

WRITTEN PUBLIC COMMENTS RECEIVED  
PRIOR TO THE  
BOARD OF COMMISSIONERS' SESSION  
ON  
Thursday, February 19, 2026  
AT  
10:00 A.M.

Questions, concerns or comments about these items can be directed  
to staff or the Commissioners by contacting the Commissioners' office at

(503) 434-7501

OR

[BOCINFO@yamhillcounty.gov](mailto:BOCINFO@yamhillcounty.gov)

**From:** [Jack Vining](#)  
**To:** [BOC Info](#); [Kit Johnston](#); [Mary Starrett](#); [Bubba King](#)  
**Cc:** [jvining@macnet.com](mailto:jvining@macnet.com); ["Heather Traff"](#); ["Nick Gardner"](#); [pmcrowley1@gmail.com](mailto:pmcrowley1@gmail.com); ["Doug LeGrady"](#)  
**Subject:** Hidden Hills Road  
**Date:** Monday, February 16, 2026 4:54:22 PM  
**Attachments:** [Memo on associations 09-19-06.pdf](#)  
[Road Map.docx](#)  
[Neighborhood map.pdf](#)

---

**CAUTION: External Sender. Use caution when opening attachments, clicking links, or responding.**

Dear Commissioners,

I am writing you on behalf of Hidden Hills property owners. We have brought issues with our road to you in the past, (see "Memo" attached), back in 2006. At the time was an issue with our bridge needing repairs. At the time, Hidden Hills Rd was designated a "Local Access Road/LAR", for which the county was not responsible for any repairs. We are again facing a potential bridge issue regarding nearby creek erosion, and the jeopardy of the integrity of the bridge. This road access is vital for the 45 property owners in this subdivision. It appears there are several exceptions to the county expenditure policy on LAR, as mentioned in the Memo above, and perhaps the county road department could declare this an emergency allowing the county to cover the cost to stabilize the bridge issue. Another option suggested by recent legal counsel, given the property tax base revenue of the 45 property owners, would be to have the road status changed from a LAR to a public county road, allowing the county to take over the maintenance responsibility. Another issue we face in this subdivision complicating the finances, is that not all property owners are willing to contribute to the expense of maintaining the road and bridge, leading to division.

Thus, we are asking that the road designation to be changed to a county public road, and to have the county aid or assume the responsibility for the bridge issue. If an in-person meeting would be more appropriate to discuss this, please let us know. Also, if there is anything else that we can provide, please do not hesitate to ask.

Your consideration is much appreciated.

Jack Vining  
14825 SW Hidden Hills RD  
McMinnville, OR 97128  
503 472-0203

# Yamhill County, Oregon

## Office of County Counsel

Courthouse • 535 NE Fifth Street • McMinnville, Oregon 97128  
Phone: (503) 434-7502 • Fax: (503) 434-7553

September 19, 2006

**John M. Gray, Jr.**  
*County Counsel*

**Rick Sanai**  
*Assistant County Counsel*

**Carol Ann White**  
*Paralegal*

### MEMORANDUM

TO: Board of Commissioners  
William A. Gille, Director of Public Works

FROM: John M. Gray, Jr., County Counsel

RE: Methods to fund maintenance of local access roads; formation of homeowners or road association; creation of special road district

---

You asked my opinion as to whether formation of a homeowners association or road association would benefit land owners whose access is provided by a local access road. It is my opinion an association would benefit land owners. While a special road district also establishes a funding mechanism for maintenance, I believe an association is generally preferable. This memorandum provides some background for my opinion.

As a preliminary matter, it is appropriate to distinguish between various types of roads under the jurisdiction of the Board of Commissioners. Chapter 368 from the Oregon Revised Statutes provides the relevant authority. Some statutory definitions are important.

A "road" is defined as follows:

"Road" means the entire right of way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by means of vehicles. "Road" includes, but is not limited to:

- (a) Ways described as streets, highways, throughways or alleys;
- (b) Road related structures that are in the right of way such as tunnels, culverts or similar structures; and

(c) Structures that provide for continuity of the right of way such as bridges.  
ORS 368.001(6).

A “public road” means “a road over which the public has a right of use that is a matter of public record.” ORS 368.001 (5).

