

Adjacent Neighbor Comment Forest Heights Estates (MS206)

June 14, 2022

from Judith von Ahlefeldt Parcel 5209000108, 8255 Forest Heights Circle 80908

Global Comments

- **I have no objection to the three subdivision lots created by this proposal.**
 - Originally four lots were proposed. Now only two will have new residences per this second resubmittal.
- **This is the third submittal (second resubmittal) for this Minor Subdivision project, now at least its third year for the Applicant.**

Unnecessary complications have arisen from:

 1. the lack of communication by LDC and the Applicant's attorney, with affected neighbors (essentially no "reach out" or discussion to reach "Final" Versions at any point through all three submittals). Adjacent **exterior** boundary owners were never invited to the Neighbors meetings.
 2. The application of "one size fits all" LDC and ECM standards to a serviceable, (although substandard road built in 1954) - results in oversized road to serve eight total parcels.
 3. Aggressive construction plans and methods that unnecessarily disturb and destabilize fragile alluvial soils are planned. The consequential disturbance requires hardscape post-construction stabilization mitigation and drainage structures.
 4. An overly complicated drainage plan. The western segment of the road needs to be built up and culverted (significant elevation of the road surface). Only two culverts are needed because they have been destroyed over the years (#1 and #2). Ditches do not have to be extended as 3:1 slopes nearly the entire 60' width to a cul de sac. It would be far better to have a "least disturbance" building method and borrow ditches.
 5. It would be desirable to have an "at grade" flat area outside of the borrow ditch for a future non-motorized trail if Forest Heights is ever paved.
 6. Users are expected to maintain the road and drainage. The design and construction implementation - including any cul de sac, needs to take future maintenance costs, and difficulties (per the Maintenance Agreement) into consideration.
- **I have strong objection to the placement of the cul de sac beyond the east edge of the proposed new Lots 1 and 2. I would like to see the cul de sac built between subdivision Lots 1 and 2 as proposed in the January, 2021 Deviation request.**

There is currently a functional lot access area (unplatted portion of Lot 120 - considered Forest Heights Circle) which extends East of the West property Lines of Parcels 081 (Phyllis Didleau) and 108 (Judith von Ahlefeldt). It does not need "road improvements", and functions as a private driveway. **I asked the Applicant/Owners in April of 2021 to discuss selling the 60' area between my Parcel (108) and Phyllis' parcel (81) to me, and shared, as a private driveway - leaving the landscape at the east end of the road intact. My offer to purchase and share this driveway is still valid. this area could simply be added to Phyllis' lot as Tracts C & D, just as Jon Didleaux added lots 3 and 4 into his lot**
- **I have strong objection to the Construction Drawings and Maintenance Agreement as presented in the two (May, 2022 dated) Deviation Requests, as well as issues with appropriateness of the extensive and expensive Drainage mitigation plan for this subdivision of just 35+ acres very close to the top of a major watershed.**

There are inaccuracies and inconsistencies.

Some of the documents (which were changed in the second submittal in January 2021, have reverted to what was presented (and objectionable) in the first submittal.

- **The Second Submittal Review of (First Deviation Requests, Posted on EDARP January 6-7, 2022)** was never completed.
 - Review appeared to be cut off after Project Review Comments were posted on EDARP on January /12/2021.
- **I was awaiting revision of the Maintenance Agreement (originally Posted on EDARP 2020-07-2020.**

