



**PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT**

Hearing date: January 28, 2026

Prepared on: January 21, 2026
Prepared by: Kay Wolf, Planner II
Case number: A25-0118
Subject: Askag Wandcrest Rezoning
Request: The applicant is requesting a rezoning from PUD or Residential (PUD rescinded by BOCC on November 11, 2025) to Agricultural

Application summary

Applicant/s: Adam Shirley
Owner/s: Askag LLC
Location: T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1- 7-72, NW4 SECTION 12-7-72, A PORT DESC R781265 DESC IN ADDENDUM R792480 (58.282 AC), addressed as 14097 Wandcrest Park Dr, Bailey
Current zone district: Residential (PUD rescinded by BOCC Nov 19, 2025)
Surrounding zoning: Residential, Commercial, Agricultural
Lot size/s: 58.282 acres
Proposed zoning: Agricultural to seasonally run cattle

Background

The parcel lies between Hwy 285 and Wandcrest Park Rd near the eastern border of Park County in Bailey. It was purchased by aSkag LLC in 2022 from Colorado Pineridge LLC. The applicant previously applied for and was granted a rezoning from Residential to PUD but that was rescinded by the BOCC on November 19, 2025. The applicant is now applying to rezone the property to Agricultural to run cattle (reverted from no specific use by email on 1/20/2026). He owns adjacent parcel 47546, which was rezoned to Agricultural in 2024.

Land Use Regulations and Strategic Master Plan

Each of the standards for approval for a Petition for Official Zoning Map Amendment (LUR Section 5-203) is addressed below.

A. The property possesses geological, physical, and other environmental conditions that are compatible with the potential uses permitted in the proposed zone district;

A wild variety of uses are permitted under the Agricultural Zone District, and many of those permitted by-right are compatible with the land, though many uses (primarily those involving large livestock or requiring a permit) are not compatible given the steep terrain of the property.



B. The property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare;

There's a 60' easement to the north property line, as per Reception No. 803638.

C. Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit;

There's a 60' easement to the north property line, as per Reception No. 803638, and it connects to Wandcrest Park Dr through parcel 47545.

D. The potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area;

The parcel is adjacent to one other parcel zoned Agricultural, and is otherwise surrounded by Residential, Commercial, and PUD zone districts. The potential uses can be compatible with the neighboring properties, but some uses (particularly those involving marijuana or swine) may become a source of conflict. Runoff mitigation measures may also be necessary to prevent pollution to the nearby wetland and riverine (west and downhill from the subject property).

E. And at least one of the following:

a) The rezoning, as proposed, is consistent with the advisory provisions of the Park County Strategic Master Plan; or

This rezoning is in accordance with Strategy D of Goal 3.2 in the 2016 SMP: "Encourage a transition to agricultural uses with more livestock than would be typically allowed in a platted residential subdivisions [sic] in unbuilt and antiquated subdivisions where lot sizes are large enough, where lot consolidations are possible or where contiguous common ownership already exists."

The applicant owns the adjacent property, which was already rezoned to agricultural, and both parcels are large enough for more livestock than is allowed in a residential district.

b) The rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Park County Strategic Master Plan; or

Not applicable.

c) The rezoning, as proposed, is to a Planned Unit Development.

Not applicable.

Section 5-205 Rezoning Property Currently Zoned for Mining

Not applicable.

Section 5-301 Rezoning to Agricultural



A. Parcels created on June 1, 1972 or later that are less than 35 acres cannot be brought into (rezoned to) the Agricultural zone district.

The parcel is greater than 35 acres.

Section 5-306 Rezoning to Rural Mixed Use Center

Not applicable.

Section 5-312.B Rezoning to Recreational Vehicle Park and Campground (RVC)

Not applicable.

Impact analysis

In addition to the care of many more animals, activities allowed by-right if this parcel were zoned Agricultural that are not currently allowed include: camping, operating a bed-and-breakfast, having a guest house, cultivating marijuana, marijuana retail, producing marijuana, testing marijuana, running a nursery (either retail or wholesale), product manufacturing, and testing; and operating a commercial riding arena. As the applicant has switched twice between “any and all things agricultural” as a development plan, the impacts of all permitted-by-right uses would be a much more intensive use of the land than what is allowed on a residential property with limited options for commercial activities. The possibility of managing more agricultural animals on a property uphill from a water body could potentially violate LUR Article V Section 5-701.A.3: “Runoff containing organic waste shall not be allowed to drain onto adjacent lots or any watercourse.”

