

**COLUMBIA COUNTY TAX COLLECTOR  
BOARD OF COUNTY COMMISSIONERS STAFF REPORT  
March 10, 2021**

**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.

History

On August 19, 2020, I initiated tax foreclosure proceedings against the above subject property For delinquent ad valorem real property taxes. A copy of the General Judgment of Foreclosure Is attached hereto as Exhibit 1. On November 6, 2020, I learned from the Land Development Services Department that the subject property is subject to waste or abandonment as defined in Ordinance No. 2016-6. Based on the history of waste and on-going failure to comply by the owners and occupants of the property, the Land Development Services Department requested that I initiate proceedings to accelerate the redemption period for the subject property.

The ad valorem real property tax statutes (Chapter 312) provide a statutory timeline for foreclosures. The procedure gives a property owner two years between the time the County takes general judgment and the time the Tax Collector issues a tax collector deed to the County. During that two year period, the property may be redeemed by payment of all back taxes, interest and penalties. Also during that period, the prior property owner retains possession of the property.

However, ORS 312.122 also provides that a county may, by ordinance, adopt a process to accelerate this redemption period if a property is subject to waste or abandonment. The County adopted such an ordinance in 2016 as Ordinance No. 2016-6, "In the Matter of Establishing a Procedure for Accelerating the Redemption Period For Waste and Abandonment."

On November 16, 2020, I procured a tax foreclosure report which showed the following persons/entities potentially have an interest in the property: Daniel W. Langshaw & Denine C. Langshaw, as Tenants In Common; and SELCO Community Credit Union, successor by merger to Forest Park Federal Credit Union;

On January 26, 2020, I conducted an additional internet search for additional persons/entities that may have an interest in the property. I determined the following may have an interest in the property: James David Langshaw; Sharon Rae Warren; David Russell Langshaw; Michael Jackson Langshaw; Michael Langshaw; Michelle Annette Langshaw; Carl Peterson; Christina Torres; Tiffany Ann Torres; and Amorina Langshaw;

On February 5, 2021, I mailed a Notice of Hearing to Determine Acceleration of Redemption Period to the above persons/entities. A copy of the Notice of Hearing to Determine Acceleration of Redemption Period is attached hereto as Exhibit 2, together with an Affidavit of Mailing which is attached hereto as Exhibit 3.

On February 9, 2021, David Carlberg, LDS Code Compliance Specialist, posted a Notice of Hearing to Determine Acceleration of Redemption Period directed to occupants of the Property. A copy of such Notice is attached hereto as Exhibit 3. A copy of an Affidavit of Posting is attached hereto as Exhibit 4.

#### Findings:

1. Ordinance No. 2016-6, Section 2. “Any waste or abandonment of property, as defined in this Ordinance, shall forfeit to the County the right to possess the property during the two-year redemption period, and in addition, shall subject responsible persons to a fine as provided in Section 11.”

Finding: If the Board determines that there has been waste or abandonment of the subject property, the Board may order that the right to possess the property during the two-year redemption period be forfeited, and further that any persons responsible for waste be fined as provided in Section 11 of the Ordinance.

2. Ordinance No. 2016-6, Section 1.A,

“Abandonment occurs when a property is not occupied by the owner or any person or entity that appears in the records of the County to have a lien or other interest in the property for a period of six consecutive months, and the property has suffered a substantial depreciation in value or will suffer a substantial depreciation in value if not occupied.”

Finding: Based on the record of these proceedings it appears the Carl Peterson has an interest in the property as either a lessee or as a purchaser under a Residential Lease/Option agreement dated September 2, 2014. Further, it appears that Mr. Peterson has occupied the property and that the property has not been unoccupied for a period of six consecutive months. Therefore, the subject property has not been abandoned.

3. Ordinance No. 2016-6, Section 1.I,

“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 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 state or local building codes."

