

**Ponderosa Heights Homeowners Association, Inc., Lolo, Montana  
Resolution Regarding  
Residential and Commercial Use**

**Authority:**

WHEREAS, the Ponderosa Heights Homeowners Association, Inc. is a Montana Nonprofit Corporation in good standing, established pursuant to the Montana Nonprofit Corporation Act as a nonprofit mutual benefit corporation with members.

WHEREAS, the affairs of the Ponderosa Heights Homeowners Association, Inc. shall be managed by its Board of Directors, except as otherwise provided by laws or by the Articles of Incorporation.

WHEREAS, the Declaration of Restrictive Covenants for the Ponderosa Heights Homeowners Association, Inc. declares that the property described as the Ponderosa Heights Subdivision shall be held, sold, and conveyed subject to the easement, covenants, conditions, and restrictions in the Declaration of Restrictive Covenants, "all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the real property as a described residential development."

WHEREAS, the Missoula County Zoning Regulations regulate residential and commercial uses in the county, they also specifically state that within the Ponderosa Heights Subdivision, permitted uses, including residential and commercial uses, are restricted "as established in the Ponderosa Heights Covenants... as amended."

**Purpose:**

WHEREAS, the Declaration of Restrictive Covenants for the Ponderosa Heights Homeowners Association, Inc. (V. Use Restriction and Covenants, G. Land Use and H. Commercial Usage Prohibited) states that "all Lots shall be used for residential purposes except as specified..." and "Lots 103-105 are designated for commercial use or a mixed-commercial use..."

WHEREAS, it is the duty of the Board of Directors to communicate clearly policy, procedures, restrictions, and covenants governing the Ponderosa Heights Subdivision and the Ponderosa Heights Homeowners Association, Inc., it is incumbent on the Board to provide written clarification regarding residential and commercial use.

**Scope and Intent:**

WHEREAS, it is the intent of the Board of Directors that this Resolution will apply to all residential and commercial use within the Ponderosa Heights Subdivision, until such time as it is repealed, replaced, or revised.

**Specifications:**

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby reaffirms the policy in the Declaration of Restrictive Covenants for the Ponderosa Heights Homeowners Association, Inc. (V. Use Restriction and Covenants, G. Land Use and H. Commercial Usage Prohibited) states



that "all Lots shall be used for residential purposes except as specified..." and "Lots 103-105 are designated for commercial use or a mixed-commercial use..."

FURTHERMORE,

1. Use of the dwelling units on all Lots in the Ponderosa Heights Subdivision and all common areas are for residential uses only.
2. Residential uses do not include any business, occupation, enterprise or other activity that regularly and/or routinely brings customers, clients, workers and/or associated traffic to the Ponderosa Heights neighborhood or adversely affects the character and livability of the neighborhood.
3. Prohibited non-residential uses include but are not limited to the following: residential day care, bed and breakfast, tourist homes, offices, retail sales, vehicle assembly or repair, dispatch centers, rental businesses, business manufacturing, sanitarium, theater, saloon, massage and/or physical therapy, material or equipment storage businesses, schools or tutoring centers, restaurants, animal boarding, marijuana growing operations and/or dispensaries and other similar businesses of any kind.
4. Exception to this prohibition are income generating activities endorsed and approved by the Ponderosa Heights Homeowners Association, Inc., which include temporary yard sales, festivals, fairs, concerts and similar limited community events.
5. Owners may lease dwelling units for residential purposes on a month-to-month or longer term. All leases must be in writing and provide that the tenant is subject to and agrees to abide by all the terms of the Declaration of Restrictive Covenants and any Rules established for the Ponderosa Heights Subdivision.
6. It is important to recognize that Declaration of Restrictive Covenants for the Ponderosa Heights Homeowners Association, Inc., specifically V. Use Restriction and Covenants, G. Land Use and H. Commercial Usage Prohibited have been amended, and that the amended versions of these two sections should be used at all times.

Ponderosa Heights Homeowners Association, Inc.  
PO Box 23  
Lolo, Montana 59847

July 30 2019

**Adoption:**

Upon being adopted by the Board of Directors, and recorded by the Missoula County, Montana, Clerk and Recorder this Resolution shall be added to all future copies of the Declaration of Restrictive Covenants of the Ponderosa Heights Homeowners Association, Inc.

**Board of Directors**

**Ponderosa Heights Homeowners Association, Inc.**

By:

On This Date:

Jacqueline A Hofmann

Jacqueline Hofmann  
President

James Thomas

James Thomas  
Vice President

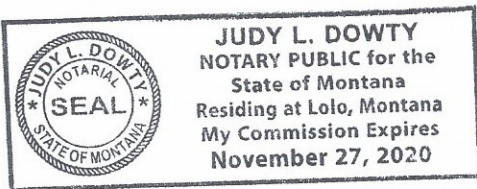
Paul Rossignol

Paul Rossignol  
Treasurer

7.31.19

STATE OF MONTANA        )  
  :SS  
COUNTY OF MISSOULA    )

This instrument was acknowledged before me on this 31<sup>ST</sup> day of JULY, 2019,  
by JACQUELINE A HOFMANN  
JAMES THOMAS & PAUL ROSSIGNOL as an Authorized Representative for the  
Ponderosa Heights Homeowners Association, Inc.



Notary's Signature: Judy L Dowty

Notary's Name: JUDY L. DOWTY

Notary Public for the State of Montana

Residing at: Lolo

My Commission Expires: 11/27, 2020