A “county road” means “a public road under jurisdiction of a county that has been designated as a county road under ORS 368.016.” ORS 368.001(1).

A “local access road” means “a public road that is not a county road, state highway or federal road.”

ORS 368.031 governs local access roads such as Hidden Hills Road. It provides as follows:

A local access road that is outside a city is subject to the exercise of jurisdiction by a county governing body in the same manner as a county road except as follows:

- (1) A county and its officers, employees or agents are not liable for failure to improve the local access road or keep it in repair.
- (2) A county governing body shall spend county moneys on the local access road only if it determines that the work is an emergency or if:
  - (a) The county road official recommends the expenditure;
  - (b) The public use of the road justifies the expenditure proposed; and
  - (c) The county governing body enacts an order or resolution authorizing the work

Thus, to the extent money is available in the county road fund, a county is obligated to maintain a “county road.” Conversely, unless an exception in ORS 368.031 is met, a county governing body is barred from spending county moneys on a local access road.

The result of the statutes cited above is that land owners served by a local access road are responsible for maintaining the road and any bridges providing for the continuity of the right of way over the local access road.

**MEMO TO BOARD**

**September 19, 2006**

**Page 3**

In my opinion, there are two effective ways for land owners to properly maintain local access roads. One way is to form a taxing district such as a special road district under ORS Chapter 371. The other way is to form a homeowners association or road association. Based on my experience, the most effective maintenance method is via a homeowners or road association rather than a taxing district. This is primarily for two reasons.

First, the formation of a special road district is a fairly complicated process that can last for a long period of time. Persons interested in forming a district are responsible for the formation process, typically through an initiative process. Often, it is necessary for those persons to engage legal counsel to guide them through the formation process. (Our office is prohibited from giving legal advice to any entity or person other than the County and its officers, employees and agents. In any district formation, there are various steps that usually require informed counsel.)

Once district formation is approved by the Board, the formation order is submitted to the Department of Revenue. When the Department is satisfied, it issues an order recognizing the district. Provided the Department's order is issued prior to March 31 of a year, taxes are collected on behalf of the district the following November. Thus, if the Board issued a formation order for the special road district in May, 2007 taxes could not be collected until November, 2008.

Second, a special road district is a governmental entity subject to the same operating requirements as any other governmental entity. This means it is required to follow local budget law, including auditing requirements. Members elected to the Board of Directors take on substantial role, particularly directors of a newly formed district.

On the other hand, a homeowners association or road association is a private entity not subject to local budget law. While legal counsel should be engaged to help land owners create an association, the process to create an association is much simpler than forming a special district. The group can determine the nature and powers of the association, together with the funding mechanism. Once the association is formed, revenue can begin to be generated immediately, much sooner than a taxing district would allow.

Perhaps the best example in Yamhill County of a road association created to maintain a local access road and resolve a number of different road issues is the Woodland Heights Road Association. That association was formed to deal with a number of issues regarding Woodland Loop Road off Star Quarry Road. While not all land owners adjoining the road joined the road association, the vast majority did. The president of the association is a man named Bob Sullivan. His telephone number is in the telephone book.

**MEMO TO BOARD**

**September 19, 2006**

**Page 4**

Of course, there are always trade-offs. A special road district, once formed, will generate revenue for road maintenance from all land owners within the district. If a special road district is ultimately formed, land owners have no choice whether or not to join. Land within the district is taxed on behalf of the district, and land owners are required to pay the tax as a property tax. If property taxes are delinquent for three years, the County institutes a tax foreclosure proceeding against the subject property.

There are certainly other ways to fund maintenance of local access roads, but I believe the examples cited above are the best methods. Of the methods cited, I believe an association generally works better because it provides operating funds quicker and grants more flexibility to the land owners in designing the entity.

