

**From:** Ryan Howser  
**Sent:** Friday, February 5, 2021 1:16 PM  
**To:** EXTERNAL Black Forest News  
**Cc:** F. Jackson Yonce; Phyllis; 'Dan Kupferer'  
**Subject:** RE: Input to discussion for Forest Heights Properties

Judy,

Thanks again for all your input and insight. I have forwarded your information regarding the road conditions to Engineering Division. As I am sure you're aware, we are legally limited to what our respective Codes and regulations require and cannot impose additional restrictions beyond those restrictions or ease restrictions unless the criteria for a waiver from the LDC or a deviation from the ECM is met.

The decisions related to deviations for road design will be determined by the ECM Administrator. Perhaps having insight from one of the end-users of the road may assist in making a decision, but ultimately it will be determined by the ACM Administrator.

The same applies to your concerns regarding the trails system. As you have identified, this is outside the scope of the Land Development Code and it will be the determination of the Community Services Department (Parks) to make a decision. I am not sure if you have reviewed the Parks Advisory Board comments. They have already completed and closed out their review for this project. I will do the same and forward your email on to the Parks Dept, but the decision will ultimately be up to them. If they wish to (and are legally able to) amend their recommendation, they may do so.

Let me know if you have any questions.

Thanks

Ryan

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**From:** Judy von Ahlefeldt <[blackforestnews@earthlink.net](mailto:blackforestnews@earthlink.net)>  
**Sent:** Thursday, February 4, 2021 5:02 PM  
**To:** Ryan Howser <[RyanHowser@elpasoco.com](mailto:RyanHowser@elpasoco.com)>; F. Jackson Yonce <[fjyonce@aol.com](mailto:fjyonce@aol.com)>  
**Cc:** EXTERNAL Black Forest News <[blackforestnews@earthlink.net](mailto:blackforestnews@earthlink.net)>; Dan Kupferer <[dkupferer@ldc-inc.com](mailto:dkupferer@ldc-inc.com)>  
**Subject:** Input to discussion for Forest Heights Properties

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Thursday, Feb. 4, 2021

Hi Ryan,

Here is some information which I hope you , and the staff on the Engineering Department, find useful as you all review the Forest Heights Properties Submittal.

I hope everyone utilizes the material already submitted to EDARP by Adjacent Property owners.

It has been difficult knowing what to prepare as the material submitted in December has received some comments, and there was a meeting on Jan 23rd at Phyllis house attended by her consultants, her family, her realtor and several helpers but only one adjacent neighbor to the subdivision proposal (Yonce). I submitted five pages of comments but I think only my concerns over the dense log piles on lots 1 and 3 were noted.

I do not know if Phyllis submitted the notes to EDARP, or if these are draft notes or final Notes. I am attaching them for the record. I think this all needs to be transparent and shared.

To date I am very short on information from the discussions which seem to be taking place at the County level with minimal information beyond the minimum required for Code.

I had suggested to Phyllis in March of 2020 to have enough discussions with the other (mostly long time owners) along Forest Heights Circle, and her consultants or other advisors, to avoid lengthy debates at this stage, or later at the hearings.

I hope that issues can be thoroughly discussed.

So far most of the dialogue has been only among Applicants, Consultant and staff. Given the difficulties of Covid, one meeting where masks were optional does not allow much interaction. Other than an invitation to the meeting not one has reached out to me at all despite my efforts January through March with Phyllis to get discussion rolling in a transparent and civil way.

I am not opposed to the subdivision of the remaining unplatted land into four lots. But after all the destruction caused by the 2013 fire, and subsequent mechanical logging and indiscriminate ripping up of soils, destruction of vegetation recovery and weed invasions on most of the landscape, I want to see this project move forward with the minimum disturbance possible - especially where it affects my parcel (8255 Forest Heights) and the other adjacent owners (Yonce, Ritchie, Bauer, Phyllis Didleau and Jon Didleaux).

Too often, on another subdivisions in Black Forest, I have seen "the Code" flatly imposed on roads with outrageous demands for overbuild, disturbance way out of scale with the project and huge expense to the owners. I hope this can be mitigated here.

I am assuming the outrageous Maintenance Agreement in the submittal is going to be defunct and something workable can be created.

It is my understanding the Dan Kupferer and the Owners/Applicants are in favor of shortening the Private Road by moving the cul de sac to where it will serve the new lots, and not extended by my parcel (108) and cause unnecessary tree removal, culvert replacement, ditching, fill and other construction insults. I tried to offer to discuss purchase all or part of the shared driveway area last April but was

rebuffed because the project was "too far along". (I do understand that new parcels must be presented with the plat first)

Moving the cul de sac to the west is a good choice, but it needs to be accompanied by not including the east end of the subdivision at all in the Private Road under ownership of an HOA. The small, but beautiful stable, and essentially unchanged landscape missed by the fire can be respected if the road is under the purview of me, or Phyllis and me.

A lot of effort has been made since 2017 to rebuild the Black Forest Trails Association Trail between Forest Heights and Meadow Glen Land and to add to it by connecting it to a Platted trail in Red Tail Ranch, than can access the Regional Trails in Section 16 and Pineries Open Space via a connection on Vollmer Road.

None of this is required by Code, and nothing about this is in the Submittal. Therefore neither the Planner nor the Engineers have a clue. But their decisions can make or break what this neighborhood has enjoyed for decades, and which has been part of the Grater Vision for Black Forest for nearly 40 years.

I would like to see some real communication among the neighbors, Applicant, County Staff, and the Black Forest Trails Association. This subdivision is of pivotal importance to maintain the connections already in place and envisioned for the future.

We need to find agreement and ways to partner, not just continue landscape fragmentation.

Please see my submittals on;

**Attached:**

Trails

Road Considerations

The minutes from the March 23 2020 Neighbors meeting (prepared by JVA - vetted by Phyllis )

Phyllis Didleau's notes on the Jan 23rd meeting

**Previously submitted:**

General Comments (from the Jan 23 2021 meeting on EDARP),

History of the Subdivision (on EDARP).

Thank you,

Judith von Ahlefeldt

8255 Forest Hts Circle Parcel 108



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