese, no roosters, no peacocks.

I hope this helps your understanding.

Kimberly Benthin

503-742-4457

Clackamas County

**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>

**Sent:** Thursday, February 23, 2023 10:10 AM

**To:** Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>

**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA) <[duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>; ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)>

**Subject:** Re: 3890 Sunset

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As before, I mean no disrespect in saying any of this. I am simply trying to understand, so please help me.

I still fail to see where having two pet geese falls into this. I attached a photo of Wilbur and Greta so you can have a visual of them and understand better if needed.

Wilbur likes to snuggle and coo's at you to tell you thank you and he loves you. Greta is spicy and opinionated and very sweet.

They go to bed at six, in their safe house and they get up around 8. There is no noise ordinance during the day and except for the neighbors who have been harassing us for the past 5 years, none of our other neighbors even knew we had them until we spoke to them about it. They are cuddly and sweet and only make noise when threatened. Which four of our neighbors have been taunting them through the fence the past couple weeks to incite fear and make them call out. Each time I go out to calm them down when I hear them.

We have received no noise complaints or calls. We have spoken with other neighbors and they have no issues at all. So do you see how I am surprised that we get a letter about alleged code violations (again) and we do what you instructed us to do and spoke with someone. Told them all of this and more. And they advised us to inform you that a cite map showing our compliance to Section 821 is there. I told her I would email you and inform you that I was doing that and then two emails later we have a violation letter in the mail already?

Can someone please explain to me what is actually happening here? Our family is devastated trying to navigate keeping our pets. And I'd like to understand further.

Thank you for your time, all of you. I hope you're all safe from the ice! Stay warm!







On Wed, Feb 22, 2023 at 4:05 PM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Hello Duane and Darrah,

The process to bring the property into compliance is to remove the loud fowl, and to call me for an inspection to confirm compliance. Yes, the Zoning Ordinance does not specifically call out geese as it does for roosters and peacocks. It does state

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## Benthin, Kim

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**From:** ZoningInfo  
**Sent:** Monday, February 27, 2023 11:48 AM  
**To:** Darrah Dye-Meier  
**Cc:** Benthin, Kim; Meier, Duane SSG USARMY NG ORARNG (USA); My Husband  
**Subject:** RE: 3890 Sunset  
**Attachments:** General Land Use Application.pdf

The process for filing a Planning Director's Interpretation is to fill out the General Land Use application (attached) and provide enough documentation and information that we can review the criteria in the Zoning Code and make a land use determination. The land use application will be processed and entered into our electronic system when we receive the \$1,300 application review fee.

Please review ZDO Section 821 available [here](#) and ZDO Section 1308 available [here](#) and provide us with information that addresses all of the applicable criteria in those sections in addition to the underlying zoning district that is the R8.5 Zoning District that is subject to Section 315 of the ZDO available [here](#).

Sincerely,

Joy Fields, AICP,  
Sr. Planner  
Clackamas County DTD | Planning and Zoning Division  
150 Beavercreek Road | Oregon City, OR 97045  
503-742-4500  
[zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

*The Planning and Zoning public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m., and the public service lobby is open Monday, Tuesday and Thursday from 8:00 a.m. to 4:00 p.m.*

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**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Monday, February 27, 2023 9:59 AM  
**To:** ZoningInfo <ZoningInfo@clackamas.us>  
**Cc:** Benthin, Kim <KimBen@clackamas.us>; Meier, Duane SSG USARMY NG ORARNG (USA)

<duane.meier3.mil@army.mil>; My Husband <dmmeier66@gmail.com>

**Subject:** Re: 3890 Sunset

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What is the process for the interpretation filing? Our geese are not aggressive or mean or loud. I will be fighting this as not to devastate my family or send our pets to be killed. No one is taking foreign flock birds right now because of avian flu. They will be killed if we have to surrender them anywhere. You're asking me to kill our pets while we have worked hard to follow the guidelines provided in the code.

On account of the previous harassment we have had from Kim Benthin regarding the other claims our neighbors have put against us as well as the complaints we have filed, not being acted on, I will be filing to keep our pets who are much quieter than our neighbor who rides atv's up the street, verbally sexually harasses me in front of my children and is the ring leader for the harassment we have been under in our home for almost a calendar year which now includes the code enforcement department as a means for our neighbors to continue to harass us and cause me medical trauma from stress. Kim you have done nothing but add to this stress in the way you have chosen to aggressively and negatively bully us through these processes.

Kim, this email chain and the fact that zoning had to provide the details I kept asking for while you just bullied me into doing what you say with no details, proves your aggressive behavior to me. And throughout the past including threatening my husband's business.

Who may we speak to about this situation that is not you, Kim? Because I'm not going to put up with your treatment any longer. You have been rude and threatening all while we've just tried to navigate these processes and already spent thousands on issues in related even. I won't let myself be treated badly by you any longer and I wish to speak with someone else who can handle my claim more effectively.

Thank you. I look forward to hearing who I may contact for further help in code enforcement

On Mon, Feb 27, 2023 at 9:47 AM ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)> wrote:

Good morning,

Planning and Zoning staff conducted an immense amount of research in 2020 related to bird calls and created the attached implementation guidance for ZDO Section 821. This was sent to Kim Benthin last week and is what we are following for the interpretation of whether a particular type of bird has a loud call. Geese are not separated into categories and are treated as a singular group.

