

## JACKSON SCHOOL HOMEOWNERS ASSOCIATION

### Resolution of the Board of Directors – Commercial Activity Application Procedures

#### RECITALS

1. “Association” is the Jackson School Homeowners Association.
2. The Association is governed by the *Restated Declaration of Protective Covenants, Conditions and Restrictions for Jackson School* (“Declaration”), recorded May 28, 2013 as document 2013-047592 in the records of Washington County, Oregon; the *Amended and Restated Bylaws of the Jackson School Homeowners Association, Inc.* (“Bylaws”), recorded May 14, 2013 as document 2013-043541 in the records of Washington County, Oregon; and the Oregon Planned Community Act, ORS 94.550 *et seq.*
3. Pursuant to Declaration Article V, Section 5.1(l), most commercial activities are prohibited within the community.
4. Pursuant to Declaration Article V, Section 5.1(l)(l)(iii), the Association’s Board of Directors may approve an Owner’s written application to conduct an otherwise prohibited commercial activity.
5. Pursuant to Declaration Article V, Section 5.1(l)(iv), the Association’s Board of Directors may adopt procedures and rules necessary to implement the commercial activity provisions of the Declaration.
6. The Board of Directors wishes to adopt a uniform procedure for applications for permission to engage in commercial activities.

#### RESOLUTION

**NOW, THEREFORE, IT IS RESOLVED** that the procedure set forth below shall be the process by which Owners may apply to engage in otherwise prohibited commercial activities.

1. Application. In order to gain approval for an otherwise prohibited commercial activity, an Owner must submit a written application to the board of directors. The application must contain:
  - a. The name and address of the Owner.
  - b. A description of the desired commercial use.
  - c. A description of the expected impacts (such as traffic, noise, etc.) the commercial use is expected to have on other Owners.
  - d. Any other information the Owner deems necessary or useful to the Board of Directors in evaluating the application.
2. Board of Directors Response. The Board of Directors shall respond to an Owner submitting an application pursuant to Section 1, above, in writing within thirty (30) days

of receiving the Owner's application. In the Response, the Board of Directors shall approve the application, deny the application, or request additional information.

- a. Form of approval or denial. The Board of Directors shall communicate its decision to approve or deny an application in writing.
  - b. Request for additional information. If the Board of Directors requires additional information in order to evaluate the application, it shall request that information from the applicant in writing. The applicant shall provide the requested information within fourteen (14) days of the request, or the application shall be deemed denied. Upon receipt of the requested information, the Board of Directors shall render a decision, in writing, within ten (10) days.
  - c. Failure to Respond. If the Board of Directors does not respond to an application within thirty (30) days, the application shall be deemed denied.
3. Appeal. In the event the Board of Directors denies an application for permission to engage in an otherwise prohibited commercial activity, the owner may request an appeal hearing. The owner must request the appeal hearing in writing within ten (10) days of receiving the denial.
- a. Hearing schedule. Upon receiving a request for an appeal hearing, the Board of Directors shall schedule a hearing within thirty (30) days. Failure to schedule a hearing within thirty (30) days shall not constitute an approval of the commercial activity.
  - b. Hearing procedure. At the hearing, the owner shall be permitted to present evidence, including relevant documents and/or witnesses. The hearing shall be limited to thirty (30) minutes unless the Board authorizes a longer hearing.
  - c. Appeal decision. The Board of Directors shall render a decision at the hearing
4. Revocation of Approval. The Board of Directors shall retain the right to revoke an approval previously given pursuant to this resolution if it determines that the facts and circumstances related to the commercial use have changed sufficiently to render the use contrary to the limitations set forth in Article V, Section 5.1(I)(iii).

Adopted this 15th of October, 2013

ATTEST

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Chairman, Board of Directors, Jackson  
School Homeowners Association

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Secretary, Board of Directors, Jackson  
School Homeowners Association