Finding: Based on the record in these proceedings, the subject property has been subject to waste by the former Owner, Daniel Langshaw and the current lessee, Carl Peterson. As demonstrated by the Columbia County Land Development Services Staff Report dated March 10, 2021, since at least June 12, 2019, there have been violations of the Columbia County Solid Waste Ordinance, DEQ rules, and building codes. On June 12, 2019, Staff observed 17 junk vehicles, 4 RVs, two shipping containers filled with junk, and one abandoned mobile home filled with trash and hundreds of used tires and car parts on the subject property. Despite compliance orders issued to both Daniel Langshaw and Carl Peterson on June 14, 2019, and a conviction in Columbia County Justice Court for violations of Columbia County Zoning Ordinance, Section 100.50 (Junkyard); Columbia County Zoning Ordinance, Section 600 (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 Columbia County Solid Waste Ordinance Section 7.02 (Unauthorized Dumping Prohibited for the accumulation, storage, disposal and burying of solid waste, the solid waste violations have not been corrected. Rather, the record demonstrates that additional junk/vehicles have been brought onto the property since June 12, 2019. On June 8, 2020, staff conducted a site visit and noted accumulation of new RVs and additional junk and cars since the prior visit. On June 24, 2020, staff conducted a site visit and noted there was no progress in bringing the property into compliance. Rather, it appeared to staff that additional vehicles were on-site. On November 3, 2020, staff conducted a site visit and determined that Mr. Peterson was storing vehicles and trailers in the right away of Scappoose Vernonia Highway. Despite direction to remove the vehicles, on November 6, 2020, during another site visit, Staff determined that nothing had been done to remove the vehicles. On December 3, 2020, staff conducted a site visit and demonstrated that there has been no correction of the violations. In addition, on January 28, 2021, the Oregon Department of Environmental Quality sent a Pre-Enforcement Notice to Carl Peterson informing him of violations of DEQ rules and concerns found during their inspection and based on documentation received by DEQ.

The subject property is deteriorating and is being destroyed while in the possession of Mr. Peterson. On July 29, 2019, the record shows that Mr. Peterson was actively dismantling a motor home on the property. On August 14<sup>th</sup>, 2019, an RV was actively being dismantled on the property. On October 10, 2019, staff saw evidence of burn piles, including fiberglass, foams, plastics and other items that could cause the property to be contaminated with hazardous substances. Scrap, junk, trash and tires were scattered everywhere and there was evidence that materials were being unlawfully buried on the property. The manufactured home was in a state of deterioration as well. On July 7<sup>th</sup>, 2019, the Columbia County Building Official posted the manufactured home as Do Not OCCUPY due to building code violations.

#### 4. Ordinance No. 2016-6, Section 4.A

"Whenever it appears to the Board that real property sold to the County under ORS 312.100 may be subject to waste resulting in forfeiture to the County of the former owner's right to possess the property during the redemption period, or may be subject to abandonment, the Board shall set a date, time and place within the County for a hearing to determine whether the redemption period should be accelerated."

Finding: The Board set a hearing for March 10, 2021 at or after 10:00 a.m. during the Board's regular virtual meeting to determine whether the redemption period for the subject property should be accelerated.

5. Ordinance No. 2016-6, Section 4.B

"The former owner and any person or entity appearing in the records of the County to have a lien or other interest in the property shall be given an opportunity to be heard at the hearing."

Finding: The former owner and any person or entity with a lien or other interest in the property were notified and will be given an opportunity to be heard at the hearing.

6. Ordinance No. 2016-6 SECTION 5.A NOTICE OF HEARING

"A. Not less than thirty (30) days prior to the hearing, the County shall direct notice of the hearing to the former owner, the current occupants, and any person or entity appearing in the records of the County to have a lien or other interest in the property. The Notice of Hearing shall contain the following information:

1. The date, time and place of the hearing;
2. The date of the General Judgment and Decree issued pursuant to ORS 312.100;
3. The date of expiration of the period of redemption under ORS 312.120;
4. The legal description and tax account number of the property;
5. The name of the former owner as it appears on the latest tax roll;
6. A warning that if the County determines that the property is subject to waste or abandonment, the redemption period associated with the tax foreclosure will be shortened to thirty (30) days from the date of the County's decision, and if the property is not redeemed before the end of this accelerated redemption period, the property shall be deeded to the County by the tax collector and every right or interest of any such person in the property will be forfeited forever to the County;
7. A warning that if the County determines that the former owner or persons acting under former owner's permission or control have committed waste on the property, the former owner will be subjected to a fine of not less than twice the value so wasted; and
8. A warning that any persons or entities remaining on the property after the property is deeded to the County may be subject to civil or criminal prosecution for trespass or to other lawful action that would remove the persons or entities from the property."