Therefore, Kim previously provided you options that appear to include:

1. You can remove the geese by the deadline provided in your violation notice and bring your property into compliance.

2. Since you appear to disagree that Section 821 applies to pet, domestic geese. You may file for an interpretation pursuant to ZDO Section 1308.02. This process requires an application, documents stating your case/argument and a fee, all to be submitted to Planning and Zoning. Please contact Planning and Zoning for more information.

3. You may request a code enforcement hearing for this violation file, and argue your case.

Sincerely,

Joy Fields, AICP,

Sr. Planner

Clackamas County DTD | Planning and Zoning Division

[150 Beaver Creek Road | Oregon City, OR 97045](#)

503-742-4500

[zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

*The Planning and Zoning public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m., and the public service lobby is open Monday, Tuesday and Thursday from 8:00 a.m. to 4:00 p.m.*

Were you happy with the service you received today?



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**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>  
**Sent:** Monday, February 27, 2023 8:51 AM  
**To:** Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA) <[duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>; ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)>  
**Subject:** Re: 3890 Sunset

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My last email should have said domestic geese do NOT have that type of call or behave in that way that wild Canadian geese do. The only honks are from predator alerts and even then they aren't as loud as your typical wild fowl.

I'd be happy to share more about geese and how beneficial they are and how smart they are and how much of a part of a family they become because of their ability to bond with humans and other animals.

I just don't see the violation or need for filing separate things if we've already been told by planning and zoning that we are ok and you're interpreting the code to apply in a very vague way. I'd like to hear from planning and zoning

On Mon, Feb 27, 2023 at 8:39 AM Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)> wrote:

I see the loud fowl part. Canadian geese have a call that can be heard for up to a mile. Domestic geese do it behave the same or have the same type of call. I'm not confused by that.

Please show me where it specifically says geese are not allowed? If it doesn't I assume the rules must be followed. Which we are. They are not loud. So I don't understand why this is happening and you're asking me to remove our family pets from our property even though we are following the rules.

I would like to hear from zoning and planning as we have already called and gotten our info and you are the only one stomping your feet about this. Please show me where GEESE, domestic geese that are hand fed and baby's and our pets, are not allowed.

If that's the case, how do people have ducks and chickens in our neighborhood?

On Mon, Feb 27, 2023 at 8:31 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Darrah,

I have not been aggressive in my responses to you and your husband's requests.

Regarding the documentation that you request it is provided in Section 821. The zoning ordinance specifically states that fowl known to have a loud call are prohibited in your zoning district. The Planning department determined that geese are among fowl that are known to have a loud call.

I believe these are your options:

1. You can remove the geese by the deadline provided in your violation notice and bring your property into compliance.
2. Since you appear to disagree that Section 821 applies to pet, domestic geese. You may file for an interpretation pursuant to ZD0 Section 1308.02. This process requires an application, documents stating your case/argument and a fee, all to be submitted to Planning and Zoning. Please contact Planning and Zoning for more information.
3. You may request a code enforcement hearing for this violation file, and argue your case.

Sincerely,

Kimberly Benthin

503-742-4457

Clackamas County



## Benthin, Kim

---

**From:** Benthin, Kim  
**Sent:** Tuesday, February 28, 2023 8:22 AM  
**To:** Darrah Dye-Meier  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA); My Husband; ZoningInfo  
**Subject:** RE: 3890 Sunset

Good morning Darrah,

Planning and Zoning has answered your question regarding the interpretation filing process.

I have not harassed you, bullied you, been aggressive or rude to you, nor have I threatened your husband's home occupation. I have provided information and answered you and your husband's questions to the best of my ability as a Code Enforcement Specialist.

All complaints that you and your husband submitted to Code Enforcement were reviewed and acted upon.

I provided to you the very same information that Planner Joy Fields provided to you. The interpretation guideline document that she attached to her email was not my document to share.

Code enforcement files are assigned by geography and topic. Your home is located in my district and so it is assigned to me. I spoke with my supervisor in regards to your request. The code enforcement process, the ordinance and geese determination remain unchanged. My supervisor declined your request for someone else to handle your file. She did suggest that if you mean to fight the violation you may request a hearing and present your argument to the hearings officer. You need only submit your request for a hearing in writing (email is fine) to me and we can set a date for the hearing. Hearings are held by zoom meetings – so it is easy to attend them.

If you were referring to your land use application when you state "handle my claim more effectively". Please know that if you choose to submit an interpretation, your planning application is handled completely by the Planning and Zoning Division. Once you submit the application packet and fee for the Planning Director's Interpretation your file is suspended from further enforcement until it is issued. Once the interpretation decision is received then the next steps for the enforcement file is determined.

It is difficult and can be painful for community members that must relocate animals due to violations of the Livestock code in the urban districts. I understand that the current avian flu may provide challenges. However, it also means that there is a lack of birds and chicks and therefore finding a home may prove to be less difficult.

