

COLUMBINE LAKE COUNTRY CLUB, INC.

# Building Criteria and Information

---

Revision # 28  
Revised January 11, 2014

**Columbine Lake Country Club, Inc.  
P.O. Box 714  
Grand Lake, Colorado 80447  
Telephone: (970) 627-8120  
Fax: (970) 627-3313**

# Introduction

The following building criteria and information have been adopted by the Architectural Review Committee (ARC) and approved by the Board of Directors of Columbine Lake Country Club, Inc. These criteria and this information are authorized by the Declaration of Covenants for Columbine Lake Subdivision, including, but not limited to, Article I, II and V, and pertain to specific building, remodeling, and maintenance requirements and to the procedure for submitting plans and specifications therefore. These requirements are for the implementation and clarification of those requirements, which are contained in the Covenant Declaration itself, and are enforceable as provided therein. The Board of Directors reserves the right to amend these requirements at any time.

This document represents only the current building criteria of Columbine Lake Country Club, Inc. (CLCC). It is the sole responsibility of the property owner to determine the applicability of all Federal, State, County and local laws, ordinances, &/or other requirements, and to comply fully with such, prior to altering or modifying his/her property in any fashion. For example, this would include, but not be limited to, Federal "Wetlands" requirements and County building restrictions for which a Grand County Building Permit may be required.

The sale of your property will transfer to the new owner the obligations of the Protective Covenants, Building Criteria, and restrictions and, therefore, should be considered as conditions to the right to build/sell/purchase at Columbine Lake Subdivision.

# Table of Contents

Article I. General Information .....	3
Section 1.01 Exterior Improvements:.....	3
Article II. General Appearance:.....	4
Section 2.01 Colors, Painting, Staining:.....	4
Section 2.02 Concrete.....	4
Section 2.03 Culverts/Drainage .....	5
Section 2.04 Excavation:.....	5
Section 2.05 Foundation .....	6
Section 2.06 Heavy Equipment.....	6
Section 2.07 Landscaping.....	6
Section 2.08 Lighting.....	6
Section 2.09 Parking .....	6
Section 2.10 Sedimentation .....	7
Section 2.11 Setbacks .....	7
Section 2.12 Trash Cleanup.....	7
Section 2.13 Utilities.....	7
Article III. New Buildings .....	9
Section 3.01 First Story.....	9
Section 3.02 New Home Completion .....	10
Section 3.03 Additions/Garages.....	10
Section 3.04 Application Checklist: .....	10
Article IV. Small Projects:.....	12
Section 4.01 Decks .....	12
Section 4.02 Docks .....	12
Section 4.03 Dog Pens .....	12
Section 4.04 Fences .....	13
Section 4.05 Re-Roofing .....	13
Section 4.06 Outbuildings (sheds, playhouses, tree houses, etc.).....	14
Section 4.07 Window/Doors.....	14
Section 4.08 Miscellaneous .....	14
Section 4.09 Fire Pits .....	14
Article V. Procedures .....	16
Section 5.01 Approval or Disapproval.....	16
Section 5.02 Changes or Variations.....	16
Section 5.03 Appeals and Hearings.....	16
Section 5.04 Fines.....	17
Section 5.05 Definitions .....	17

## **Article I. General Information**

### ***Section 1.01 Exterior Improvements:***

- (a) All construction shall follow the Grand County building code; however, Columbine Lake Country Club, Inc. reserves the right to be more restrictive.
- (b) Exterior improvements, additions, or remodeling of any structure must be approved by the ARC.
- (c) All criteria items contained herein for new construction are effective for improvements affecting the exterior of any structure at Columbine Lake unless specifically addressed in a later section.
- (d) A CLCC building permit application must be submitted and approved before any exterior improvements have been commenced.

## **Article II. General Appearance:**

- (a) The general appearance of each property shall be kept in good condition after construction has been completed. All items appearing in these Criteria for new exterior construction shall be equally enforceable as on-going maintenance requirements.