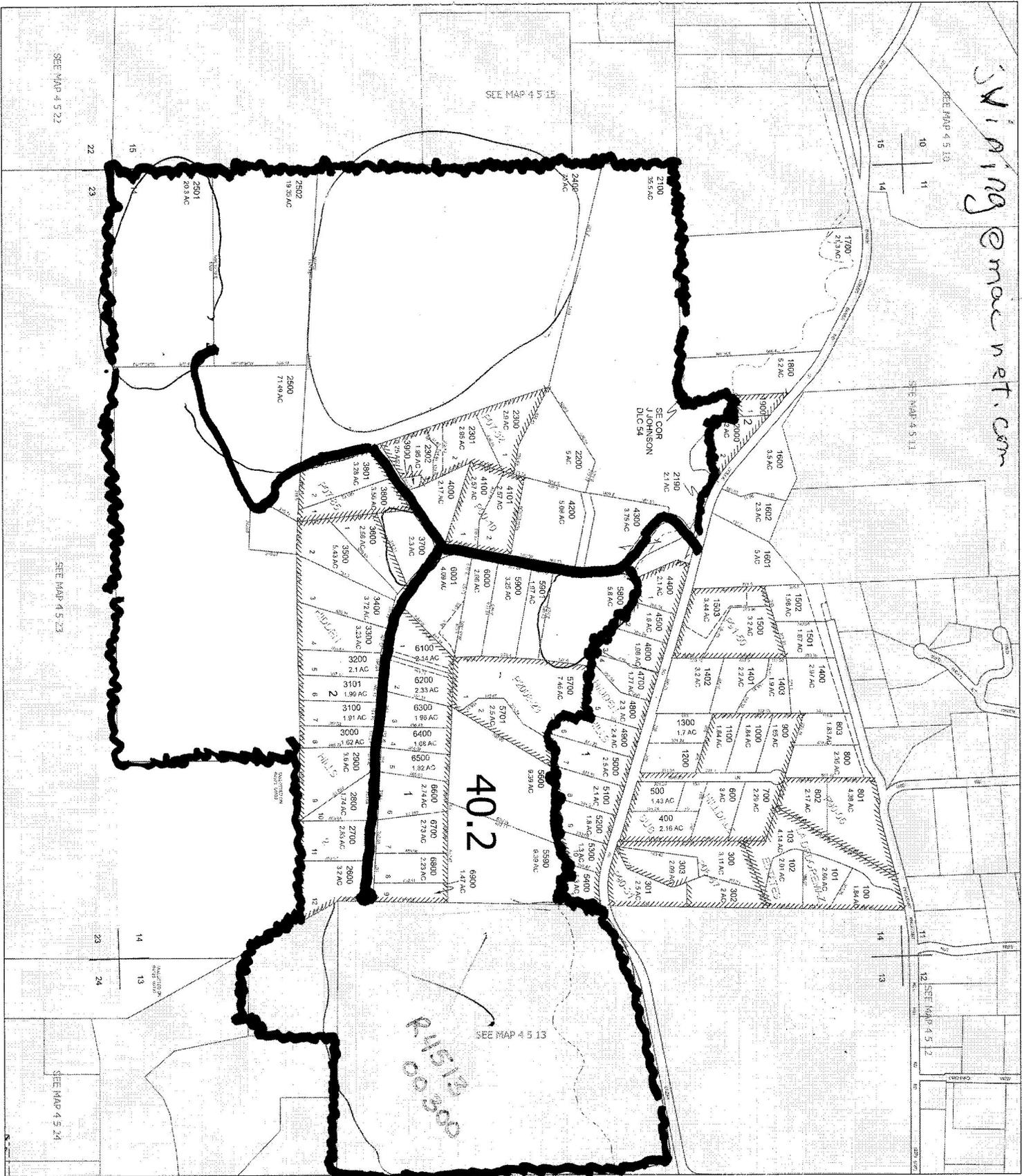
If you have further questions, please feel free to contact me.

jmg



Sackville, Virginia

winningemac.net.com



ASSESSMENT & TAX  
 CARTOGRAPHY  
 SEC. 14 T4 S, R5 W, WM,  
 1"=400'

- Tank Boundary
- - - Historical Line
- /// Subdivision/Plat Boundary
- Railroad
- Water Body (Non TL Boundary)
- DLC Boundary
- DLC Corner
- Tax Levy Code Boundary
- Map Index Boundary

CANCELLED PARCELS  
 6002  
 5000  
 200  
 190

MAP DATE: 7/30/2025  
 This product is for assessment and taxation (AST) purposes only and has not been prepared or is suitable for legal engineering, surveying or any purpose other than assessment and taxation.