

**COLUMBIA COUNTY LAND DEVELOPMENT SERVICES  
BOARD OF COUNTY COMMISSIONERS  
STAFF REPORT**

March 10, 2021

**LDS FILE NUMBER:** 192-18-000046-NVST

**CASE NO:** 20-CV28801

**FORECLOSURE LIST NO:** 20-018

**TAX ACCOUNT NO:** 8186

**TAX MAP ID:** 4227-C0-00700

**PROPERTY OWNER(S):** Daniel W. Langshaw and Denine C. Langshaw  
31384 Wildwood Drive  
Scappoose, OR 97056

**PROPERTY LEESEE/OCCUPANT:** Carl Dean Peterson

**PROPERTY LOCATION:** 31384 Wildwood Drive  
Scappoose, OR 97056

**ZONING:** (RR-5) Rural Residential – 5

**SIZE:** 5.00 acres

**REQUEST:** Public Hearing: To Determine If the Property is Subject to Waste and/or Abandonment pursuant to Board Ord. 2016-6.

**BACKGROUND / HISTORY:**

On **January 25, 2018**, Columbia County Land Development Services received a complaint regarding the subject property (Exhibit A). The complaint describes that “this property is littered with garbage thru out. They are dismantling vehicles within 10 feet of Scappoose Creek and are just letting fluids drain into creek”.

On **June 12, 2019**, staff conducted a site visit with Chris Papinsick from DEQ and Deputy Dave Peabody from the Columbia County Sheriff’s office. Staff observed 17 junk vehicles, 4 RV's, 2 shipping containers filled with junk, 1 abandoned mobile home filled with trash and hundreds of used tires and car parts everywhere (Site photos can be found in Attachment 1).

On **June 14, 2019**, staff mailed a Compliance Order (Exhibit B) to Daniel Langshaw (owner) and Carl Peterson (Lessee and Occupant). The order stated that Langshaw and Peterson must establish a compliance action plan by July 15, 2019. It described the need to address Violations of Columbia County Zoning Ordinance Section 100.50 (Junk Yard) and violation of Section 600 (RR-5) for operation of a wrecking yard, RV occupancy, and accumulation of solid waste (Tires, car parts, household waste).

On **July 12, 2019**, staff conducted a site visit with Building Official, Suzie Dahl, and posted the manufactured home as Do Not Occupy and posted the property as action required. Site was in a similar condition as on previous visits. Another motor home was present on the property that was not there during the June 12, 2019 site visit. Staff spoke with Carl Peterson and he said he is working on the cleanup. (Site photos can be found in Attachment 2).

On **July 29, 2019**, staff conducted a site visit, Carl Peterson was not there. Things have been shuffled around the property and it appeared as if Mr. Peterson was actively dismantling an older motor home on the property. The property is still in major disrepair. Staff spoke with a lady (Did not get name) and told her that Mr. Peterson needs to focus on all of the junk and cars that are on the lower level by the creek moved up to the upper levels of the property. She said she has been helping him clean up and that she would relay the message.

On **August 14, 2019**, staff visited the property. An RV was actively being dismantled on the property. Mr. Peterson claimed he was trying to remove the remnants.

On **October 10, 2019**, staff entered the following information into the record:

- Have follow-up site visited this property a number of times, most of the material has been removed from low lying floodplain, riparian area.
- It's clear that the person(s) on the property have no intention of leaving or complying with direction given by Land Development Services staff.
- Through investigation, information was identified in which SELCO was briefly in an ownership status of this property but abdicated ownership and vacated all interest back to Daniel Walter Langshaw. SELCO collections manager, Karrely Payne, stated that they sent staff to look at property and saw the condition which initiated the release of ownership interest. Mrs. Payne also provided information regarding the 'squatter' Carl Dean Peterson who staff have met on the site many times. He previously claimed that he was just staying on the property, but in fact he has a signed lease agreement from Daniel Langshaw; that agreement is included in the record file and dated September 2, 2014. In addition, staff has discovered that on October 1, 2014, a trust agreement (Daniel Walter Langshaw Living Trust) was executed between Daniel Walter Langshaw and Carl Dean Peterson. The trust agreement lists Carl Dean Peterson as the beneficiary upon Daniel Walter Langshaw's death. The trust agreement is included in the record file. Due to that discovery, staff believes it is logical in lieu of not being able to locate Daniel Langshaw enforcement actions begin against Mr. Carl Peterson specifically.