### ***Section 2.01 Colors, Painting, Staining:***

- (a) All exterior colors or materials must first be approved by the Architectural Review Committee (ARC) for both new and existing structures, painting and re-painting in accordance with current regulations. Existing colors may not necessarily comply.
- (b) The ARC may request samples of building materials with requested paint or stain applied to said materials if necessary for approval.
- (c) Each structure must be designed to be aesthetically pleasing and to blend harmoniously with the natural setting and other residential structures in the Subdivision.
- (d) All structures must have exteriors with subdued shades.
  - (i) Subdued Shades: All paint, brick, roofing material, etc. that is relatively dark in color, and blends into the natural surroundings in such a manner as to be aesthetically pleasing. Colors lighter than the medium shade are not considered subdued. Natural finishes, therefore, are not necessarily considered subdued colors, and may need to be aged chemically, to be acceptable. Bright colors are prohibited including but not limited to white, yellow, red or other bright color.
- (e) No color will be permitted which is striking or out of harmony with the natural environment or other structures in the community.
- (f) Reflective colors, such as shellac, florescent, neon and high gloss finishes are not permitted.
- (g) Exterior paint or stain colors shall be maintained to prevent unsightly ageing and discoloration.

### ***Section 2.02 Concrete***

- (a) It is the responsibility of the homeowner to make sure all concrete/concrete debris is cleaned up on all community areas; to include ditches, roads, or any other community property after all concrete has been poured. Final trash and landscaping deposits will not be returned until all concrete/concrete debris has been removed from community property.
- (b) The CLCC manager must verify the footing elevation, before pouring concrete. Before a footing inspection is requested, string lines must be in place along all lot lines (from pin to pin) and marking the perimeter of the structure at the drip line on all sides, including eaves, decks, steps, and any other over-hangs.

- (c) The CLCC manager may require that inspections be requested at least one working day before an inspection is required.
- (d) The use of a concrete truck for pouring concrete is prohibited on weekends and holidays.

**Section 2.03 Culverts/Drainage**

- (a) Certain building lots at Columbine Lake may require culverts or special drainage, as a condition to the right to build. The right is reserved to require installation of a culvert after building, if drainage problems develop due to the building project. All culverts will be constructed of corrugated steel and be no less than 12" in diameter. Maintenance of the culvert is the homeowner's responsibility.
- (b) Drainage/Erosion as a result of construction cannot damage or be diverted onto adjoining private or community property.

**Section 2.04 Excavation:**

- (a) The following excavating, trenching, and compaction restrictions are imposed in order to ensure a minimum of damage to roads within the Subdivision, and to avoid damage to adjoining property owners. The ARC and Board of Directors recognize that the use of the roads within the Subdivision by construction equipment may have an adverse effect on the quality of those roads, and that construction activities during certain times of the year may prove to be unduly disruptive to the free flow of traffic upon those roads, and to the owners of property adjacent to the construction activity.
  - (i) A reference elevation marker must be established, verified by the CLCC manager, and maintained during excavation and foundation construction.
  - (ii) All trenches exceeding 36 inches in depth within the CLCC roads and rights-of-way must be compacted during back-filling. CLCC, at their option, may require sufficient compaction tests of the backfill at the Owner's expense. CLCC may require the use of select material such as road base backfill.
  - (iii) No excavating or blasting of any kind shall be done on weekends, holidays and only 7 AM - 8 PM daily except for emergency repairs.
  - (iv) No excavating, digging, or trenching of any kind can be done between October 15th and May 1st on community property, CLCC roads, road rights of way, or on private lots within the subdivision. There will be a minimum fine of \$1,000.00.
    - (a) Extreme weather conditions or unseasonable good or bad weather may affect these dates, as determined by the CLCC Manger.

### **Section 2.05 Foundation**

- (a) Any foundation wall or concrete footer that has one (1) foot or more of exposed surface must be finished with siding, paint, or natural rock, to blend with the building colors.

### **Section 2.06 Heavy Equipment**

- (a) The use of all heavy equipment is prohibited on weekends, holidays, or between 8 PM and 7AM daily except in case of emergency, including but not limited to: skidsteers, backhoes, graders, dozers, tractors, front end loaders, concrete trucks, and cranes;
- (b) Such policy implementation is to be left to the CLCC Manager's discretion.

### **Section 2.07 Landscaping**

- (a) It is the sole responsibility of the property owner to determine the applicability of all Federal, State, County and local laws, ordinances, or other requirements and to comply fully with such prior to altering or modifying his/her property in any fashion. This includes, but is not limited to, Federal United States Army Corps of Engineer and other requirements as pertain to wetlands.

