

**1. General Comments on Forest Heights Properties MS 206  
from Judith von Ahlefeldt  
Adjacent Property Owner  
January 22, 2021  
FOR EDARP record, and Public Discussion**

I have reviewed in detail the Submittal Documents posted through early January on EDARP for Forest Heights Properties (variously Forest Heights Estate sor Didleau Properties), and the Initial Review comments posted through January 22, 2021 per Departments and Agencies.

**I am not opposed to the Developers' intent to subdivide the remaining unplatted acreage along Forest Heights Circle, some of which extends to Herring Road into the proposed four 5 ac tracts.**

In fact I tried to assist in the early stages of this process, specifically assisting Phyllis Didleau on how to use EDARP, what the steps of the Review Process included, and helping her set up the Neighbors meeting on March 14, 2020. I prepared the minutes, had her review them, and then she sent them out to the three Neighbors who attended, and to the Bauers, who were not able to attend.

I attended a meeting with Dan Kupferer and Ken Harrison of LDC in January of 2020, with Phyllis, to discuss road design and ways to minimize disturbance, and had additional e-mail discussions with all regarding drainage.

In early April, 2020 my communication with LDC was cut off because Phyllis noted they were charging Phyllis for phone calls to them, and their reading of my e-mail information which was intended to be helpful. I was hoping to get any issues cleared up before the County Review began. That was unsuccessful.

**Here are my General Comments on the Submittal Documents.**

1. The overall proposed subdivision of the lots is fine.
2. The inclusion of Parcel 5209000050 into Lot 2 is their choice and is fine.
3. I am aware that the intent of LDC is to make the proposal compliant with EPC Subdivision Regulations. I would point out that regulations are all minimum standards, and the Subdivision Code does not address the concerns of Neighbors for any particular project or environmental protection, nor does it accommodate using an approach of minimal environmental and social disturbance.
4. My review found that while the overall intent and process for subdividing the lots was OK,
  - a. there was no intent or effort to remove the egregious large slash and log piles created by clearcutting in 2014. These concentrated fuel "jackpots" are dangerous ember generators. The continued presence of these piles is unacceptable.
  - b. the intent is to allow barns and other outbuilding structures without constraints is concerning. I had suggested that building envelopes be placed on these lots. Lot 1 has many constraints from hillslopes, wetlands and the CIG Pipeline. Lot 3 has significant slopes and the CIG Pipeline. Lot 4 has significant slopes which drain into seasonally wet meadows. Building envelopes, and restrictions on fencing and grazing intensity are needed to protect these fragile, fire-damaged hilly areas from becoming bare and eroding.
  - c. the road design is not friendly to the environment and existing attributes. At the Neighbors' meeting on March 14, we all discussed how the road could be designed to avoid Mr. Yonce's

trees (including any required ditches), and could also allow Ms. Ritchie to leave her driveway entrance in place.

**The Submittal Road Construction/Design does not appear to respect these concerns.**

**The road is essentially straight. It does not meander.**

- d. the road design is not friendly to the wetland at the east end of the road, and culvert replacement of Culvert 1 is not necessary for either weight bearing or drainage. Many extremely heavy loads from my house demolition were hauled over that culvert, as well as 40 full end-dump truck loads of fill for my rebuild and multiple loads of cement, and equipment, log loads bound for the Westcliffe Sawmill, cement pumper trucks, crane trucks, trusses and all other manner of rebuilding materials were hauled over that culvert in addition to 50 years of garbage truck service.

I explained to LDC that replacing that culvert would require digging up my new natural gas line, and also Phyllis' phone line, and possibly removal of cottonwood trees at her driveway entrance that she had said she wanted to keep.

The Submittal Construction documents call for a 100-foot diameter cul de sac (120 feet is included with the 45' x 60' additional easement on Parcel ...081).

This is all a lot of absolutely unnecessary construction and disturbance on a "road" that is not directly needed for the subdivided lot access, and which could be a shared driveway.

**I am opposed to the design of this road as submitted. There are other options.**

**I support the Alternative Road Design suggested by County Engineering.**

- e. The Submittal plan for the road construction did not cite the need to provide for lasting non-motorized trail public use on the gravel road (an amenity enjoyed for at least a half a century), provision for a platted trail to be used if the road were ever paved. (Note that a platted trail *is* on the Redtail Ranch Plat).

f. Noxious Weeds are perfunctorily mentioned in the Maintenance Agreement, but there is no identification of the current noxious weed status or protecting new or existing lots from invasive weeds.

g. The fact that the Maintenance Agreement was never discussed with adjacent Parcel Owners is highly objectionable. I have submitted detailed comment on this in a separate document.