On **October 17, 2019**, staff conducted a site visit at 1:00 p.m. Staff spoke with Carl Peterson who stated that he is the lease holder of the property. He claimed that Daniel Langshaw left a few years ago and his whereabouts are unknown. The property condition improved on the lower portion, with materials, junk and scrap mostly removed from floodplain/riparian/wetland area. The rest of the property is in very poor condition - there is clear indication of burn piles that include fiberglass, foams, plastics and other items. Scrap, junk, trash, tires are scattered everywhere; some of this material is clearly being buried. There are at least six dismantled and inoperable vehicles on the property, a large U-Haul van, three RVs, one of which is occupied by a female on the lower portion of the property. The manufactured home is on its way

to a total loss. It appears that the lessee, Carl Peterson, has been burning and burying tires, junk, and trash on some portions of the property for some time.

Carl Peterson was informed that he does not have approval for a junk/scrap yard for this property and that enforcement will escalate if he continues. Staff communicated to Mr. Peterson to stop receiving new vehicles and material and to stop the burning of trash and junk. (Site photos can be found in Attachment 3).

On **October 23, 2019**, citation #1527 (Exhibit C) was issued to Carl Peterson with a December 11, 2019, court date. Mr. Peterson was cited for the following code violations:

- Columbia County Zoning Ordinance, Section 100.50, Junkyard.
- Columbia County Zoning Ordinance, Section 600 for no scrap/junkyard approval and no more than one dwelling allowed.
- Columbia County Solid Waste Ordinance, Section 7.01, Creation of Nuisance By Accumulation of Solid Waste Prohibited and Section 7.02, Unauthorized Dumping Prohibited for the accumulation, storage, disposal and burying of solid waste.

On **December 11, 2019**, Columbia County Justice Court found Carl Peterson guilty. A fine of \$1,010.00 was issued to Mr. Peterson.

On **December 16, 2019**, two email complaints were received (Exhibit D). The first email stated that a lady was arrested at the Wildwood property, she was creeping around in the brush on the hill above our house. She said she was lost, our neighbor, told her she better get off the property or he would call 911. She then disappeared into the woods. Less than an hour later he found her trying to start a fire near one of his outbuildings. She has been arrested once before for trespassing on his property. He has video that show she was creeping around his home 8 hours one night. She drives a white mustang, I don't know if they impounded her car but they did find meth and other drugs. "Any timeline on the Wildwood Drive property? I feel sorry for the landowner that has to drive over the bridge past all of the stripped vehicles to get to his home. They are still cutting up metal inside one of containers on the property. It's getting worse and I'm worried that someone is going to get hurt or shot. The second email complaint stated "One of our neighbors, Dave Clark, noticed a collection of oil in the creek that they think is coming from the property on Wildwood Drive. He is available to show you, he is directly across the highway from this property. Before I send an email to DEQ you guys may want to check it out. It is located off Scappoose/Vernonia Hwy between Sierks Rd and Pioneer Rd where the creek is closest the road. There is a gray house on the left side and a tire swing that hangs above the creek. I will try and attach the photo that was taken. There appear to be more people camping there and burning used oil and wood in the driveway".

On **January 24, 2020**, Staff contacted the Columbia County Justice Court regarding the fines issued to Mr. Peterson and was informed that \$1,010.00 in fines will be sent to collections against Peterson.

On **March 13, 2020**, staff sent a records request to Oregon Vital Records to ascertain whether or not Daniel W. Langshaw has a filed death certificate in the last 10 years in Columbia and Multnomah Counties. There were no records on file. Staff noted that they needed to continue to identify how they can start a solid waste abatement proceeding without the known whereabouts of Daniel Langshaw. Staff also submitted a missing person's report to the Columbia County Sheriff's Office for Daniel Walter Langshaw.