### **Section 2.08 Lighting**

- (a) No exterior lighting will be allowed that is deemed to be offensive to other property owners. Ornamental, and landscape lighting is discouraged, and the ARC reserves the right to disapprove such lighting.
- (b) The ARC must approve all exterior lighting for new construction.
- (c) A maximum of 75-watt exterior light bulbs will be permitted on new construction.
- (d) No more than 2 light bulbs per fixture, no more than 6 light bulbs per building, and no more than 3 light bulbs per level will be allowed for exterior lighting.
- (e) No high intensity discharge (HID) lighting is allowed including but not limited to high pressure sodium, low pressure sodium, metal halide, and mercury vapor fixtures.
- (f) Motion sensors are required on exterior ingress/egress lighting for any lighting fixture improvements or replacements.
- (g) The location of all exterior lighting must be indicated in red on all elevation diagrams. The ARC encourages down lighting for safety and security.

### **Section 2.09 Parking**

- (a) Each habitable structure must have off street parking for at least three (3) automobiles or trucks with a minimum size requirement of 10' x 20' for each parking space.
- (b) Driveways and off street parking areas must be designed to accommodate, within the property's boundaries, storage of snow removed from those driveways and parking

areas. This snow cannot be pushed out into the road right-of-way or other community property.

### **Section 2.10 Sedimentation**

- (a) If, in the opinion of the ARC, a project could deposit sediment into the lake, temporary and/or permanent sedimentation control barriers will be required to be installed and maintained according to the ARC conditions.

### **Section 2.11 Setbacks**

- (a) Minimum setbacks from lot lines are: Front, 30 feet; rear, 25 feet; each side, 10 feet. If a property abuts a body of water, a minimum of 30 ft. from any stream, wetland or lake is required.
- (b) The County will determine which is the front, back or side lot line for corner lots or triangular lots. Setback measurements must be shown on the plot plan.
- (c) Despite meeting setback requirements and restrictions concerning number of stories, approval of any structure may be withheld if it unreasonably encroaches upon the light and air easements of another property or common area. This includes such structures as outbuildings, playground equipment, and any device constructed for the purpose of receiving radio or television signals.

### **Section 2.12 Trash Cleanup**

- (a) Grounds shall be maintained in accordance with the general requirements in Article III, Section 3.01 of the Columbine Lake Subdivision's "Declaration of Protective Covenants, Restrictions, Easements, and Reservations" that states, "No garbage, refuse, rubbish, or junk shall be permitted to be deposited, left, or accumulated on a lot unless in suitable containers which shall be kept in a sanitary condition, regularly emptied, or fully screened from view of the street and adjacent lots."
- (b) Suitable containers for construction trash include, but are not limited to, dumpsters, trucks, trash trailers, etc.

### **Section 2.13 Utilities**

- (a) No digging for utilities will be allowed between October 15th and May 1st, in the CLCC roads. Extreme weather conditions or unseasonably good or bad weather may affect these dates, as determined by the CLCC Manager.
- (b) Any primary and secondary underground electrical line installed across any platted streets within the Columbine Lake Subdivision, must be installed by Mountain Parks Electric or their subcontractor.
- (c) Utilities on all new construction must be installed underground.
- (d) No permanent, above ground propane tanks are allowed within the subdivision for any utility changes, additions, conversions to any existing homes, or new construction.



- (e) Temporary installation of above ground propane tanks is allowed during construction of new homes or additions, but must be removed before final approval is granted by the ARC.

## Article III. New Buildings

- (a) No structure shall exceed two (2) stories in height. The maximum height of the structure shall not exceed 26 feet measured from the highest original grade next to the foundation.
- (b) No less than 600 square feet of enclosed area on one level, not including garage, must be devoted to living purposes.
- (c) Each structure must be designed to be aesthetically pleasing and to blend harmoniously with the natural setting and the other residential structures in the Subdivision.
- (d) Each structure must be planned, designed, and built using new materials for all exterior construction.
- (e) Only single-family dwellings will be considered. Any duplex, triplex, apartment building, or multi-family dwelling will be disapproved.
- (f) Pre-built homes will receive close scrutiny. Homes will not be approved which resemble trailers. Pre-built homes with natural wood tone exteriors may be acceptable, provided that they are in harmony with the natural environment and other homes in the Subdivision, and are landscaped attractively.
- (g) Unusual or extremely innovative structures will, likewise, receive close scrutiny. While architectural innovation and diversity can be a desirable trait, highly unusual structures can be ugly or offensive to other homeowners. Accordingly, such structures can be disapproved solely on the basis of aesthetics.
- (h) Structures that appear cheap or shoddy are not acceptable. Specific examples are: Structures without sufficient windows; structures built on stilts or pilings without provision for siding or landscaping; structures built of cheap or flimsy appearing material.
- (i) Structures that exceed a reasonable size for the available land area may be disapproved on the basis of aesthetics.
- (j) Each structure shall be made of permanent construction.
- (k) No temporary building or trailer is to be incorporated as part of the main structure.
- (l) Each habitable structure shall include a full bath and a full kitchen.
- (m) A regulation portable toilet facility is to be available at the site of new construction, as per the requirements of the Grand County Building Department, until such time as an approved permanent toilet facility is available in the new structure.