Kimberly Benthin  
503-742-4457  
Clackamas County

**From:** ZoningInfo <ZoningInfo@clackamas.us>  
**Sent:** Monday, February 27, 2023 11:48 AM  
**To:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Cc:** Benthin, Kim <KimBen@clackamas.us>; Meier, Duane SSG USARMY NG ORARNG (USA)

## Benthin, Kim

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**From:** ZoningInfo  
**Sent:** Wednesday, March 1, 2023 12:30 PM  
**To:** Darrah Dye-Meier  
**Cc:** Benthin, Kim; Meier, Duane SSG USARMY NG ORARNG (USA); My Husband  
**Subject:** RE: 3890 Sunset

Good afternoon. The document that you were sent is not posted online. It is a guidance document for implementation of ZDO Section 821. As noted below, if you would like to request an interpretation of ZDO Section 821 – and particularly the “loud call” provision - you may do so through the process identified.

Martha

---

Martha Fritzie, Principal Planner  
Clackamas County DTD | Planning & Zoning Division  
150 Beaver Creek Road | Oregon City, OR 97045  
[mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)  
(503) 742-4529

*Working hours 7:30am to 6:00pm | Monday – Thursday*

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Please visit our [webpage](#) for updates on Planning services available online, service hours and other related issues.

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**From:** Darrah Dye-Meier [mailto:darrahdye@gmail.com]  
**Sent:** Wednesday, March 1, 2023 11:17 AM  
**To:** ZoningInfo <ZoningInfo@clackamas.us>  
**Cc:** Benthin, Kim <KimBen@clackamas.us>; Meier, Duane SSG USARMY NG ORARNG (USA) <duane.meier3.mil@army.mil>; My Husband <dmmeier66@gmail.com>  
**Subject:** Re: 3890 Sunset

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Could you please advise me as to where I would be able to access this file outside of this email?

I did my research before we decided to adopt them. I followed code guidelines and I never saw this form and I cannot find it anywhere online.

Thank you. I look forward to your response.

On Mon, Feb 27, 2023 at 9:47 AM ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)> wrote:

Good morning,

Planning and Zoning staff conducted an immense amount of research in 2020 related to bird calls and created the attached implementation guidance for ZDO Section 821. This was sent to Kim Benthin last week and is what we are following for the interpretation of whether a particular type of bird has a loud call. Geese are not separated into categories and are treated as a singular group.

Therefore, Kim previously provided you options that appear to include:

1. You can remove the geese by the deadline provided in your violation notice and bring your property into compliance.
2. Since you appear to disagree that Section 821 applies to pet, domestic geese. You may file for an interpretation pursuant to ZDO Section 1308.02. This process requires an application, documents stating your case/argument and a fee, all to be submitted to Planning and Zoning. Please contact Planning and Zoning for more information.
3. You may request a code enforcement hearing for this violation file, and argue your case.

Sincerely,

Joy Fields, AICP,

Sr. Planner

Clackamas County DTD | Planning and Zoning Division

[150 Beavercreek Road | Oregon City, OR 97045](https://www.clackamas.gov/150-Beavercreek-Road)

503-742-4500

[zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us)

*The Planning and Zoning public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m., and the public service lobby is open Monday, Tuesday and Thursday from 8:00 a.m. to 4:00 p.m.*

## Benthin, Kim

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**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Friday, March 17, 2023 1:09 PM  
**To:** Benthin, Kim  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA); My Husband; ZoningInfo  
**Subject:** Re: 3890 Sunset

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Kim, I did not contact you directly. I called the main code enforcement line listed. As I've expressed. I don't wish to work with you on our matters any longer because of the way in which you've treated my husband and myself.

Thank you. I will reach out to Michelle.

On Fri, Mar 17, 2023 at 7:17 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Darrah,

I apologize for your not getting a response. I did not get any messages from you. What number are you calling?

The Code Enforcement Supervisor is Michelle Amend. Her phone number is 503-742-4785.

Kimberly Benthin

503-742-4457

Clackamas County

**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>  
**Sent:** Friday, March 17, 2023 6:58 AM  
**To:** ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)>  
**Cc:** Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>; Meier, Duane SSG USARMY NG ORARNG (USA) <[duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>  
**Subject:** Re: 3890 Sunset

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I have left two messages. One last Thursday and one this Tuesday asking a supervisor from code enforcement to return my call. I haven't received any call back.

Could I please have the direct info for someone I may speak to. Thank you.

On Wed, Mar 1, 2023 at 12:30 PM ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)> wrote:

Good afternoon. The document that you were sent is not posted online. It is a guidance document for implementation of ZDO Section 821. As noted below, if you would like to request an interpretation of ZDO Section 821 – and particularly the “loud call” provision - you may do so through the process identified.

Martha

---

Martha Fritzie, Principal Planner

Clackamas County DTD | Planning & Zoning Division

[150 Beaver Creek Road | Oregon City, OR 97045](#)

[mfritzie@clackamas.us](mailto:mfritzie@clackamas.us)

(503) 742-4529

*Working hours 7:30am to 6:00pm | Monday – Thursday*

---

Please visit our [webpage](#) for updates on Planning services

available online, service hours and other related issues.