No more appeared on this March-June of 2021 - but NOT on EDARP). The ‘final version changes were in e-mails by Phyllis Didleau. These were presented several times as a ‘final’ version. The changes were never discussed directly with adjoining landowners by Attorney Brewer who could have used phone calls or e-mails by him. This was during Covin and Phyllis tried to hold a Neighbors Meeting at her home in Mid-March, 2021 (without requiring masks) and only one invited neighbor personally (Mr. Yonce) attended.
- **I submitted an extensive critique of this Agreement to Phyllis asking that the HOA and Maintenance Agreement be separate documents (referencing the stated preferences of neighbors at the *March 2020* meeting needing to use the road and NOT wanting to be part of an HOA for the new subdivision).** This also identified issues I had with the rather inept lack of estimated costs for this maintenance, or other services, lack of: legal structure, organizational structure, succession of Administrators, power structure, requirements for any one doing work on the newly built road to have qualifications, experience and equipment that would not destroy the road crowning and and drainage intent, and lack of standard specificity for road condition standards, maintenance.
- **I also had issues per the Maintenance Agreement with the ability of the “Administrator” to solely make decisions, incur costs and then put a lien on my property to pay for same.**

I am happy to contribute to road maintenance, but not under THIS agreement.

I have been the “end user” of this road for 52 years - four of which have been under the Applicant and owner’s purview, and it there is going to be such an effort and expense to “upgrade the road”, it seems essential and prudent that the correct equipment is used to maintain the road (i.e. a grader of suitable size - not a bucket), and that all participants in such an agreement have better information and the Agreement have well-defined limits.

Project Event Sequence:

- **The property was purchased by Jon P. Didleau and Phyllis Didleau (joint owners) in 2018. Subdivision began in 2019 (Application, LDC Consultant and EPC Early Assistance). Phyllis had been in residence on her parcel (081) since 2014.**
 - I met with Phyllis, Mr. Kupferer, Mr. Harrison - at Phyllis invitation, at LDC, in January of 2020. At that time there were draft drawings for the Planning submittal. including roads and drainage. Only a Sketch Plan Drawing, showing four lots and the cul de sac at the east end of the Applicant (and owners) holdings were provided to neighbors.
 - For the first submittal and review the cul de sac was between my parcel (south and east side) and Phyllis’ private lot (north side). The cul de sac was located well beyond the new subdivision parcels.

- At the January, 2019 meeting at LDC I suggested moving the cul de sac to between Lots 1 and 2 (either side). This shortened the length of the private road (less expense to owners of the 60' road area extending eastward beyond the new lots, and less construction impact). The Consultant agreed this was a good option. There are not drainage issues between Phyllis lot and mine so some light grading to make a crown, minor ditching and a dressing of gravel is all that is needed east of Phyllis Didleau's (or my) west lot line (as a private shared driveway).
- The shorter road with the cul de sac between Lots 1 and 2 was what is in the first Deviation **Request of Jan 6. and 7, 2022, but not in the original plan.**
I was agreeable to that cul de sac configuration, and I also supported the Alternative loop road from Herring to Forest Heights Circle, which was suggested by PCD Engineers. I don't know if a cost estimate was done for that.
- An invited Owners Meeting was held on **March 13, 2020** at Phyllis Didleau's house, in advance of the creation of the EDARP Site on April 20.
Owners of three of four existing lots with homes using Forest Heights Circle for Access attended, along with Phyllis Didleau and Jon Didleaux.
Charles and Shirley Bauer did not attend because of (Covin) illness issues.
- All that was available at that time was the sketch map showing the four lots and cul de sac at the end. Moving the cul de sac to the west, possible HOA, and the Road Maintenance Agreement were all discussed Mr. Brewer and Mr. Kupfere did not attend.
- The minutes from this meeting were prepared by me, approved by Phyllis and sent out by her to all four Neighbors on the road, for a well-intended basis for future discussions.
The e-mail sent to neighbors also included a second map showing the shorter road with the cul de sac between Lots 1 and 2 configuration and with Tracts C @ D (to get them platted with the intention that Phyllis and I (with Jon Didleaux' agreement) could create a private driveway that would not be subject to strict ECM subdivision standards (i.e. remove these parcels from the dubsivison leaving the existing landscape as an intact, stable, serviceable roadway with an 85' turnaround intact.
- The Applicant did not submit these minutes (which were sent out to all adjacent neighbors). to EDARP (created in April 4, of 2020 a few weeks later).
- All eight public comments were Posted on EDARP 01/27/21 and 02/09/21.