### **Section 3.01 First Story**

- (a) The bottom level is considered the first story if it contains an egress door, including but not limited to a passage door, garage door, patio door, sliding door, or if any portion protrudes from original grade for more than 4 feet at any point. If in the opinion of the

ARC, a plan submitted constitutes or has the appearance of a 3-story home, the plans may be disapproved.

### **Section 3.02 New Home Completion**

- (a) Exterior Completion: Exterior of each building, including foundation, walls, siding, roof, roofing material (shingles, metal, etc.), all exterior doors and windows including garage doors, decks (excluding deck railings), backfilling, initial grading, and trash cleanup, as necessary, must be completed within six (6) months of the issuance of the CLCC building permit. Exterior staining or painting is not due until the 18 month final inspection.
- (b) Final Completion: The entire project must be completed, to include the issuance of a Certificate of Occupancy from Grand County, eighteen (18) months from the time a CLCC building permit is issued.

### **Section 3.03 Additions/Garages**

- (a) Any structure not devoted to living purposes (storage shed, garage, etc.), to be placed on an otherwise undeveloped lot, will require a variance request to be addressed by the Board of Directors of CLCC. The ARC will provide the Board with a recommendation to approve, conditionally approve or deny the variance.
- (b) No garage shall exceed 800 square feet.
- (c) Addition/Garage Completion
  - (i) Exterior Completion: Exterior of each building, including foundation, walls, siding, roof, roofing material (shingles, metal, etc.), all exterior doors and windows including garage doors, decks (excluding deck railings), backfilling, initial grading, and trash cleanup, as necessary, must be completed within six (6) months of the issuance of the CLCC building permit. Exterior staining or painting is not due until the 12 month final inspection.
  - (ii) Final Completion: The entire project must be completed, to include final approval from Grand County, 12 months from the issuance of the Columbine Lake Country Club, Inc. building permit.

### **Section 3.04 Application Checklist:**

- (a) A fully executed Columbine Lake Country Club, Inc. Building Request, Checklist, and Permit, as well as all information requirements requested to include all of the following must be submitted:
- (b) Owner Signature: The Building Request, Checklist, and Permit must be signed by all owner/owners of the lot to be built on.
- (c) Plans and sketches submitted must be drawn to scale, and be sufficient to enable actual construction of the structure completely by reference to the plans.
- (d) Rough, non-scale sketches or incomplete plans are not acceptable.

- (e) Exterior views must be included in plans and sketches, showing every side of the proposed structure.
- (f) Height measurements must be shown on the plans, for each elevation.
- (g) Eaves and overhangs must be included on the plot plan, and shown as a dotted line.
- (h) The original grade must be indicated on the plans, as a red line drawn on the foundation.
- (i) Color samples for all exterior paint or stain must be submitted for approval to the ARC. Furthermore, an actual sample, 2' x 2', showing true color and texture, may be required for any exterior siding or material that is not natural wood.
- (j) A site plan must be submitted, showing location of any improvements on the lot, including all utilities installations (gas, electric, water, sewer, etc.), parking, and snow removal storage areas.
- (k) All required deposits and fees must be submitted with the plans and permit application. A deposit will be required for construction of a house, a major addition, a garage, and other such projects as deemed appropriate by the ARC.
- (l) Any additional information requested by the ARC must be provided by the builder or owner.
- (m) Any refund of deposit will be made to the owner who is of record at the time the refund is due.

## **Article IV. Small Projects:**

- (a) Any small project listed in this Article IV requires a CLCC building permit.
- (b) Small projects shall be completed within 90 days of the issuance of the CLCC permit.

### **Section 4.01 Decks**

- (a) All decks must comply with the requirements for setbacks, materials, and paint or stain colors. See sections 2.11 and 2.01 and Article III for those requirements.

### **Section 4.02 Docks**

- (a) No private dock or pier shall exceed fifteen (15) feet in length outside the owner's property line or from the average shoreline, whichever is more restrictive, and shall not exceed eighty (80) square feet in area.
- (b) The dock shall be constructed so that all exposed surfaces are of wood or wood-like material.
- (c) Railings shall be of wood or wood-like material, no more than forty-two (42) inches high.
- (d) No additional structure will be allowed (i.e.: roofs, storage boxes, etc.) on any dock.
- (e) The platform of the dock shall be no higher than two (2) feet above water level. Plans for all dock construction must be submitted to the ARC for consideration and approval.

