

## **Policy Resolution #1-23 Commercial Activity**

West Hill Estates Homeowners Association (WHEHOA)

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Commercial Activity

WHEREAS, Article 2, Section 2.2(b) and (c) of the West Hill Estates Homeowners Association Bylaws states, in part:

**"Powers.** The Association has such powers and duties as may be granted to it by the Act, including each of the powers set forth in ORS 94.630, as the statute may be amended to expand the scope of association duties and powers, together with such additional powers and duties afforded by the Declaration, the Articles of Incorporation, these Bylaws and the Oregon Nonprofit Corporation Act, Including the following: (12) From time to time adopt, modify, or revoke such Policies and Procedures governing the conduct of persons and the operation and use of the Lots, the Common Maintenance Area or any Common Property as the Board of Directors may deem necessary or appropriate in order to assure the peaceful and orderly use and enjoyment of the Property; (13) Enforcement by legal means of the provisions of the Declaration, these Bylaws and any Policies and Procedures adopted thereunder.

**Governance:** The affairs of the Association shall be governed by the Board of Directors as provided in these Bylaws. Owners have no authority to act on behalf of the Association and may take action with respect to affairs of the Association as specifically provided under the Declaration, these Bylaws, or the Act."

WHEREAS, Article 2 of Articles of Incorporation of West Hill Estates Homeowners' Association An Oregon Non-Profit Corporation filed with the Oregon Secretary of State on February 22, 1995, states in part:

"The purposes for which said corporation is organized are: To promote the health, safety, and welfare of residents within the boundaries of WEST HILL ESTATES SUBDIVISION, and for this purpose . . . to fix assessments (or charges) to be levied against the property; to enforce any and all covenants, conditions and restrictions, and agreements applicable to the property; . . . and insofar as permitted by law, do any other things that, in the opinion of the Board of Directors, shall promote the common benefit and enjoyment of the residents of the properties."


IT IS RESOLVED, the Policy Resolution #1-23 Commercial Activity be and hereby is adopted, ratified and confirmed:

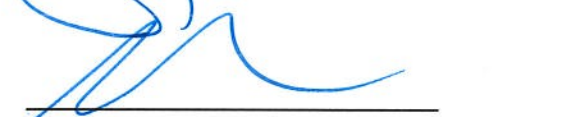
The Board of Directors hereby adopts Policy Resolution #1-23 Commercial Activity, attached hereto as Exhibit A and by this reference incorporated herein.

Duly adopted at a meeting of the Board of Directors of the West Hill Estates Homeowners Association held March 16, 2023. The Policy will be effective March 16, 2023.

<b>Board of Directors 2022-2023</b>	<b>Vote</b>
Greg Malkasian, President	Yes
John Galvin, Vice President	Yes
Stephen Gordon, Secretary	Yes
Lorna O'Guinn, Treasurer	Yes
Bob Aceves, Member at Large	Yes
Peter Stafford, Member at Large	Yes

ATTEST:

  
\_\_\_\_\_  
Greg Malkasian, President

  
\_\_\_\_\_  
Stephen Gordon, Secretary

March 16, 2023  
\_\_\_\_\_  
(date)

March 16, 2023  
\_\_\_\_\_  
(date)

**Exhibit A:****Policy Resolution #1-23 Commercial Activity**

Interpretation of Bylaws, CC&Rs and Policy Resolutions Pertaining to Commercial Activity

**BACKGROUND AND PURPOSE** (*CC&R Sections 7.1 and 7.3*)

Lots may only be used for single family residential purposes. No trade craft, business, profession, commercial or similar activities (hereafter referred to collectively as "commercial activity") of any kind may be conducted in the subdivision without approval of the Board of Directors. Home offices are permitted under the provisions and limitations in CCR 7.1(a) because there are many circumstances where the mere presence of such an office does not create the same concerns as the commercial activities listed above.

It is the intent of the Board to protect and maintain the normal residential nature of our neighborhood. Under these circumstances, exceptions to allow commercial activity are strongly disfavored and expected to be infrequent. In line with CCRs 7.1 and 7.3, approval will be considered only if the activity meets local government ordinances and the Board is fully convinced that only normal residential activities would be observable outside the dwelling. Examples of unacceptable effects of commercial activity include but are not limited to, increased parking, vehicular traffic, noise, or anything which tends to diminish the enjoyment of any Owner's Lot.

In order to review and assess the acceptability of any exception to the commercial activity prohibition, the following requirements are adopted to promote consistent handling.

1. No commercial activity of any kind may be commenced on any Lot within the neighborhood without the owner having previously requested in writing and obtained written Board approval for such activity.
2. The Board or its designated representative will review pertinent information needed to evaluate the request for approval of commercial activity. Since not all activities are the same, the Board has sole discretion to determine what information is necessary to make its determination and may request additional necessary information during the review.
3. When all necessary information has been received, the Board shall have up to thirty (30) business days to review a request for approval of commercial activity under the CCRs. At the first regular board meeting following completion of its review, the Board shall render its decision as to the request.
4. The Board decision shall be in writing and a copy shall be mailed to the owner's address of record. Notice by email shall be considered "in writing" if that method of contact was used when communicating with the owner during the request or review process.
5. The Board, at its option, may periodically review those properties with Board approved commercial activity to ensure they continue to operate in compliance with the CC&Rs and with all applicable terms set out in the Board's approval document.
6. The right to continue a Board-approved commercial activity is subject to termination by the Board whenever there is any material change in the nature of the commercial activity, any change of legal ownership of the commercial business or lot, the commercial activity ceases to comply with applicable government ordinances, or the commercial activity is found in repeat violation of the CCRs. Since circumstances differ, the Board has sole discretion to determine

whether the frequency and type of CCR violations warrants either limitation or revocation of the commercial activity approval.

**ACTIONS FOR FAILURE TO COMPLY**

Homeowners who do not comply with these requirements, or allow occupants of their property to violate these provisions, will be subject to the enforcement procedures in the ***Rules Enforcement Policy and Procedures*** resolution and to such other remedies provided by law, or by the WHEHOA By-Laws and CCRs.

*Certified True Copy*  
*Stephen Gordon*  
*WHEHOA Secretary*