

# COLLINS COCKREL & COLE

A PROFESSIONAL CORPORATION

PAUL R. COCKREL  
JAMES P. COLLINS  
ROBERT G. COLE  
TIMOTHY J. FLYNN  
EVAN D. ELA  
LINDA G. ALEXANDER  
DAVID A. GREHER

ATTORNEYS AT LAW  
390 UNION BOULEVARD, SUITE 400  
DENVER, COLORADO 80228-1556

TELEPHONE: 303-986-1551  
TOLL FREE: 800-354-5941  
FACSIMILE: 303-986-1755

[www.cccfirm.com](http://www.cccfirm.com)

ASSOCIATES  
KATHRYN L. GARNER  
ALLISON C. ULMER

OF COUNSEL  
ERIC C. JORGENSON  
JAMES M. MOCK

DIRECT E-MAIL  
[tflynn@cccfirm.com](mailto:tflynn@cccfirm.com)  
DIRECT DIAL  
303-218-7198

January 10, 2011

VIA E-MAIL: [KRIDER@DOUGLAS.CO.US](mailto:KRIDER@DOUGLAS.CO.US)

Ms. Kati Rider, Principal Planner  
Douglas County Community Planning &  
Sustainable Development Department  
100 Third Street  
Castle Rock, CO 80104

**Re: Bell Mountain Ranch Filing 1A, Lot 98  
Project File No. VA2010-009  
Appeal of a denial regarding a proposed building height limitation change**

Dear Ms. Rider:

I am replying on behalf of the BMR Metropolitan District ("District") and the Consolidated Bell Mountain Ranch Metropolitan District ("CBMRMD") with respect to a Referral Response Request for an appeal of a denial regarding a proposed PD text change for building height limitation for Lot 98, Bell Mountain Ranch Filing 1A ("Property").

Bell Mountain Ranch is primarily a residential community served by two special districts with distinct functions. The District, noted above, is responsible for the treatment, storage and distribution of water to its residents/customers within the geographic boundaries of the CBMRMD. The CBMRMD is responsible for, among other things, the care and maintenance of its roadways which are public roads built to the County's "private" road standards.

While the District does not have a direct interest in the specific height limitation applicable to the Property, the District does have an interest in the nature, scope and extent of development thereon. Such information is necessary for both districts to determine the specific burdens resulting from the size and scope of a particular project and whether the existing infrastructure and systems can support such development.

Ms. Kati Rider, Principal Planner

January 10, 2011

Page 2

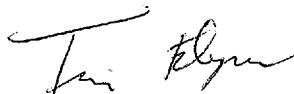
In a November 9, 2010 letter regarding a Land Use Application for the Property (File No. ZR2010-018), the District indicated that the Property was eligible for water service. This statement was based upon the District's understanding that at that time the Church of Jesus Christ of Latter-day Saints ("LDS Church") intended to develop the Property in a way that would place no greater demand on the District's water distribution system than one single family equivalent water tap. The District has been notified that the LDS Church terminated its contract to purchase the Property. Accordingly, use of the Property in the future most likely will be different in scope and size than originally presented to the District.

The District wants to make sure that Douglas County is aware that whatever height limitation applies to the Property for purposes of future development, the District's water distribution system has limited capacity to serve the Property. Should future development plans place a greater demand on the District's water distribution system than one single family equivalent tap, the District may not have the ability to provide water service to the Property.

Finally, the LDS Church proposal required use of the CBMRMD road system. However now CBMRMD is put in the same position as is the District in that it is unable to accurately assess the exact nature and extent of the Property's development based on the information forming the basis of this appeal. No final decision can be made by CBMRMD as to the extent to which the Property will be allowed access to the road system until CBMRMD has received a specific development plan that it can review. The District does not want to see any kind of development approved that will place an undue burden on the existing CBMRMD road system.

For the reasons above-stated, the Districts, separately and jointly, support the denial of the original request, a denial of the appeal, and ask that the County require any such major change to the PD be governed in accordance with the rules and procedures required by Zoning Resolution 2603A, PD Rezoning Approval Criteria Section 18A, and such other rules and regulations applicable for a major change to the PD as required by Douglas County.

Sincerely yours,



Timothy J. Flynn

TJF/cds

cc: BMR Board of Directors  
Consolidated BMR Board of Directors