### **Section 4.03 Dog Pens**

- (a) Columbine Lake Country Club, Inc. encourages the maximum use of electric or invisible fences as they blend harmoniously with the natural surroundings. If, however, your dog requires a pen:
  - (i) It will not exceed 60 inches in height.
  - (ii) Not to exceed a total of 120 square feet, must be attached to a building, and only when such pens are not visible from public view. (Public view for the purposes of Columbine Lake Subdivision will be the main road or cul-de-sac access to the property. Corner lots will receive special consideration.)
  - (iii) Chain link may be used for the purposes of dog pens only and must be black or green coated, or galvanized.
  - (iv) No portion can extend beyond the rear of the structure (house/garage) and must be attached to the structure with the longest portion of the dog pen against the structure.

#### **Section 4.04 Fences**

- (a) As a general rule, we discourage the construction of fences so as to promote open space and the free range of animals.
- (b) Fences are to be constructed of wood or wood like material in a style appropriate to the building architecture and in harmony with the natural environment. They shall maintain an open (split rail, buck and 2 rail split rail) appearance with sturdy construction throughout.
- (c) Fences must meet the following criteria:
  - (i) Not to exceed 48" in height measured to the top rail
  - (ii) The posts are not to exceed more than 6" above the top rail.
  - (iii) There must be no more than 120 inches, and no less than 60 inches between posts.
  - (iv) Welded wire (not chicken wire) may be used to line the fence (inside only), but must not protrude higher than the top rail and must be heavy gauge, black or green coated, or galvanized
- (d) Prohibited:
  - (i) Chain link (except for use in dog pens), barbed wire, chicken wire, or other non-wooden materials are not allowed unless otherwise allowed under Section 4.03.
  - (ii) No solid or privacy fences are allowed.
  - (iii) No fences are allowed on unimproved lots.
  - (iv) The use of plain or decorative concrete blocks or other metal or plastic material is prohibited.
  - (v) No fences are allowed between the house and the lake for all lakefront property.
  - (vi) Fences located between the house and the main road will receive close scrutiny and must be decorative only with no lining of any kind allowed.

#### **Section 4.05 Re-Roofing**

- (a) No unfinished metal roofs will be permitted.
- (b) All roof colors must blend with other exterior color selections. Approved roof colors are brown, black, and very dark green.
- (c) No reflective metal roofing materials are allowed.

**Section 4.06 Outbuildings (sheds, playhouses, tree houses, etc.)**

- (a) Outbuildings are limited to one (1) structure per lot, including a detached garage.
- (b) However, two contiguous lots with the same ownership may have a total of one house, one detached garage, and one outbuilding erected on the two lots;
- (c) All architectural control requirements in effect as to special use permits, setbacks, and variance requests will apply, and all County and Special District requirements must also be met.
- (d) Regardless of meeting the front setback requirement, no outbuilding shall be placed closer to the front property line than the front wall of the house, where a house exists.

**Section 4.07 Window/Doors**

- (a) Approval is required for any window or door replacement to verify compliance with color requirements and trash removal.

**Section 4.08 Miscellaneous**

- (a) All antenna installations and satellite dishes/TV antennas must be kept as unobtrusive as technically possible, and the structure must be as small as the state of the art allows. Such devices will receive close scrutiny. The primary concerns are the location, visibility, color, and overall impact on the neighboring lots.
- (b) A special CLCC use permit may be obtained for the use of a trailer as temporary dwelling during construction of a permanent dwelling, not to exceed six (6) months.
  - (i) NOTE: GRAND COUNTY DOES NOT PERMIT CAMPING ON ANY PRIVATE PROPERTY. ALTHOUGH COLUMBINE LAKE COUNTRY CLUB, INC. HAS NO RULES IN PLACE TO FORBID CAMPING, SUBJECT TO CERTAIN RESTRICTIONS, PLEASE BE AWARE THAT YOU COULD BE CITED AND FINED BY THE COUNTY FOR VIOLATION OF THIS COUNTY PROHIBITION AGAINST CAMPING ON ANY PRIVATE PROPERTY, EVEN YOUR OWN.