**Benthin, Kim**

---

**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Tuesday, March 21, 2023 11:55 AM  
**To:** Benthin, Kim  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA); My Husband; ZoningInfo  
**Subject:** Re: 3890 Sunset

**Warning: External email. Be cautious opening attachments and links.**

---

I will speak with Duane tonight. His schedule with the army has been changing often.

I can't commit to that date until we discuss our calendars. I will be in touch tomorrow

On Tue, Mar 21, 2023 at 11:12 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Good morning Darrah,

It is just as simple as emailing me and requesting a hearing.

Hearings are held via Zoom.

The next available hearing date is April 13.

Let me know if this date works for you.

Kimberly Benthin

503-742-4457

Clackamas County

**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>  
**Sent:** Tuesday, March 21, 2023 9:22 AM

To: Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>

Cc: Meier, Duane SSG USARMY NG ORARNG (USA) <[duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>; ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)>

Subject: Re: 3890 Sunset

**Warning: External email. Be cautious opening attachments and links.**

We would like to schedule a hearing. How do we do that?

On Fri, Mar 17, 2023 at 1:09 PM Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)> wrote:

Kim, I did not contact you directly. I called the main code enforcement line listed. As I've expressed. I don't wish to work with you on our matters any longer because of the way in which you've treated my husband and myself.

Thank you. I will reach out to Michelle.

On Fri, Mar 17, 2023 at 7:17 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Darrah,

I apologize for your not getting a response. I did not get any messages from you. What number are you calling?

The Code Enforcement Supervisor is Michelle Amend. Her phone number is 503-742-4785.

Kimberly Benthin

503-742-4457

Clackamas County

## Benthin, Kim

---

**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Wednesday, March 22, 2023 4:36 PM  
**To:** Benthin, Kim  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA); My Husband; ZoningInfo  
**Subject:** Re: 3890 Sunset

**Warning: External email. Be cautious opening attachments and links.**

---

I'm having a large medical procedure early on the 14th that will make me unavailable the 13th. I'm available the following week and willing to be flexible then.

I would like to attend. Please let me know what other dates are available.

On Wed, Mar 22, 2023 at 4:33 PM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Darrah,

The Zoom hearings typically take no longer than 20 minutes. You are not even required to attend. If you wish, you may submit documents and your testimony in writing.

The zoom hearings are quite convenient because you can attend them easily from any location via a phone or computer. They are typically held between 9:30 and 1:00pm.

Currently there are openings on April 13 after 11:00am.

Hearings are usually set like court cases, at the convenience of the Judge or Hearings Officer.

However, I am trying to accommodate your schedule. Is there a time after 11:00am that will work for you?

Kimberly Benthin



503-742-4457

Clackamas County

**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>  
**Sent:** Wednesday, March 22, 2023 8:04 AM  
**To:** Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA) <[duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>; ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)>  
**Subject:** Re: 3890 Sunset

**Warning: External email. Be cautious opening attachments and links.**

---

I cannot do the 13th

What are our other options?

What time of day would it be?

On Tue, Mar 21, 2023 at 11:55 AM Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)> wrote:

I will speak with Duane tonight. His schedule with the army has been changing often.

I can't commit to that date until we discuss our calendars. I will be in touch tomorrow

On Tue, Mar 21, 2023 at 11:12 AM Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)> wrote:

Good morning Darrah,

## Benthin, Kim

---

**From:** ZoningInfo  
**Sent:** Friday, March 24, 2023 3:31 PM  
**To:** Darrah Dye-Meier; ZoningInfo  
**Cc:** Benthin, Kim; Meier, Duane SSG USARMY NG ORARNG (USA); My Husband  
**Subject:** RE: 3890 Sunset - Geese  
**Attachments:** Geese Noise.pdf

Good afternoon,

Lucky for you, the geese research is less than 20 MB so here is the research for geese alone.

I hope you and your family get better soon.

Sincerely,

Joy Fields,

Planning and Zoning | Clackamas County Department of Transportation & Development  
Development Services Building | 150 Beaver Creek Road | Oregon City, OR 97045 | 503-742-4500

*The Planning and Zoning public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m., and the public service lobby is open Monday, Tuesday and Thursday from 8:00 a.m. to 4:00 p.m.*

Were you happy with the service you received today?



CLICK A SMILEY

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Friday, March 24, 2023 2:52 PM  
**To:** ZoningInfo <ZoningInfo@clackamas.us>  
**Cc:** Benthin, Kim <KimBen@clackamas.us>; Meier, Duane SSG USARMY NG ORARNG (USA) <duane.meier3.mil@army.mil>; My Husband <dmmeier66@gmail.com>  
**Subject:** Re: 3890 Sunset - Geese

---

**Warning: External email. Be cautious opening attachments and links.**

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---

Thank you for responding.

I appreciate the guidance here.

My youngest tested positive for Covid today (her teacher had it last week). So I won't be able to come in person.

Can I make this a formal request to have all research related to geese pulled for me and available for someone else to pick up? Or mailed to me?