On **April 29, 2020**, staff contacted the Sheriff's Office to inquire about the Missing Person request that had been filed on March 13, 2020. Staff was informed that there was no record. Based on this information, staff contacted the non-emergency dispatch number and spoke with a Columbia 911 representative and reported another Missing Person request for Daniel Walter Langshaw of 31384 Wildwood Drive, Scappoose.

On **May 13, 2020**, staff received an email (Exhibit E) from Ronald Sarayudej from the Oregon Health Authority that Daniel Walter Langshaw passed away in Clackamas County on April 29, 2020. The compliance file record now has confirmation that both Daniel and Denine Langshaw are deceased. The property now appears to be controlled by Carl Peterson.

Staff also verified with Columbia County Clerk that Denine Christine Langshaw was reported as deceased on April 4, 2005.

Staff also contacted the Columbia County Justice Court and verified that Carl Peterson had not paid the fines from the December 11, 2019, court appearance. The fines have been turned over to collections.

On **June 8, 2020**, staff conducted a site visit and spoke to Mr. Peterson. The site has accumulated new RV's, and additional junk and cars that were not there at the last visit. Staff again directed Mr. Peterson to continue clearing out the lower section of the property near the creek first. Mr. Peterson also stated that he was aware that Daniel Langshaw recently passed away and that the property was now his and that his goal was to clean the place up and sell it so he could purchase some flatter land.

On **June 24, 2020**, staff conducted a site visit and was unable to make contact with Mr. Peterson. No progress had been made in bringing the property into compliance. It appeared that additional vehicles have arrived on-site. Photographs were taken and added to the file (Attachment 4).

On **July 6, 2020**, staff conducted a site visit and discussed with Mr. Peterson the progress he needs to make and to continue getting items out of the lower area near creek. Took photos of the site for the file (Attachment 5).

On **August 12, 2020**, Staff conducted a site visit and talked with Carl Peterson. Staff asked Mr. Peterson if the cars on the trailers out by the road are being moved in or out. He said out and that they came from the area down by the creek. Staff took photos of the site for the file (Attachment 6).

On **September 29, 2020**, due to delinquent ad valorem real property taxes, Columbia County began the foreclosure process on the property commonly known as 31384 Wildwood Drive, Scappoose, Oregon 97056 and legally described on Exhibit F. Exhibit F also includes the Vicinity Map, Assessors Map and the 2018 Aerial Photo).

On **November 3, 2020**, a complaint was received concerned with the vehicles encroaching into the roadway and creating a safety danger in addition to being an eyesore. Staff followed up the complaint and conducted a site visit and took pictures (Attachment 7) of the vehicles and trailers parked out along the Scappoose Vernonia Highway. Staff spoke on-site with a gentleman who stated his name was George Saloom, a friend of Carl Peterson who is helping him cleanup the property. He stated that Mr. Peterson was not present and had gone to town. Staff walked out to view the vehicles being stored along the roadway. Staff made it clear to Mr. Saloom that Mr. Peterson needed to address this issue. Staff provided a business card to Mr. Saloom to present to Mr. Peterson so he knew staff had been there and he could call staff with questions.

On **November 4, 2020**, an anonymous complaint was received concerning the vehicles parked along the roadway.

On **November 6, 2020**, staff conducted site visit and spoke with George Saloom the friend of Carl Peterson helping him clean up the site. Mr. Saloom stated that he had informed Mr. Peterson that staff had been there earlier in the week and requested that he remove the vehicles, RV and trailers off of the ROW of the Scappoose Vernonia Highway. Nothing had been done since staff was last there. Mr. Saloom did say he had called the owner of the white van and told him he needed to remove it ASAP. He also stated that two of the pick-ups down by the creek are his and he would remove them as well. He said he will make substantial progress cleaning up the area down by the creek in the next week. (See Attachment 8 for Site Photos).

On **December 3, 2020**, staff conducted a site visit and took pictures of the site from specific locations to document whether improvements were actually being made or items were just being shuffled around on the site. Staff in reviewing the site, has concluded that improvements have not been made and the condition of the site has worsened. In fact, additional vehicles have been parked/abandoned along the Scappoose Vernonia Highway. (See Attachment 9 for Site Photos).

