

Written Objections to the Road Assessment Submitted to the PASRD Board

We reject the method of the financing of the roads on the grounds that it would have been more fair to do it through the taxes. Asking some financially strapped households to come up with 5 to \$6000 dollars during the Covid situation is naive on your part to think that this was a fair way to do it.

Respectfully Submitted
Steve and Melody
Johnson

We bought 40 acres on the outside of panoramic view estates. My wife and I live at 69654 Pine Ridge Dr. Our daughter lives in the guest house beside us at 69682 Pine Ridge Dr. The county addressed another piece of the 40 acres that is currently unbuildable at 69620 Pine Ridge Dr.

We were looking very forward to having the roads in panoramic paved or otto sealed. But then found out that we will pay 3 times for that to happen.

We object to paying 3 times for our home and a guest house. There are many parcels in Panoramic view estates that have multiple dwellings and will pay for only 1 to have the roads paved.

Please put yourselves in our position when making your decision.

Sincerely,
Duane and Denise Boswell

May 14, 2021

To the Panoramic Road District Board:

My husband and I object to the board to move forward with otta seal. There are several reasons why we object and you will find them listed below.

The first reason we object to the otta seal is that we should not be forced to spend OUR money in places in which we wish not too. We have other expenses and goals that we wish to allocate our monies. Paying \$5,600 or more for roads is not our desire. In our opinion if we are going to do such a major road project it should be assessed and funded differently.

Another opposition we have is that there are residences in Panoramic that have several people living at their residence that are drivers, along with having several horse trailers, utility trailers, etc., causing the roads to wear faster. Why should a resident with only one driver pay the same of someone that has 3 horse trailers, 4 driving residences, etc.? At our residence we have three drivers, so we should pay more than someone that has only one driver, and then you have places where there are how many horse trailers and equipment trucks, they should pay more because they are using our roads more and causing more wear and tear to the road, but that is just my opinion.

Another reason we object to the otta seal is because we like the country road feeling. My husband and his family have lived in Panoramic for about 50 years, we love the dirt road. On the Panoramic forum frequently asked questions, it states, "An important factor many people don't acknowledge is the health impacts of the dust created when we drive on our roads. It is unhealthy to regularly breathe that fine, red mist that rises every time a car passes. Respiratory diseases are not just exacerbated, but are often caused by long-term exposure to dust. This also affects people with cardiac issues as oxygen supply is reduced to the heart." I feel that statements like this on a website should be cited and only be allowed from an actual expertise. Perhaps there are studies and evidence to back the statement, but like I said it should be cited and only come from an expertise on the matter. I appreciate that a vote was done, however, did this statement sway someone's vote? Like I stated, my husband and his family have lived on the gravel road for 50 years, not one of them have developed respiratory problems from the dust. If you have a condition that does not do well in dusty conditions, why would you purchase a house on a gravel road? Also, Central Oregon is just dusty in general.

On the Panoramic Forums "FAQ", it states, "Most people complain about the poor surface our roads frequently have. They not only complain about the "bumpiness" of the roads, but note that the rough surface causes damage to their vehicles and aggravates physical conditions. Local mechanics have specifically mentioned that damage to the suspension of vehicles is caused by these rough conditions. The fine dust we have also can infiltrate a vehicle's engine and cause significant damage over time. The cost of these repairs represents a "hidden" cost of our roads." Again, where are the sources? Did this sway votes? My husband has been an automotive mechanic for over 30 years, never have we seen any of our vehicles have suspension problems because of the gravel road. If there are suspension problems due to the roads it is due to improperly maintaining them and driving faster than you should be. We have also had vehicles last over 250,000 miles, so please tell me how the dust causes significant damage to vehicle's engines. Where are the sources and citations?

We are also concerned on what will happen during the winter months. Our roads are already neglected when there is a fair amount of snow. How will a paved surface effect our roads when they aren't getting plowed? Having gravel allows for traction during icy, slushy roads. During the road meeting on Tuesday, May 11th, my concern of the icy conditions was responded with, "we don't know". Shouldn't that be something to ask an expert about? Are we putting more money aside for icy conditions for laying gravel on certain areas of the roads?