Thank you. Happy Friday

On Fri, Mar 24, 2023 at 9:57 AM ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)> wrote:

Good morning,

Many of the files referenced in this research are too large to email. You can submit a records request to the Planning and Zoning Division to get copies of all of the research, or you can come by the office when we are open (hours below) and look at it all with staff and then request hard copies, or electronic copies, of the items you identify as the ones you would like to have copies of.

Sincerely,

Joy Fields,

Planning and Zoning | Clackamas County Department of Transportation & Development

Development Services Building | [150 Beaver Creek Road](#) | [Oregon City, OR 97045](#) | 503-742-4500

*The Planning and Zoning public service telephone line at 503-742-4500 and email account at [zoninginfo@clackamas.us](mailto:zoninginfo@clackamas.us) are staffed Monday through Thursday from 8:00 a.m. to 4:00 p.m. and Friday from 8:00 a.m. to 3:00 p.m., and the public service lobby is open Monday, Tuesday and Thursday from 8:00 a.m. to 4:00 p.m.*

Were you happy with the service you received today?



CLICK A SMILEY

Follow Clackamas County: [Facebook](#) | [Twitter](#) | [YouTube](#) | [Nextdoor](#)

**From:** Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)>

**Sent:** Thursday, March 23, 2023 4:29 PM

**To:** Benthin, Kim <[KimBen@clackamas.us](mailto:KimBen@clackamas.us)>

**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA) <[duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)>; My Husband <[dmmeier66@gmail.com](mailto:dmmeier66@gmail.com)>; ZoningInfo <[ZoningInfo@clackamas.us](mailto:ZoningInfo@clackamas.us)>

**Subject:** Re: 3890 Sunset

---

**Warning: External email. Be cautious opening attachments and links.**

---

Good Afternoon.

Would like access to the articles and blogs referenced in this research please.

Thank you.

## Benthin, Kim

---

**From:** Benthin, Kim  
**Sent:** Monday, March 27, 2023 8:36 AM  
**To:** 'Darrah Dye-Meier'  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA); My Husband; ZoningInfo  
**Subject:** RE: 3890 Sunset

Darrah,

I was not working on the day you sent the email below.  
However, it appears that you received your answer from Planning and Zoning, on Friday as well.

If you have additional questions please let us know!

Kimberly Benthin  
503-742-4457  
Clackamas County

**From:** Darrah Dye-Meier <darrahdye@gmail.com>  
**Sent:** Friday, March 24, 2023 9:10 AM  
**To:** Benthin, Kim <KimBen@clackamas.us>  
**Cc:** Meier, Duane SSG USARMY NG ORARNG (USA) <duane.meier3.mil@army.mil>; My Husband <dmmeier66@gmail.com>; ZoningInfo <ZoningInfo@clackamas.us>  
**Subject:** Re: 3890 Sunset

---

**Warning: External email. Be cautious opening attachments and links.**

---

I'm asking again for the referenced items in the document I received for the non scientific research that was done in 2020.

The document sent that referenced these should be publicly accessible. Otherwise how are we to even know? I did my research. This form and the research with it seem to be a secret. A secret which is now endangering my pets.

I am asking for the research material listed in the document outlining the loud call and the specification of geese not being permitted.

If I don't have access to this info, please tell me.

On Thu, Mar 23, 2023 at 4:55 PM Darrah Dye-Meier <[darrahdye@gmail.com](mailto:darrahdye@gmail.com)> wrote:

I would like access to the information listed in the document that was provided to me as the reasoning for this to even be under consideration in the first place.

**Benthin, Kim**

---

**From:** Meier, Duane SSG USARMY NG ORARNG (USA) <duane.meier3.mil@army.mil>  
**Sent:** Monday, March 27, 2023 8:38 AM  
**To:** Benthin, Kim  
**Subject:** Automatic reply: 3890 Sunset

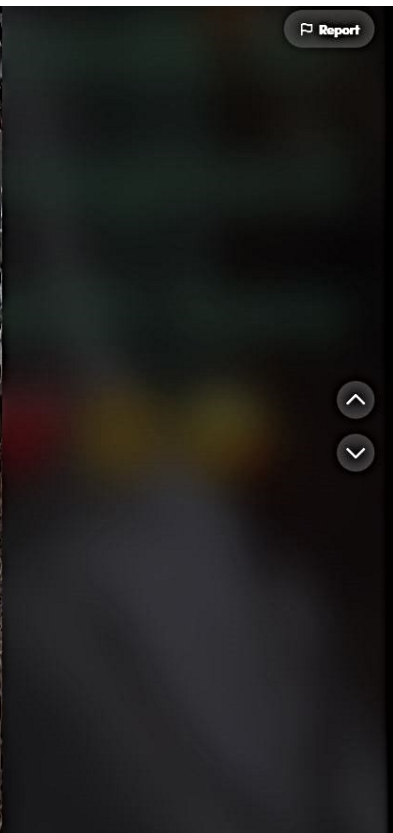
**Warning: External email. Be cautious opening attachments and links.**

---

I am on leave 27-29 March. I will be back in office Thursday 30 March.