Referral responses

The summary from my phone call with the Chairman of ABE is as follows: there are concerns about the lack of fencing for running cattle in an area surrounded by residential homes and commercial businesses, as well as any potential dumps or spills from the previously operating transfer station. As such, ABE recommends environmental testing prior to approval.

WOW strongly rejects approval of this application on the following grounds:

- Not enough time to review the application (notified Jan 12, response submitted after requested date on Jan 22 at 6:26pm)
- Historic land use approval errors on this parcel
- Alleged sewage spills on the adjacent parcel
- Incomplete application based on applicant character, a lack of topographical information, and missing existing and proposed improvements with locations.
- Changing the zoning is inconsistent with the Master Plan
- Conjecture about using the rezoning to be eligible to apply for a CUP to continue running a transfer station
- Potential “spot zoning”
- Seasonally running cattle is inconsistent with:
 - o Presence of a white tent structure, storage areas, and parking
 - o Alleged heavy truck traffic and dirt transportation



Possible Conditions to Address Concerns

- Environmental testing prior to approval to confirm suitability of soils for agricultural use given the previous use as transfer station;
- Removal of materials that can leach contaminants into the local watershed;
- Removal of materials that are likely hazardous for cattle;
- Coordination and cooperation with Teller-Park Conservation District to implement best management practices that prevent soil erosion and the drainage of manure into the watershed by runoff;
- Inspection and approval of manure containment area/s;
- Resolving violations of LUR Article V, Sections 5-103(A) and 5-300 after many notices (attached after the application materials): refusing to remove a temporary structure for which the permit has expired.

**PARK COUNTY APPLICATION FOR
REZONING
NON-REFUNDABLE APPLICATION FEE: \$1700**

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: ASK ag LLC

Mailing Address: PO Box 86

City: Pine State: CO Zip: 80470

Telephone

(work) 303-947-3904 (home) _____ (fax) _____

Owner's Name: Member Adam Shively

Mailing Address: PO Box 86 Pine CO 80470

Telephone No.: _____

ask.2005@yahoo.com

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Rezoning (attach additional page, if necessary):

attached

Street Address of Property: 14097 Wandcrest Park Dr Raily CO 80421

Property's Total Acreage: 58.3

Current Zone District of Property: PUD/Rus

Proposed Zone District of Property: Agriculture

For County Use Only Planning Department Confirmation of Current Zone District: District: <u>Residential (PUD rescinded)</u> <u>Kay Wolf</u> Print Full Name

**Requirements for a Rezoning
Article V, Division 2, Section 5-201**

C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of \$1700.00 must be paid at the time of submission of the application. Make the check or money order to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.
2. Tax receipt-showing payment of current taxes. This can be obtained at the Park County Treasurer's office.
3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.
4. A legal description of the property proposed for the Rezoning prepared by a licensed Colorado land surveyor.
5. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed amendment to the Official Zoning Map, this information is at Park County Assessor's Office.
6. A Vicinity Map of where the proposed property is located within Park County.
7. A map or other description of the property proposed to be subject of the Rezoning including the following information:
 - a. The current zone district(s) of the property proposed to be subject of the Rezoning and of the adjacent properties;
 - b. A map showing the boundaries of the property proposed to be subject of the Rezoning;
 - c. Description of the existing uses on the property and on adjacent properties.
8. A map or other description of the Current Conditions of the property proposed to be subject of the Rezoning including the following information;
 - a. Topography of the property subject to rezoning, shown in elevation contours of not greater than twenty (20) or forty (40) foot increments. Applicants are encouraged to use the USGS topographic mapping or other form of commercially produced topographic map;
 - b. Points of access to the property, internal roads and trails including widths, and approximate grades. The Current Conditions Map must illustrate how access is

For County Use Only: Initial Receipt of the Required Information	
(1.)	✓
(2.)	Staff
(3.)	Staff
(4.)	✓
(5.)	Staff
(6.)	Staff
(7a.)	Staff
(7b.)	✓
(7c.)	[Signature]
(8a.)	Staff

For County Use Only: Initial Receipt of the Required Information
(2c.) _____
(3.) _____
(4.) _____
(5.) _____

c. The extent of any previous mining activity on the subject property.