• **THE FIVE ITEMS I SUBMITTED (on EDARP list 1, 2, 6, 7 & 8) are all still relevant) General Comments, History, Trails, Roads and Environment and Mr. Howser's reply (Correspondence). PLEASE CONSIDER THEM A PART OF THIS JUNE14, 2022 COMMENT and reread them. They have relevant photos.**

- There were no more Project Comments on EDARP after Feb. 16, 2021 and I wanted for additional Project Documents.
- EDARP subdivision Summary sheet (posted Dec. 12, 2021) is still incomplete.
- **The next entry on EDARP were the two pages of Deviation requests January of 2022. which showed the shorter road and cul de sac.**
- **So, after I had submitted comments in January of 2021, and the first deviation request was posted almost a YEAR LATER (January of 2022) I was expecting a full review of that first Deviation Request, including ALL other affected documents.**

AS NOTED ABOVE I DO NOT THINK THAT FULL REVIEW WITH COMPLETE REVIEW COMMENTS EVER HAPPENED.

These are no other EDARP entries for 2021 except the incomplete Subdivision Summary Reports.

- **I continued to check in with Ryan Howser the rest of 2021 to ask about another resubmittal - right up through at least late April of 2022.**

- The May 16-19, 2022 EDARP uploads of NINETEEN Resubmittal documents was both a surprise and a shock to see that the cul de sac had been moved back to the east end of current Forest Heights Circle and the MAINTENANCE AGREEMENT was embedded in one of the May, 2022 Deviation Request documents without much change.
- It is a tall order to go back though all this material and try to figure out what has really been changed. I will be submitting additional comments.
- My conclusion is that much of what was objectionable about the Road, Drainage, Construction and Maintenance Agreement has not changed and the added detail has made it even more unacceptable.

Communication Dynamics

- Initially the communication among the Applicant/Owners for this project (2020-late October, 2021) was cordial, but minimal, among the Applicant/Owners and neighbors who had been invited to participate.
- The advent of COVID in 2020, and continuing issues with that in 2021, plus issues with using e-mail by people inexperienced with this venue, further decreased discussions. Through late October 2021 there were still occasional verbal or short -email exchanges with Phyllis (only), from Mr. Yonce and me. I don't know about Ritchie and Bauer. The one meeting held by Phyllis in March of 2021 included only Mr. Yonce (of the four neighbors), and occasional conversations between Mr. Yonce, me and Jon P. Didleaux when we met passing on the road.
- **In June, of 2021** the Applicant/Owners (Phyllis Didleau - Applicant) and Jon P. Didleau (Co-owners) created two Revocable Trusts. One was solely by and for Phyllis J. Didleau, and the other for Jon A. Didleaux and Phyllis J. Didleau. This is of record on the Assessor site. The subdivision after that date was placed under ownership of the joint trust.
- During third week of October, 2021, the two non-motorized trails (agreement with the Black Forest Trails Association) were disrupted by many of the trail-bordering logs being pulled 90 degrees to lay across the trail. About a week later, Larry Fariss of the Trails Association was given verbal permission by Phyllis to restore the trail function by moving the logs back into place. This was done, but by the first weekend in November, 2021 fencing was placed across these trails by a hired fencing contractor and extended member of the owners' family. The trails were closed (fenced off) by Sunday, night November 6, 2021 and have remained closed since.
- Within two week of that Phyllis fell quite ill with COVID and it took several months for her to recover enough to communicate.
- While the Trails issues does not directly affect the Subdivision review parcels, or Code compliance comments by staff on the Resubmittal, these local events of Fall, 2021 - which disrupted, and since closed valued Neighborhood Amenities designed by Black Forest Trails Association to provide local non-motorized trail connection to Pineries Open Space, and via future Vollmer Rd. Regional trail, to Section 16, have had a major effect on any communication with Phyllis and Jon including ordinary discourse on the Subdivision Review.