Respectfully,

SSG Duane Meier  
HHC 741 BEB SNCO  
(O) (971) 355-1824  
(C) (724) 954-4362  
(E) [duane.meier3.mil@army.mil](mailto:duane.meier3.mil@army.mil)  
(PE) dmmeier66@gmail.com



**spicywitchmama**  
Darrah Dye-Meier · 2-22

Greta and Wilbur's final home upgrade is going in to stage 3 this weekend. I love caring for and receiving pure love from these never imagined I'd have pet geese! #grow #heal #myvoice #loveisnottheproblem #mothergoose #witch #nature

🎵 original sound - jen

👍 17    💬 2

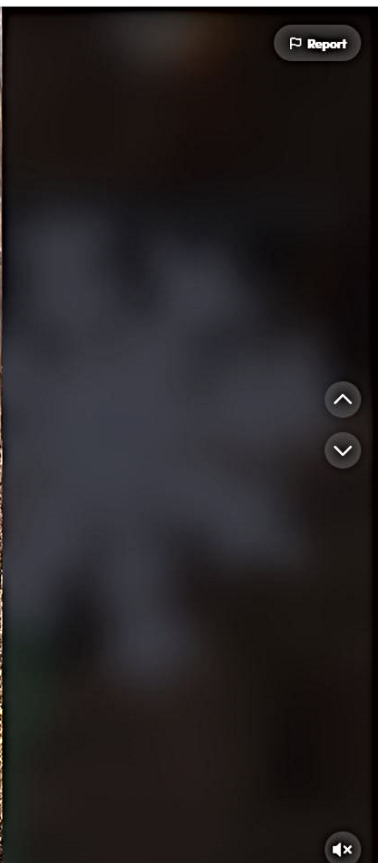
<https://www.tiktok.com/@spicywitchmama/video/72030473...> Cop

**Darrah Dye-Meier · Creator**  
Geese can be very protective of their flock (us people too) but these guys are so sweet! Not bird vipers like @dadpool3843 may say 😊

2-22 Reply

**Duane Meier**  
Cobra chicken 🤔😘

2-23 Reply



**spicywitchmama**  
Darrah Dye-Meier · 3-23

Please help my geese! Drop your comments id why dimesic geese are so soecial to tou! Share! Like. Please help me out. #mothergoose #goose #goosetok #geeseoftiktok #gender #chinese goose #americanbuffgoose #rescue #petrescue more

🎵 War - Hypnotic Brass Ensemble

👍 36    💬 3

<https://www.tiktok.com/@spicywitchmama/video/72138935...> Copy link

**Joseojeda**  
sad 😞

3-28 Reply    ❤️ 1

**angie**  
was this reported by your kind neighbors?

3-23 Reply    ❤️ 1

**Darrah Dye-Meier · Creator**  
You guessed it! 😊

3-23 Reply    ❤️ 1

Log in to comment

I have a hearing coming up with the county to determine if we get to keep our two pets! Wilbur and Greta have seen a lot of life and I promised to protect them!

TikTok @spicywitchmama

Report

**spicywitchmama**  
Darrah Dye-Meier · 3-23

Please help my geese! Drop your comments so social to you! Share! Like. Please #mothergoose #goose #goosetok #geese #chinesegoose #americanbuffgoose #