On **December 9, 2020**, staff received an additional complaint by phone on the vehicles parked along the roadway as well as the condition of the property and the concern of contaminants entering the creek. The complainant indicated that he was representing 4-5 property owners in the area that drive by this site frequently.

On **January 28, 2021**, the Department of Environmental Quality sent a Pre-Enforcement Notice to Carl Dean Peterson informing him of the violations and concerns found during their inspection and follow up documentation that DEQ has received.

On **February 9, 2021**, Staff conducted a site visit. Staff posted the Notice of Hearing to Determine Acceleration of Redemption Period (Exhibit G). In addition, staff also took pictures of the property from specific locations to continue documenting whether improvements have been made to the property. (See Attachment 10 for Site Photos).

On **February 11, 2021**, staff executed and Affidavit of Posting of the Notice of Hearing to Determine Acceleration of Redemption Period (Exhibit H).

#### **COLUMBIA COUNTY ORDINANCE NO. 2016-6**

Columbia County Ordinance No. 2016-6, the Columbia County Acceleration of Redemption Ordinance (Exhibit I), adopted on November 9, 2016, provides for a process for the acceleration of the redemption period for a foreclosed property if said property is being subjected to **waste** or abandonment. *“Waste” means any act with the potential to adversely affect the property's condition or value, whether caused by the former owner or by anyone acting under the former owner's permission or general control. Waste includes, but is not limited to, deterioration, destruction or material alteration of land or improvements, removal of agricultural or mineral assets, and violation of any provision of Columbia County's Solid Waste Ordinance, DEQ rule, or any rule appearing in a state or local building codes.*

#### **Findings of Fact:**

The above background/history establishes and documents over several years that the “waste” of the property has been and is being committed. The background/history also establishes that adjacent

property owners are being wrongly subjected to potential health hazards and other detrimental impacts because of their proximity to the wasted property. In fact, the residents of Columbia County as a whole are being subjected to potential health hazards and detrimental impacts with the potential contaminants entering Scappoose Creek, and the burning of garbage and debris that include fiberglass, foams, plastics and other items. The property is in deterioration and is in violation of Columbia County's Solid Waste Ordinance as visually depicted on the attached site photos found in Attachments 1-10. . In fact, to demonstrate that the condition of the property is not improving but getting worse, Exhibit J compares two photos taken from the entrance to the property on June 24, 2020 and on February 9, 2021, Exhibit K compares two (2) photos taken from a similar location in the interior of the property on June 12, 2019 and February 9, 2021.

**STAFF RECOMMENDATION**

Upon holding the public hearing and taking public testimony, if any, staff recommends the Columbia County Board of Commissioners find that the subject property is and has been subject to waste.



**List of Exhibits**

- Exhibit A - Complaint Received January 25, 2018
- Exhibit B - Compliance Order Dated June 14, 2019
- Exhibit C - Citation #1527 and Citation Summary Packet
- Exhibit D - Email Complaints Received on December 16, 2019
- Exhibit E - Email from Ron Sarayudi, Oregon Health Authority dated May 13, 2020
- Exhibit F - Legal Description of the Property, Vicinity Map, Assessor's Map 2018 Aerial Photo
- Exhibit G Notice of Hearing to Determine Acceleration of Redemption Period
- Exhibit H Affidavit of Posting of the Notice of Hearing to Determine Acceleration of Redemption Period
- Exhibit I - Ordinance No. 2016-6, the Columbia County Acceleration of Redemption Ordinance
- Exhibit J – – Site Comparison Photos June 24, 2020 and February 9, 2021
- Exhibit K – Site Comparison Photos June 12, 2019 and February 9, 2021

**List of Attachments**

- Attachment 1 - June 12, 2019 Site Photos

Attachment 2 - July 12, 2019 Site Photos

Attachment 3 - October 17, 2019 Site Photos

Attachment 4 - June 24, 2020 Site Photos

Attachment 5 - July 6, 2020 Site Photos

Attachment 6 - August 12, 2020 Site Photos

Attachment 7 - November 3, Site Photos

Attachment 8 - November 6, 2020 Site Photos

Attachment 9 - December 3, 2020 Site Photos

Attachment 10 - February 9, 2021 Site Photos