SO AS OF JUNE 14, 2022 I OFFER CONDITIONAL SUPPORT FOR THIS APPLICATION.

The conditions are:

1. The cul de sac be placed between Lots 1 and 2 (within the Boundaries of the new Subdivision Parcels) for Forest Heights Estates and that a private shared driveway (various ways to do this) be designated on Tracts C and D (like January 2021 Deviation Request Map), and any improvements made leave the existing useable culvert (#3) in place.
- I offer to extend that culvert up to 10 feet' to the south and add a "flare" at my expense. I have dis

cussed flushing the culvert by Black Forest Fire.

The idea here is to spare the existing landscape *any* construction disturbance and protect the vegetation - including the trees at Phyllis' driveway and the 5 large pine trees in the way of the Cul De Sac in Exhibit A on the cul de sac built on Phyllis' Lot 081. This also decreases impacts to jurisdictional wetlands identified in Environmental Services Project comment on EDARP.

2. That Phyllis agree to remove the fences to restore the connection of Meadow Glen south end of ROW to the already built west to east BFTA trail which connects to the trail on my Property and to Red Tail Ranch a per a permanent easement with BFTA, and also enables connection to the north utility easement along the Lot 1 on the exterior boundary of the subdivision). This utility easement has already hosted Force Broadband). If her trail easement is permanent, I will do a similar easement on my property for that trail.
3. That the Forest Heights Subdivision Owners agree to a Local (BFTA) Trail on the Lot 1 north Utility Easement to reach the County Trail Easement (per Parks Board Request) to the Interstate Gas Line. This must be written on the Plat (as was done for Redtail Ranch as a Condition of Approval.) Please add language to the (page 1) Plat Note on Easements that utility easements on exterior subdivision boundaries may also be used for non-motorized trails as part of a local neighborhood trail system. This assumes Forest Heights Circle as a gravel road will continue to be publically accessible for non-motorized activities - preferably under an easement agreement with BFTA.

Thank you for the opportunity to provide comment.

I will continue to add details in the next few weeks to this EDARP submission.

Please contact me if any additional information is needed or if any questions. I can provide documentation,