♪ War - Hypnotic Brass Ensemble

36 3

<https://www.tiktok.com/@spicywitchmama/>

**Joseojeda**  
sad 😞  
3-28 Reply

**angie**  
was this reported by your kind r  
3-23 Reply

**Darrah Dye-Meier · Cre**  
You guessed it! 😊  
3-23 Reply

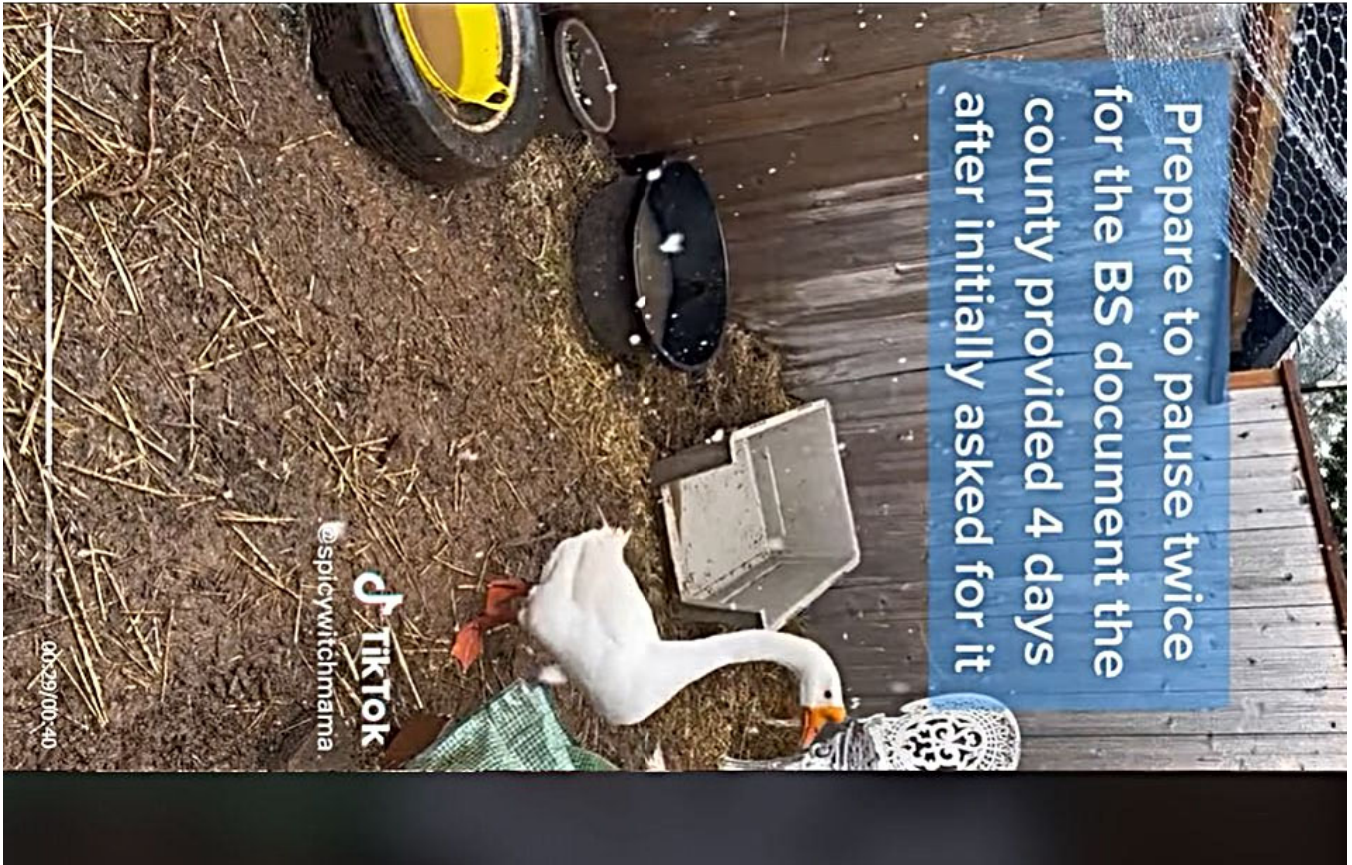
Log in to comment

We are following code and there is no publicly accessible document where we would have known this research existed.

TikTok @spicywitchmama

Report





**CLACKAMAS COUNTY**

Clackamas County Planning and Zoning Division  
 Department of Transportation and Development  
 Development Services Building  
 150 Beaver Creek Road | Oregon City, OR 97045  
 503-742-4500 | zoninginfo@clackamas.us  
 www.clackamas.us/planning

---

**ZONING AND DEVELOPMENT ORDINANCE (ZDO) IMPLEMENTATION GUIDANCE:**

<b>APPLICABLE ZDO SECTION(S):</b> 821	<b>STAFF:</b> Glen Hamburg and Jennifer Hughes	<b>Date:</b> 2/19/20
--	--	----------------------

**QUESTION:** What types of fowl are allowed or prohibited by ZDO Section 821?

**RESPONSE:** Roosters and peacocks are prohibited. In addition, refer to the attached table for fowl that are allowed (not known for its loud call) or prohibited (known for its loud call). This list does not identify all types of fowl that may be allowed or prohibited; however, the same general methodology as was used to complete the attached table will be used to make the determination if the keeping of other types of fowl is proposed.

**DISCUSSION:** ZDO 821.01(G) states, "Roosters, peacocks, and any other fowl known for its loud call are prohibited. Other types of fowl, as well as rabbits, may be kept..."

Staff was unable to locate scientific comparisons of the loudness of various pet fowl, but since the question is whether a species is "known" for a loud call, the answer does not require a technical assessment of birdcall decibel levels. Instead, staff browsed various articles and blogs that describe and discuss the noise characteristics of various birds that Code Enforcement staff have identified as being kept in areas subject to ZDO 821. For reference, those articles and blogs are saved with this Implementation Guidance.

**RELATED ZDO PROVISION(S):** N/A

**DISCLAIMER:** This is ZDO implementation guidance only and is subject to change based on changes to state law, future legislative amendment of the ZDO, decisions of courts or administrative tribunals, or quasi-judicial land use decisions. This is not a final use decision as defined by Oregon Revised Statutes 197.015(10). Application for a formal interpretation of the ZDO may be made pursuant to ZDO 1308.

**KEYWORDS:** birds, fowl, livestock

Report

00:35/00:40

**spicywitchmama**  
 Darrah Dye-Meier · 3-22

Please help my geese! Drop are so soocial to tou! Share!  
 #mothergoose #goose #go #chinesegeese #americant

War - Hypnotic Brass En

36 3

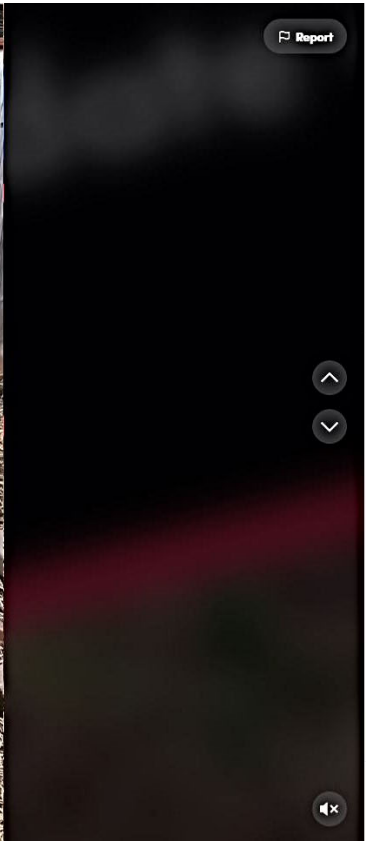
<https://www.tiktok.com/@spicywitchmama>