3. The applicant must provide a written statement describing the impact, if any, that the approval of a Rezoning application would have on present and future operations of nearby mining concerns.
4. The mineral rights must be owned by the applicant and must continue to run with the land. If the Rezoning application is approved, the applicant must agree to a deed restriction or similar recordable documentation concerning this requirement.
5. If the Rezoning application is approved, then the applicant may be required to record documentation prepared by the County Attorney or County designee, disclosing the potential for geologic hazards at the property, assuming the risk associated with non-mining use of the property, and indemnifying Park County Government from all injury and damage claims resulting from said use of the property.

Note: Refer to Park County Land Use Regulations Article V, Standards for Approval of Map Amendment and if required; Standards for Evaluation of Application to Rezone Property Currently Zoned for Mining.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verify and affirm that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: _____
 Print name: Adam Shirley
 If company, state Title/Position: President

Owner: Signed: _____
 Print name: _____
 If company, state Title/Position: _____

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

December 30, 2025
 Month Day Year

For County Use Only:
 Verification of Date of Delivery and
 County Receipt of Application
 Date: December 30, 2025
 Print Name: Kay Wolf

Payment of the Applicant Fee was made by:

<input checked="" type="checkbox"/>	Personal Check # <u>32146</u>	Amount \$ <u>1700-</u>
<input type="checkbox"/>	Cash	Amount \$ _____
<input type="checkbox"/>	Other _____	Amount \$ _____

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTARIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND WEDNESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.

AFFIDAVIT OF UNDERSTANDING FOR APPENDIX C

I, ASK 99 LLC Adam Shirley, the undersigned applicant, hereby acknowledge and agree to the following terms and conditions related to the submission of my application to the Park County Development Services Department.

1. ACKNOWLEDGMENT OF APPENDIX C REQUIREMENTS: I understand that, pursuant to Appendix C – Development Review Fees of the Park County Land Use Regulations, all application fees are non-refundable once an application has been received by the County, regardless of its status or outcome.

2. RESPONSIBILITY FOR COMPLETENESS: I acknowledge that it is solely my responsibility to ensure that all required materials, forms, maps, and supporting documentation are submitted in full compliance with the applicable Land Use Regulations and departmental procedures.

3. INCOMPLETE, WITHDRAWN, OR DENIED APPLICATIONS: I understand that any application that is incomplete, withdrawn, or denied—whether administratively or by action of the Board of County Commissioners—shall not be eligible for reimbursement, credit, or transfer of any portion of the fee paid. Any subsequent or corrected submittal shall constitute a new application and require payment of the applicable fee as set forth in Appendix C.

4. CERTIFICATION: I affirm that I have read and fully understand this affidavit and the non-refundable nature of the application fee as described in Appendix C. I further acknowledge that this affidavit shall be retained as part of the official record of my application.

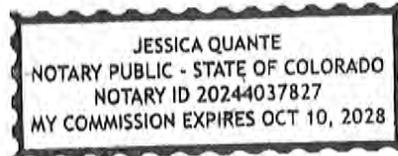
Applicant Name: ASK 99 LLC

Mailing Address: PO Box 86 Pine CO 80470

Project Name / Type: _____

[Signature]
Signature of Applicant

Adam Shirley
Print Name



STATE OF COLORADO)
) ss.
COUNTY OF PARK)

Acknowledged before me this 30th day of DEC, 2025 by ADAM EDWARD SHIRLEY

Notary Public Witness my hand and official seal. My Commission Expires: 10/10/2028
APPENDIX C - AFFIDAVIT OF UNDERSTANDING Jessica Quante NOTARY PUBLIC



Park County Treasurer Tax Receipt

Account	Parcel Number	Receipt Date	Receipt Number
R0047905	47905	Oct 22, 2025	2025-10-22-Rebekah-193049

ASKAG LLC
 14803 S WANDCREST DR
 PINE, CO 80470-9147

Situs Address	Payor
14097 WANDCREST PARK RD BAILEY 80421	ASKAG LLC- Adam Shirley 14803 S WANDCREST DR PINE, CO 80470-9147