Another reason we object is we are in a global pandemic. There are many families struggling due to the pandemic. Why are we causing more of a financial burden during a global pandemic?

We also oppose to the otta seal because it seems as though the board was determined to have our roads otta sealed no matter what the Panoramic community felt. In ORS 223.389 it states, "The governing body shall consider the objections and grounds and may adopt, correct, modify or revise the estimated assessments.", after the objections and acceptances at lasts nights road meeting the board

only took a minute then agreed to move forward with the project. We were truly disappointed that they did not take more time to think about the residences concerns before deciding to move forward. How could the board have truly listened to all oppositions and acceptances when their decision was made within a minute of hearing everyone? That tells us that they truly did not listen nor care about our concerns in opposing the project.

We are also disappointed that some residences of Panoramic are stating their opinion and trying to persuade residents to be in favor of the road project when they just moved into the neighborhood and then you see their house is up for sale. It appears this is all for personal gain. Most residences who oppose the road project have been long term residents and plan on being long term residents.

We ask the board to rethink their decision. We now have long term community members/residents who may have to move because of this project. We should be working together as a community, not trying to drive out members of our community and that's exactly what this project is doing. It's not like the votes were overwhelmingly in favor of the project. The results were a little over half agreed. Did residents vote in favor because they were worried they would develop a respiratory disease or their vehicle's engine was at risk from the dust as stated on the website that the board controls?

Sincerely,

Jeremy and Tonya Rollins

Dear Panoramic Board Members,

I have NO complaints or suggestions about Resolution 2021-1

And I am really appreciative of the work and research you have put into this project. Also, the cost of the project her household sounds very reasonable to me.

I moved to Panoramic in '95 and loved the unpaved roads at the time — "country life." But as road use has increased over the years, and I've seen the cinders penetrate every seam of my car, plus it's not fun to take walks in the neighborhood and get dusted when a vehicle goes by.... you know all that stuff.

Thanks again for all your hard work

Kris Falco
69320 Sisters View Dr, Sisters Oregon

To whom it concerns:

The grounds for my objection for the May 24th meeting are as follows:

1) An equal per lot assessment benefits high end homes more than lower end homes. For

example Nyle Head has a high end home, he is president of the board, and his vote for equal per lot assessment benefits him greatly. Another example is even more simple, look at property taxes, some people pay more, some pay less based on the assessed value of their home.

2) Prices for this project are through the roof right now and will definitely increase before completion of the project. We were told mere months ago the price would be \$5131.00 per lot now it's already \$5656.00 per lot. With rising costs from everything from fuel cost to labor expenses it is reasonable to say that come July or later there is reason to assume this price could sky rocket and double the \$5656.00 figure.

3) The board held a vote to decide how much support they had for the project (70 out of 143 homes voted in favor). However, the Board did not hold a vote to decide how to fairly fund such a project.

4) The board was advised by their attorney in November of 2020 and again in December 2020 to enact a resolution giving them authority to assess properties, and hold a public meeting to receive and consider objections from property owners. Yet the board waited until May of 2021 to pass Resolution 2021-1.

5) When the board holds a public meeting (via zoom.....not really public) they say they will hear objections but they never respond or take action, they simply ignore people and move on to the business of giving themselves more and more and more power over their neighbors who object.

6) My final objection goes back to the original vote in favor. The board defined majority in a way which effectively ignored the wishes of people that are happy with status quo. (i.e.. pay taxes, get roads maintained) The board admits that attendance of meetings is always between 12 and 20 people so it goes to reason that a LOT of people were uninformed of what was going on and that a non vote was as good as a vote in favor. My attempts to get the word out via signage in the neighborhood was met with anger and prompt removal of said signs.

Sincerely,

Doug and Shiela Gannon

The resolution before the Board tonight has no project cost and no proposed assessment amount. I don't believe this will ever get financed and have decided not to attend.