**Joseojeda**  
 sad 😞  
 3-28 Reply

**angie**  
 was this reported by  
 3-23 Reply

**Darrah Dye-Meier**  
 You guessed it!!  
 3-23 Reply

Log in to comment



**spicywitchmama**  
Darrah Dye-Meier · 4d ago Follow

Just a little garden clean up day! I cant wait to see it done! #metime #nature #garden #grow #beauty #natural #landscape #chaosgardening #with #growfood #myvoice #healing #learning #heal #mypath #stronger #peace #reset #myspace

🎵 Little Things - Tiaqta

👍 39 💬 5

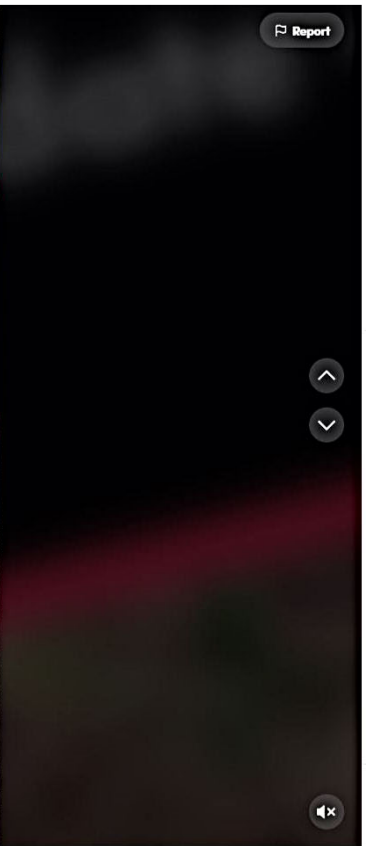
<https://www.tiktok.com/@spicywitchmama/video/72253031...> Copy link

**SmokingEmbers**  
Nice!!!  
4d ago Reply 👍 1

**Darrah Dye-Meier · Creator**  
It's getting better!  
1d ago Reply 👍 1

View more replies (3) ▾

[Log in to comment](#)



**spicywitchmama**  
Darrah Dye-Meier · 4d ago Follow

Just a little garden clean up day! I cant wait to see it done! #metime #nature #garden #grow #beauty #natural #landscape #chaosgardening #with #growfood #myvoice #healing #learning #heal #mypath #stronger #peace #reset #myspace

🎵 Little Things - Tiaqta

👍 39 💬 5

<https://www.tiktok.com/@spicywitchmama/video/72253031...> Copy link

**SmokingEmbers**  
Nice!!!  
4d ago Reply 👍 1

**Darrah Dye-Meier · Creator**  
It's getting better!  
23h ago Reply 👍 1

View more replies (3) ▾

[Log in to comment](#)



Citation No. 23005-1

Case No. V0000523

# ADMINISTRATIVE CITATION

Date Issued: May 1, 2023

**Name and Address of Person(s) Cited:**

Name: Duane Michael Meier and Darrah A Dye  
Mailing Address: 3890 SE Sunset Ct.,  
City, State, Zip: Milwaukie, OR 97267

Date Violation(s) Confirmed: On the 22<sup>nd</sup> day of February, 2023, 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): 3890 SE Sunset Ct., Milwaukie, OR 97267

Legal Description: T2S, R1E Section 12AD, Tax Lot 02701

**Law(s) Violated**

- Chapter 7.03 of Clackamas County Code, Road Use, Section
- Chapter 9.01 of CCC Uniform Code for the Abatement of Dangerous Buildings, Section
- Chapter 9.02 of CCC Application and Enforcement of the Clackamas County Building Code, Section 9.02.040,
- Chapter 9.03 of CCC Excavation and Grading, Section
- Chapter 10.03 of CCC Solid Waste and Wastes Management, Section 10.03.060 (A,B,C)
- Title 12 and 13 of CCC Zoning and Development Ordinance, Sections 821 and 315
- Other law: \_\_\_\_\_

**Description of the violation(s):**

- 1) Geese remain on the subject property. Geese, fowl known for their loud call, are prohibited per Section 821.

Maximum Civil Penalty \$2500.00                      Fine \$400.00

You may avoid paying the civil penalty by abating the violation(s) and paying a total fine of \$400.00. 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: Kimberly Benthin  
Telephone No.: 503-742-4457

Date: May 1, 2023  
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 Beaver Creek 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 or sent to [codeenforcement@clackamas.us](mailto:codeenforcement@clackamas.us).

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

- a. Your name and address;
- b. A copy of the citation or the Citation No. and Case No.; and,
- 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: \_\_\_\_\_

Violation File # : V0000523