Legal Description
 T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1- 7-72, NW4 SECTION 12-7-72, A PORT DESC R781265 DESC IN ADDENDUM R792480 (58.282 AC)

Property Code	Actual	Assessed	Year	Area	Mill Levy
35 AC NO MORE THAN 100 AC - 0550	500,000	139,500	2024	0008	57.3987

Payments Received

Check	\$8,527.55
Check Number 05020	

Payments Applied

Year	Charges	Billed	Prior Payments	New Payments	Balance
2024	Advertising Fee	\$40.00	\$0.00	\$40.00	\$0.00
2024	Interest	\$480.43	\$0.00	\$480.43	\$0.00
2024	Tax	\$8,007.12	\$0.00	\$8,007.12	\$0.00
				\$8,527.55	\$0.00
Balance Due as of Oct 22, 2025					\$0.00

Thank you for your payment.



Escrow No.: C2068501-072-JT2

SPECIAL WARRANTY DEED

This Deed, made April 20, 2022

Between **Colorado Pineridge, LLC, a Colorado limited liability company**, of the County **Jefferson**, State of **Colorado**, grantor(s) and **aSkag LLC, a Colorado limited liability company**, whose legal address is **P.O. Box 387, Conifer, CO 80433** County of **Jefferson**, and State of **Colorado**, grantee(s)

WITNESSETH, That the grantor(s), for and in the consideration of the sum of **FIVE HUNDRED THOUSAND DOLLARS AND NO/100'S (\$500,000.00)** the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee(s), his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of **Park**, State of **COLORADO** described as follows:

See Exhibit A attached hereto and made a part hereof.

also known by street and number as **Vacant Land, Bailey, CO 80421**

TOGETHER with all and singular hereditaments and appurtenances, thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances **except for taxes for the current year, a lien but not yet due and payable, subject to statutory exceptions as defined in CRS 38-30-113, revised.**

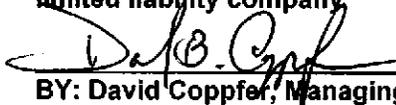
TO HAVE AND TO HOLD said premises above bargained and described, with the appurtenances, unto the grantee, their heirs and assigns forever. The grantor(s), for themselves, their heirs and personal representatives or successors, does covenant and agree that they shall and will **WARRANT AND FOREVER DEFEND** the above-bargained premises in the quiet and peaceable possession of the grantee(s), their heirs and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under the grantor(s).

The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

IN WITNESS WHEREOF, the grantor has executed this on the date set forth above.

SELLER:

Colorado Pineridge, LLC, a Colorado limited liability company

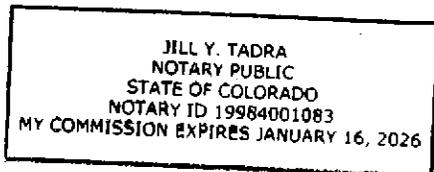

BY: **David Coppfer, Managing Partner**

STATE OF COLORADO
COUNTY OF PARK

}ss:

The foregoing instrument was acknowledged before me **April 20, 2022** by **David Coppfer, Managing partner of Colorado Pineridge, LLC, a Colorado limited liability company.**

Witness my hand and official seal.



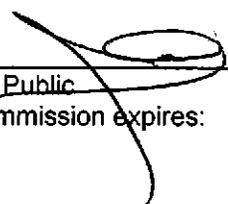

Notary Public
My Commission expires:

Exhibit A

A parcel of land located in the Southwest quarter of Section 1 and in the Northwest quarter of Section 12, Township 7 South, Range 72 West of the 6th Principal Meridian, County of Park, State of Colorado, being a portion of that certain Tract known as Parcel B described in General Warranty Deed recorded March 21, 2005 at Reception No. 611236 in said Park County, more particularly described as follows:

Commencing at the Northeast corner of said Northwest Quarter of Section 12; Thence South 00°58'05" East along the east line of said Northwest Quarter of Section 12 (South 00°58'05" East per Deed), a distance of 561.06 feet to the Point of Beginning;

Thence continuing South 00°58'05" East along the East line of said Northwest Quarter, a distance of 801.32 feet to the Southeast corner of the North half of said Northwest Quarter of Section 12;