Finding: On February 5, 2021, MaryAnn Guess, Columbia County Tax Collector directed notice of the hearing to the former owners, current occupants, and all other persons or entities appearing in the records of the County to have a lien or other interest in the property. The Notice was mailed more than thirty (30) days before the date set for the hearing. The Notice of Hearing contained the information required by Ordinance No. 2016-6, Section 5.A. A copy of the Hearing Notice is attached as Exhibit 2. In addition to the information required in Ordinance No. 2016-6, the Notice of Hearing was mailed and posted with a copy of Ordinance No. 2016-6.

7. Ordinance No. 2016-6, Section 5.B.

“The required notice shall be given in any manner reasonably calculated, under all the circumstances, to apprise the former owner and other interested persons of the existence and pendency of the action and to afford them a reasonable opportunity to appear and be heard. This shall always include mailing of the notice to the interested persons’ last known address by both certified mail and by regular first class mail. The required notice shall also be directed to interested parties using the following guidelines:

1. *Notice to Former Owners:* Notice sent to a former owner shall be addressed to the former owner or former owners, as reflected in the County records of deeds, at the true and correct address of the former owner(s) appearing on the instrument of conveyance under ORS 93.260 or as furnished under ORS 311.555, or as otherwise ascertained by the County Tax Collector pursuant to ORS 311.560, and;”

Finding: Notice of Hearing was mailed to former owners David and Denine Langshaw at their last known address by both certified and regular first class mail.

“2. *Notice to Other Financially Interested Persons:* Notice sent to persons or entities other than the former owner who have a recognized interest in the property shall be addressed to that person or entity at the address which the County knows or after reasonable inquiry, has reason to believe, is the address at which such person or entity will most likely receive actual notice; and”

Finding: Notice of Hearing was mailed to persons other than the Langshaws who, upon research, potentially have a financial interest in the property. Notice of Hearing was mailed by certified and regular first class mail to the last known address of such persons.

“3. *Notice to Corporations or Limited Partnerships:* If a person or entity with a right to notice is a corporation or limited partnership, the notice shall be mailed to the registered agent or last registered office of the corporation or limited partnership, if any, as shown by the records on file in the office of the Oregon Secretary of State Corporations Division. If the corporation or limited partnership is not authorized to transact business in Oregon, then notice shall be mailed to the principle office or place of business of such corporation or limited partnership, if known.”

Finding: Notice to SELCO Credit Union was mailed to the registered agent or last registered office as shown by the records on file with the Office of Secretary of State Corporations Division, and was also mailed to the principle office by certified and first class regular mail.

“4. *Notice to Occupants.* Notice to the occupant(s) of the property shall be addressed to —Occupants at the property address, and if reasonably possible, shall also be posted on the property.”

Finding: Notice to occupants of the property was mailed by certified and regular first class mail. The Notice was also posted on the property on February 9, 2021. See Exhibit 3.

**SUGGESTED MOTION:**

To tentatively find that the property located at 31384 Wildwood Drive is subject to waste resulting in forfeiture to the County of the former owner's right to possess the property during the redemption period, declaring that any rights of possession the former owner may have in the property are forfeited; directing that the redemption period for the property will end 30 days after the date of the Board's order; and directing that after the expiration of the accelerated redemption period, the property shall be deeded to the County by the tax collector if the former owner or anyone else having a right to redeem under ORS Chapter 312 has not redeemed the property. All rights of redemption held by any person or entity appearing in the records of the County to have a lien or other interest in the property shall terminate on the execution of the deed to the County.