I will again renew my objection that a Special Road District has not authority to conduct a property owners' vote, make a lump sum assessment, or collect funds and hold funds from any such assessment. It also does not permit expenditure of funds to hold a vote of non-resident property owners. Funds spent on that vote have been misspent.

The Board has ignored, thumbed its nose at the rights of electors in this special road district, including our household. We were supposed to get 2 ballots as electors in a special road district, we got one. A vote was taken from us. Meanwhile, at least one single property owner holding two lots got two votes. Non-residents received and cast

ballots based only on property ownership within the district. Non-resident property owners cannot vote to form a special road district, and cannot vote in a special road district election. As a result there has been no legally authorized nor binding vote on any paving resolution or assessment.

Please also include all of my past email communications to the PASRD, the Board, each Commissioner and the Treasurer in the record of this hearing. There is no requirement in either the ORS or bylaws that requires objections be made in person or read at a "hearing."

I am also concerned about how much of our money you are wasting on this wild goose chase, and your apparent disregard for (or lack of understanding of) your fiduciary duties to the residents of this special district, owners and non-owners. Would you confirm which of the Board members has completed the new Commissioner training program offered by SDAO? I have been informed that not all have, would each of you please confirm whether you each have done so.

Sincerely,

Glenn Brown

Hello-

We just wanted to make sure we got our thoughts in. We don't necessarily object to the roads being improved, and appreciate the time and effort to seek our project improvement. however we do object about the lean on properties mainly for sake of timing. With Covid and the effects that it has had on everyone differently financially, we would suggest that the improvement is postponed at least another year before starting. This would allow families on fixed incomes to find sufficient funds etc and not be stuck with only one option that places a lean on home. We would hate to see people lose their houses because of the road improvement. Anyways that's our thoughts on it.

Thanks,

Bryan and Jenny Morris

While the road district has been very good about keeping residents informed about "paving" alternatives, there has been no broad discussion that I am aware of regarding the financing method. Each method of course has advantages and disadvantages. I believe that the assessment method you have chosen is not the best choice for the following reasons: • Fundamentally unfair to lower and fixed income residents. Since each lot will pay the same amount, people with low incomes will pay a disproportionately larger share of their income. That is why most public projects are financed through a bond issue which is retired through property taxes. Economists speak of "equal marginal sacrifice" as a major criterion for taxation or paying for public goods

like roads. Various kinds of taxes (including assessments) carry varying degrees of achieving equal marginal sacrifice. Progressive income taxes and wealth taxes come the closest, and sales taxes and lump sum assessments are the furthest from the equal marginal sacrifice goal. No scheme is perfect, and there are obvious examples of where each method fails to deliver what we want. However, in my opinion as an economist and as a citizen, the big picture concept is still trying to achieve equal marginal sacrifice. Of the mechanisms available to the road district, the one that comes the closest is the bond and tax method. Roads are public goods. The fact that some people may get more benefit from them than others is not real important because everyone gets some benefit. For example, everyone benefits from parks whether they picnic there every week or not. Try to think of a major public entity that uses a lump sum assessment. (Plenty of homeowners associations do, but they do not have the authority to issue bonds and tax like the road district has. They are not technically public entities.) Even considering the short comings which you are certainly aware, the conventional bond and tax method is the fairest method available to the road district. • Possibility of perceived conflict of interest. If we assume that all other things are equal (interest rates, payoff times, etc.), the properties that have an assessed value that is equal to the mean assessed value of all properties in the district will pay the same amount under an assessment method and under a bond and property tax method of financing. Properties that have an assessed value above the mean will pay less under an assessment method than they would pay under a bond and tax method. Similarly, a property that is assessed lower than the mean would pay more under an assessment method than they would pay under a bond and property tax method. More simply those with more expensive homes will pay less under an assessment method than under a bond and property tax method. In fact the more expensive the property the larger the financial advantage in selecting the assessment method. How much more or less would current board members pay under the assessment method compared to an ad valorem tax? In addition I do not believe the financing method is legal. No other road districts in Oregon have used the assessment method. Also the election conducted by the road district was flawed in that it allowed people to vote who are not electors and excluded electors living in the district who are not property owners.