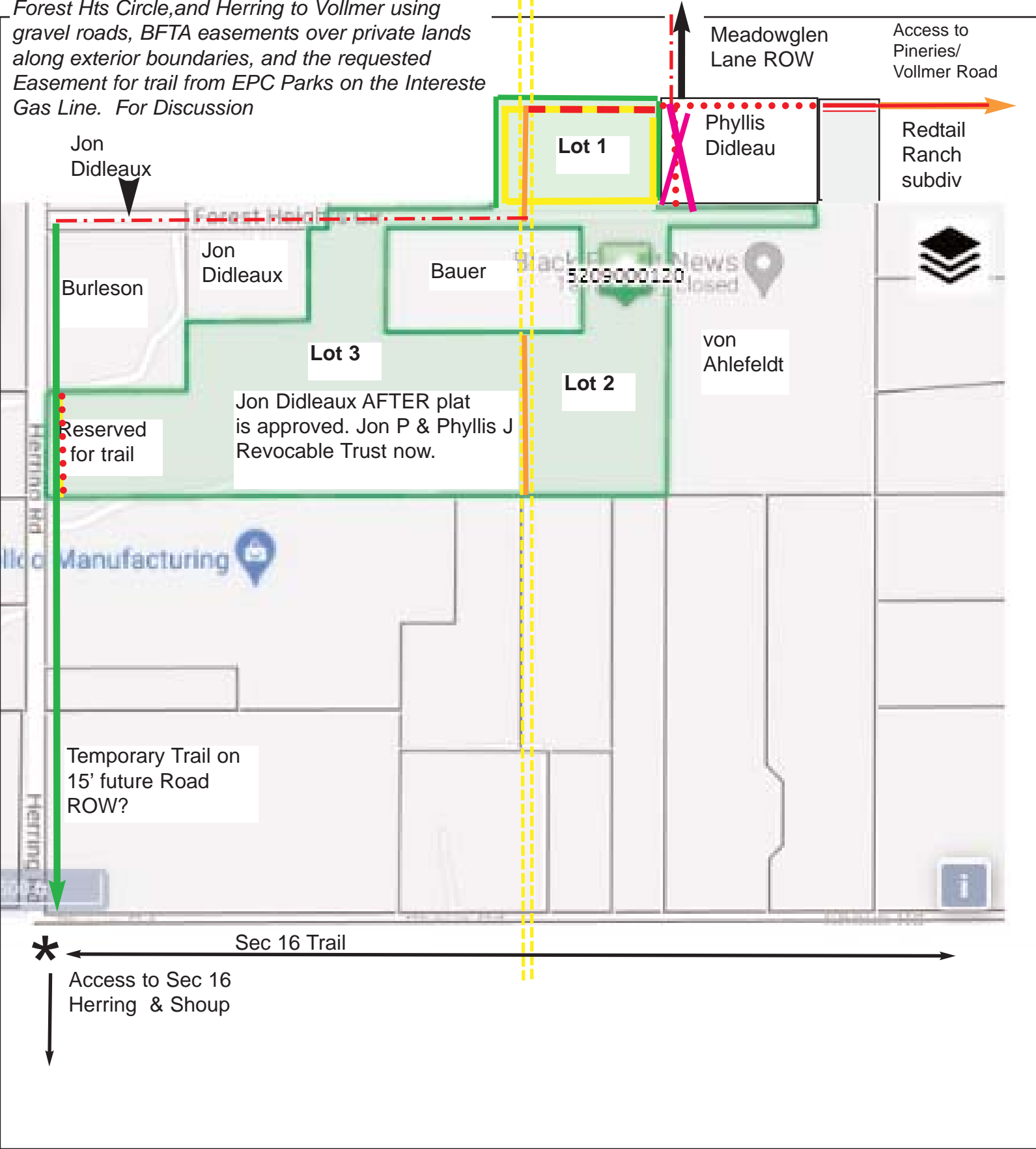
Judith P. von Ahlefeldt

Adjacent Landowner Parcel 5209000108,

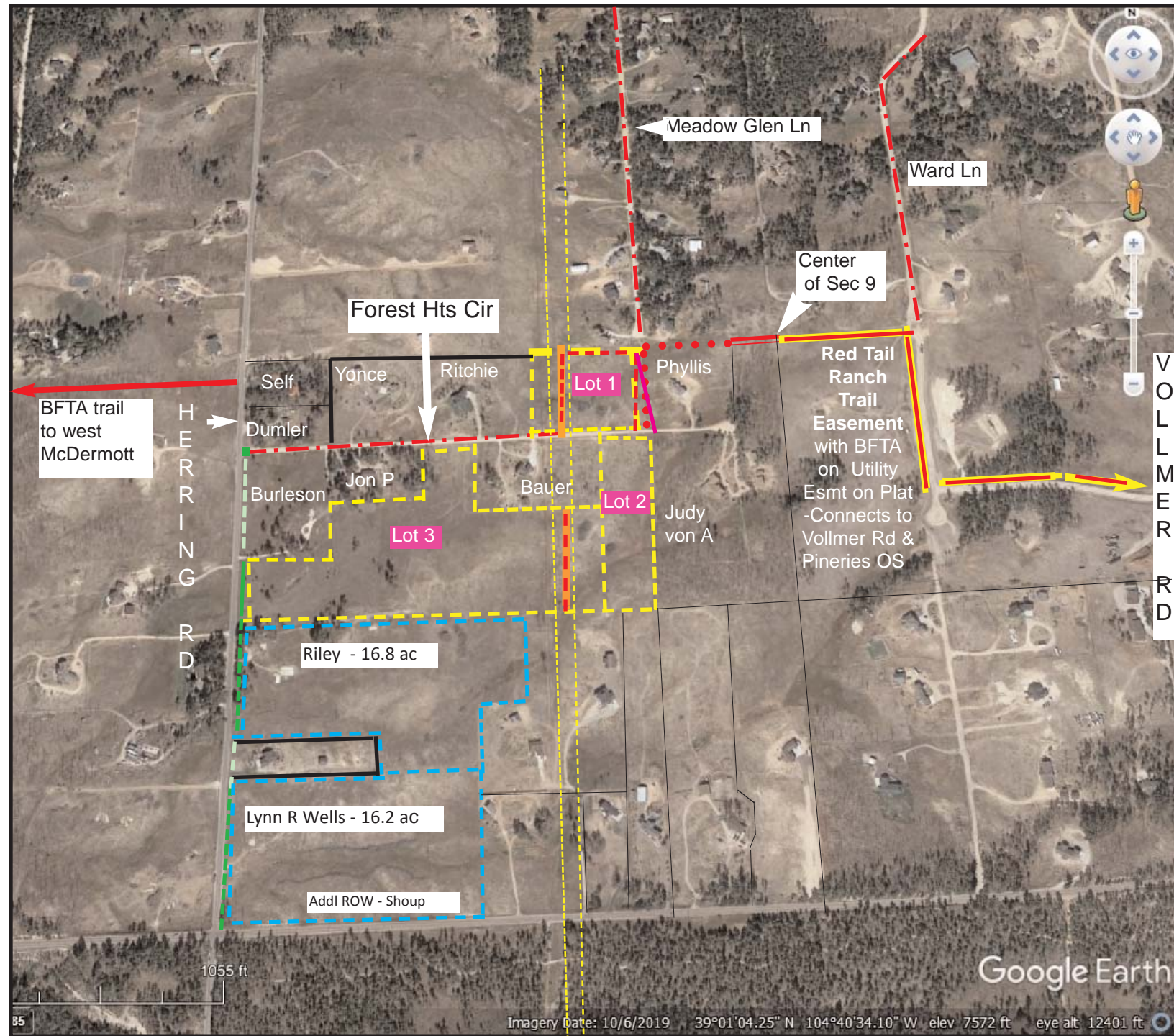
From EPC Assessor (Base) Map from Judith von Ahlefeldt

*DRAFT suggestion June 14, 2022 (June 16 also)
A way to provide simple local trail connections per
BF Trails Assn (BFTA) among Meadow Glen and
Forest Hts Circle, and Herring to Vollmer using
gravel roads, BFTA easements over private lands
along exterior boundaries, and the requested
Easement for trail from EPC Parks on the Intereste
Gas Line. For Discussion*

Sent to: County Attorney, PCD, EPC Parks, Public
Services and EDARP on June 16, 2022.



The SW quarter of T12 S R65W Section 9 in Black Forest



Old Neighborhoods with new opportunities for protecting Rural Residential lifestyle and continuing valued local Trail access per El Paso County Master Plan concepts

Trails

- On private gravel roads
- Near property boundaries of private lands
- Within or on Utility Easements

Black Forest Trails Association (BFTA) has been working for decades to connect neighborhood residential areas using non-motorized local trails, and provide access to EPC Parks trails where possible. Forest Heights Estates (MS206) provides a unique opportunity to preserve trails that existed before the 2013 Fire and were restored or added since the 2013 BF Fire connecting neighborhoods. The SW quarter of Sec 9 has unique opportunities for local access to Section 16 and Pineries OS.

Draft Map for Disussion

- Gas Pipeline on EPC Parks Master Plans since 2006
- On Plat - Utility Easement on lot perimeter/ & pavedd road - RedTail Ranch 2018
- Quiet gravel roads
- Utility Esmt- new Subdiv
- Potential Esmt- future?
- Future 15' road widen
- BFTA Temp trail - mowed?