The Proposed Maintenance Agreement is unacceptable to me for the following reasons:

1. Arbitrarily designating adjoining property owners, who have longstanding ingress-egress rights, as "Owners" of the road
  2. Vesting all power for administration, finances, and decision-making for Road Maintenance in the Developers, one of whom is designated as "Administrator".
  3. Lack of Standards for maintenance,
  4. Lack of accountability of the Administrator for fiscal accountability
  5. Broad power for the Administrator and no provision for meaningful participation by adjacent property owners, or new owners in decision making and cost limits.
  6. Allowing the Administrator of encumber costs and then place liens against adjacent or new property owners.
  7. an HOA is not mentioned in the Maintenance Agreement, but the adjoining parcel owners who attended the March 14 2020 meeting were very clear about not wanting to be included in an HOA with the new lot owners (and developer).
- g. In reviewing the Submittal documents per the Assessor Site & County Clerk & Recorder I found discrepancies as to who the Owner of Record was for parcels 120, 121, 050 and 081.
7. The **12725 Herring Rd** address for the project is **already in use for Parcel 5209000070**

The next two pages include:

**1. A subdivision site map with handy parcel information**

**2. An Alternative Road Design concept** showing restoration of Forest Heights Circle (as a Loop) and eliminating the need for the cul de sac and probably also for the pull-outs for the Fire Department.

This is very similar to what was proposed last week by County Engineering.

Access to new Lots 1 and 4 could be handled with a short cul de sac with a shared driveway to the east for Phyllis and Judy (over private lots). Or there could be a longer shared driveway running east from Forest Heights Circle itself where a shared driveway could serve Bauers, Ritchie, von Ahlefeldt and Lots 1 and 4 (as shown below).

This would decrease the amount of traffic to the east end of the road, which would also be more friendly to trail use and way less disruptive to vegetation.

The property owners at the east end (not accessing directly from the “Official” Forest Heights Circle) could retain their addresses, and also participate in the Maintenance Agreement, but could be spared the construction disturbance to the road and subsequent erosion and expensive (and hard-to-maintain) requirements such as rip rap rock on the hill ditches.

I am trying to minimize impacts and expense to the existing road, but also provide a way for all to participate in maintenance.

I think this loop idea may be less expensive to build also, and much easier to maintain.

Note the significant curve to the south on the drawing in the portion of “old” Forest Heights Circle that affects Yonce and Ritchie’s lots to avoid the trees and driveway entryway concerns.

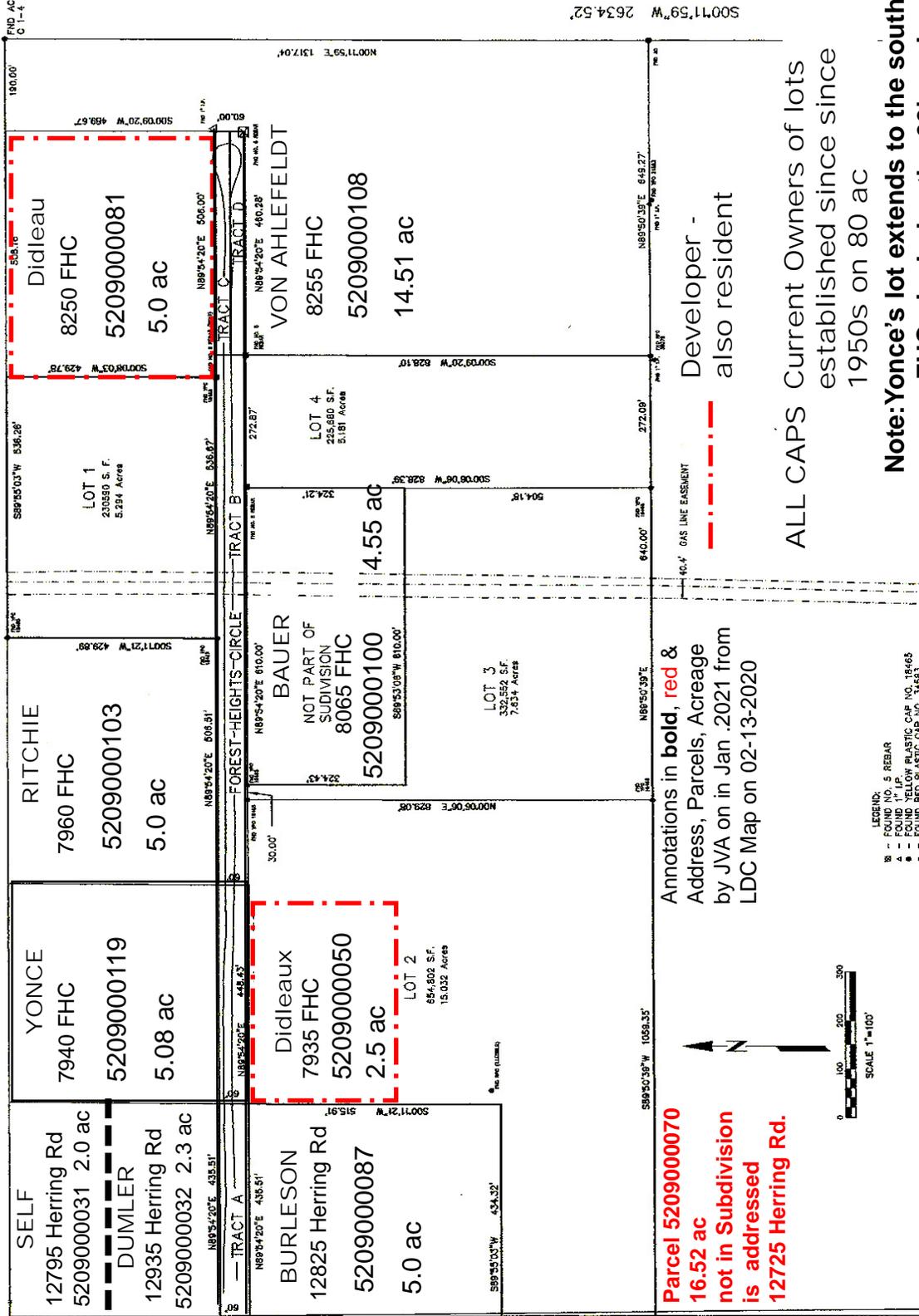
Judy von Ahlefeldt  
Parcel 5209000108  
8255 Forest Heights Circle