**Section 4.09 Fire Pits**

- (a) Fire pits, which includes campfires, must comply with the following requirements:
  - (i) Fire pits must have a diameter not to exceed 3 feet.
  - (ii) The depth must be no less than 2 feet below the rim.
  - (iii) The fire ring must be 12 inches above ground level.
  - (iv) Any rocks used for fire pit must be no less than 12 inches in diameter.
  - (v) Metal rings are acceptable.

- (vi) The fire pit must be 10 feet from all overhead trees and limbs, and there must be a 10 foot area cleared around fire pit.
- (vii) Water supply must be accessible to fire pit by hose or spigot.
- (b) A plot plan must be submitted with application showing fire pit in relation to house, garage, trees, etc.
- (c) Remember: Fires must be attended at all times by an adult.
- (d) No deposit is required on construction or repair of fire pits.
- (e) Slash burning is prohibited within the Columbine Lake subdivision.
- (f) Freestanding, above ground fire pits are acceptable for use in the Columbine Lake Subdivision, and do not require a permit for installation, but are subject to the following restrictions:
  - (i) Only propane or natural gas fueled devices may be used on decks but owners should take the same safety precautions as when utilizing a propane grill.
  - (ii) Freestanding wood burning or other non-gas fueled burning devices, including but not limited to fire pits, wood pellet stoves and chimeneas, may not be used on decks or other exterior wooden structures, and must meet the same setbacks and safety requirements as regular fire pits. They must not exceed 36 inches in diameter, must be 10 feet from all overhead trees and limbs, and must have a 10 foot cleared location around the pit. A water supply must be accessible to fire pit by hose or spigot.
  - (iii) It is recommended that the metal mesh screens provided by some freestanding fire pit manufacturers be used at all times.



## **Article V. Procedures**

### ***Section 5.01 Approval or Disapproval***

- (a) Project approval expires one year from the approval date; if work on the project has not begun.
- (b) A decision on the application will be made by the ARC within thirty (30) days from the date that a complete application, as defined herein, has been submitted.
- (c) Disapproval of an application may be solely on the basis of the failure of the builder or owner to submit a complete application or provide the ARC with requested information.
- (d) The ARC will supply reasons for any disapproval.
- (e) The ARC will return the complete application and attachments, in the event it is disapproved.
- (f) The ARC will retain the complete application when the project has been approved, and may retain the building plans for future reference.

### ***Section 5.02 Changes or Variations***

- (a) Approval is conditional on the builder or owner following the submitted plans and specifications, without variation.
- (b) If it is necessary to vary plans and specifications, approval must be obtained from the ARC for any proposed change.
- (c) If building is attempted in variation from the approved plans and specifications, the owner may be fined a penalty, amount to be determined by the Board of Directors, consistent with Section 5.04, and legal action for immediate injunctive relief may be instituted.

### ***Section 5.03 Appeals and Hearings***

- (a) An appeal to an ARC decision shall be to the Board of Directors of CLCC, and shall be in written form, accompanied by the disapproved application, or may be made in person at a regular meeting of the Board of Directors.
- (b) A building variance request must be supported by definite site problems that cannot be otherwise resolved.
- (c) The Board of Directors shall make its decision on the appeal within thirty (30) days from the time the appeal is received. The Board of Directors may continue the appeal hearing or extend this period in its discretion.
- (d) The decision of the Board of Directors shall be final.

- (e) In accordance with the Hearing Policy and Procedures, a property owner shall be entitled to notice and an opportunity for a hearing prior to imposition of any fine under Section 5.04 below.

**Section 5.04 Fines**

- (a) There will be a minimum fine of \$200.00 per month for non-compliance with the CLCC covenants and building criteria, for building in variation from the approved plans and specifications or for beginning construction without ARC approval for the plans for any structure, all or part of which may be deducted from the trash/landscaping/grading deposit.
- (b) There will be a minimum fine of \$1000.00 for digging on private property, community roads, or road rights of way between October 15th and May 1st without approval from the General Manager.
- (c) The Board of Directors shall determine the amount of the fines to be imposed.

**Section 5.05 Definitions**

- (a) Original Grade: Original grade is the level of the ground BEFORE any dirt has been moved or fill dirt has been added.
- (b) Fill Dirt: When fill dirt is used to elevate the grade, ALL measurements and restrictions will apply from the pre-fill original grade. Fill dirt will not change the definition of Original Grade.
- (c) Final Height: No point on the structure (excluding chimneys and vents) shall exceed 26 feet above the highest point of the original grade next to the foundation. This point will be marked by a reference elevation marker.