Bruce Bowen

My wife Theresa Siler and I own the lot at 69565 Pine Ridge Drive, Sisters, Oregon 97759 and strongly object to the assessment. As you may know, this is a five acre lot that is zoned RR10. Because it is not zoned RR5 we cannot develop the lot because we cannot pull power, water nor install a septic system on the lot. As such, this lot has very little value and is essentially unusable and unsaleable

Assessing the full amount of \$5656.73 is clearly unfair and represents a far greater percentage of the value of various other lots in the community that currently have homes on them or that can be built upon in the future. As a matter of fact, we have only driven on the road one time.

Respectfully,

Chris Siler Theresa Siler

Thanks for inviting comments on assessment calculations, although I think it's more of a requirement than a genuine interest.

As I understand it, shack owners will pay the same as mansion owners. I am not comfortable with that. If the shack owner does not pay, there will be a lien on their property? At some point a trustee will enforce collection? Does that mean that eventually officials with guns will come and remove these people? Seriously, how will this play out?

You seem emboldened by opinions from legal counsel. They told you what you wanted to hear. You spent thousands of dollars of everyone's money to get opinions that benefit your point of view. If "anti-pavers" spent the same amount on a lawyer to represent their interests, the statutes would likely be interpreted differently.

The gentrification of Panoramic is obviously viewed positively by many of our new neighbors. Their property will be worth more and maybe they will flip it and make money. Maybe they will just enjoy driving a dust-free car, and driving it a bit faster?

Panoramic has been a harmonious place for decades. Loss of community is consideration that seems to be undervalued by this board and I'm not comfortable with that. I hope people will continue to wave with all five fingers but I have to wonder.

Dennis McGregor

I received the notice of assessment from the PASRD Board and have the following objections. My earlier comments sent to the Board and Directors over the last two years are also within the Noon, May 24, 2021 deadline and are also part of the record. I'm in favor of paving. I'm happy to pay for it according to the County assessment and levy laws. For the following reasons I won't be paying this PSARD any property assessment unless and until I get a notice from the Deschutes County Tax Assessor or Tax Collector .

1. There has been no valid Panoramic Access Special District election and there can be no valid assessment.

An SRD election which excludes district electors (registered voters) based on property ownership is prohibited by the Oregon Constitution as well as the ORS. The property owners' vote conducted by the Board excluded resident electors if they did not own property in the District. It was therefore not a valid SRD election, and the Notice of Assessment based on that invalid election has no legal effect, none.

2. There is no Panoramic property owners' association so the property owners' vote conducted by the Board has no legal effect on anyone. This is exactly what one Board member and road committee member/speculator were told in person by the County Assessor. A valid assessment requires either an SRD elector vote on an ad valorem assessment, an elector vote to form a Local Improvement District, or whoever wants to can pass the hat for voluntary contributions. The Board has simply refused to comply. In the process the Board has misspent District funds on a property owners'

vote. The District's (our) misspent funds can hopefully be recovered under the District's E&O insurance coverage by the next Board.

3. Oregon statutes prohibit an SRD from either collecting or holding SRD assessments. Our property tax assessments may only be collected and held by Deschutes County.

4. Oregon statutes only authorize SRD property assessments on an ad valorem basis, (per thousand dollars of property value.) SRD lump sum assessments are not authorized nor permitted.

5. The current assessment is unfair. In addition to the few wealthy homeowners and unscrupulous speculators primarily driving this attempt to bypass a levy vote, there are many working families and retirees living in Panoramic for whom this assessment would be an unfair burden. The Board has expressed zero empathy for those families or the unfairness of this assessment. ("Well, maybe not everyone can afford to live here.") Indeed, not all can afford to cough up or finance the \$6000 (or whatever the amount turns out to be, there is no contracted project cost, only a windage estimate.) The Board appears to have not taken that into consideration.

In light of all that, if I receive a notice or property tax statement from either the Deschutes County Assessor or Tax Collector that a paving assessment has been levied, I will gladly pay it and support the paving project. I will not be sending this Board any payment on this Notice of Assessment.

Sincerely,

Glenn Brown