I am not attending the Jan 23 meeting because masks are not required, and the conditions will be crowded. I will otherwise participate as conditions allow and will post more comments on EDARP soon. //

# DIDLEAU SUBDIVISION

PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 12 SOUTH, RANGE 66 WEST OF THE 6TH P.M.  
COUNTY OF EL PASO, STATE OF COLORADO

Lot labels (Names, addresses, Parcel Numbers, Acreages and red lot outlines for subdivision owners added. Basemap for subdivision was provided by LDC, Inc for Neighbors meeting on March 14. Lots 1-4 and Tracts A,B,C,D were labeled.



Annotations in bold, red & Address, Parcels, Acreage by JVA on in Jan .2021 from LDC Map on 02-13-2020

- LEGEND:
- Ⓜ - FOUND NO. 5 REBAR
  - Ⓜ - FOUND 1" I.P.
  - - FOUND YELLOW PLASTIC CAP NO. 18465
  - - FOUND RED PLASTIC CAP NO. 34583
  - - FOUND ALUMINUM CAP C-1-4

**Parcel 5209000070**  
**16.52 ac**  
**not in Subdivision**  
**is addressed**  
**12725 Herring Rd.**

ALL CAPS Current Owners of lots established since 1950s on 80 ac

**Note: Yonce's lot extends to the south across FHC - includes the 60' road area**

Developer - also resident

Parcel	Name	Address	Parcel Number	Acreage
5209000031	SELF	12795 Herring Rd	7960 FHC	2.0 ac
5209000119	YONCE	7940 FHC	5209000103	5.08 ac
5209000032	DUMLER	12935 Herring Rd	5209000100	2.3 ac
5209000087	BURLESON	12825 Herring Rd	8065 FHC	5.0 ac
5209000050	Didleau	7935 FHC	5209000108	2.5 ac
5209000081	Didleau	8250 FHC	5209000108	5.0 ac
5209000108	VON AHLEFELDT	8255 FHC	5209000108	14.51 ac
5209000100	BAUER	NOT PART OF SUBDIVISION	8065 FHC	4.55 ac
5209000070	Parcel 5209000070	12725 Herring Rd	16.52 ac	16.52 ac

CALL BEFORE YOU DIG... 811

PLANNING SERVICES

Development Consultants, Inc.

11000 W. WYATT ROAD - COLO SPRINGS, CO 80906

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Project No.: 18070

Sheet: 3 of 2

SEC. 9, T12S, R65W, 6th P.M.

DIDLEAU SUBDIVISION

REVISIONS

NO.	DATE	DESCRIPTION