Thence South 86°11'36" West along the South line of said North Half of the Northwest Quarter (South 86°19'27" West per Deed), a distance of 1133.02 feet;

Thence along the East, North and West lines of that certain parcel described in Special Warranty Deed recorded March 23, 1993 at Reception No. 411378, Book 491, Page 630, the following three (3) courses:

1. Thence North 03°48'24" West, a distance of 150.00 feet (North 03°40'33" West, 150.00 feet per Deed)
2. Thence South 86°11'36" West, a distance of 150.00 feet (South 86°19'27" West, 150.00 feet per Deed)
3. Thence South 03°48'24" East, a distance of 150.00 feet (South 03°40'33" East, 150.00 feet per Deed)

Thence continuing South 86°11'36" West along the South line of said North Half of the Northwest Quarter, a distance of 923.45 feet;

Thence North 00°27'33" West, a distance of 1681.36 feet (North 00°27'49" West, 1681.20 feet per Deed) to a point on the Southerly right-of-way line of U.S. Highway No. 285;

Thence along said Southerly right-of-way line the following two (2) courses:

1. Thence along the arc of a curve to the right having a radius of 1332.50 feet and a central angle of 20°33'52", an arc distance of 478.26 feet with a chord that bears North 64°45'09" East, 475.69 feet (central angle of 20°35'00", radius of 1332.50 feet, arc distance of 478.70 feet, chord of North 64°48'10" East, 476.13 feet per deed)
2. Thence North 80°26'37" East, a distance of 289.23 feet (North 80°28'40" East per Deed)

Thence South 00°00'00" East, a distance of 984.52 feet;

Thence North 90°00'00" East, a distance of 1486.07 feet to the Point of Beginning,
County of Park, State of Colorado

Legal prepared March 30, 2022 by L.J. Ludeman, PLS
1309 S. Inca Street, Denver, CO 80223

STATEMENT OF AUTHORITY

1. This Statement of Authority relates to an entity¹ named ASK ag LLC, and is executed on behalf of the entity pursuant to the provisions of Section 38-30-172, C.R.S.

2. The type of entity is a:
 trust
 nonprofit corporation
 limited liability company
 general partnership
 limited partnership
 registered limited liability partnership
 registered limited liability limited partnership
 limited partnership association
 government or governmental subdivision or agency
 corporation

3. The entity is formed under the laws of Colorado

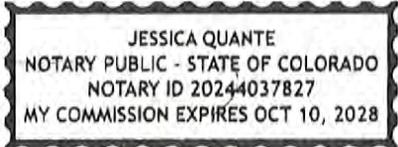
4. The mailing address for the entity is PO Box 86 Pine CO 80470

5. The name position of each person authorized to execute instruments conveying, encumbering, or otherwise affecting title to real property on behalf of the entity is Adam Shirley

6.² The authority of the foregoing person (s) to bind the entity is not limited limited as follows:

7. Other matters concerning the manner in which the entity deals with interests in real property:

Executed this _____



Signature _____

Signature _____

STATE OF COLORADO }
COUNTY OF PARK } SS:

The foregoing instrument was acknowledged before me this 30th day of DECEMBER 2025 by ADAM EDWARD SHIRLEY

Witness my hand and official seal.

Signature Jessica Quante
Notary Public

My commission expires: 10/10/2028

¹This form should not be used unless the entity is capable of holding title to real property.
²The absence of any limitation shall be prima facie evidence that no such limitation exists.
³The statement of authority must be recorded to obtain the benefits of the statute.

Adjacent Property Owners of Parcel 47905
(Parcel 47546 belongs to applicant)

Parcel 43292, 47545
Will-O-Wisp Metropolitan District
956 Wisp Creek Drive
Bailey, CO 80421

Parcel 46138
Jake Frederick Jordan
165 Silver Spur Way
Pine, CO 80470

Parcel 46391
Michael and Cheryl Quaintance
14024 Wandcrest Rd
Pine, CO 80470

Parcel 44584
Ronald E and Barbara J Carleton
37 Lazy Ln
Pine, CO 80470

Parcel 46392
B Lyn Hayden
Po Box 146
Shawnee, CO 80475

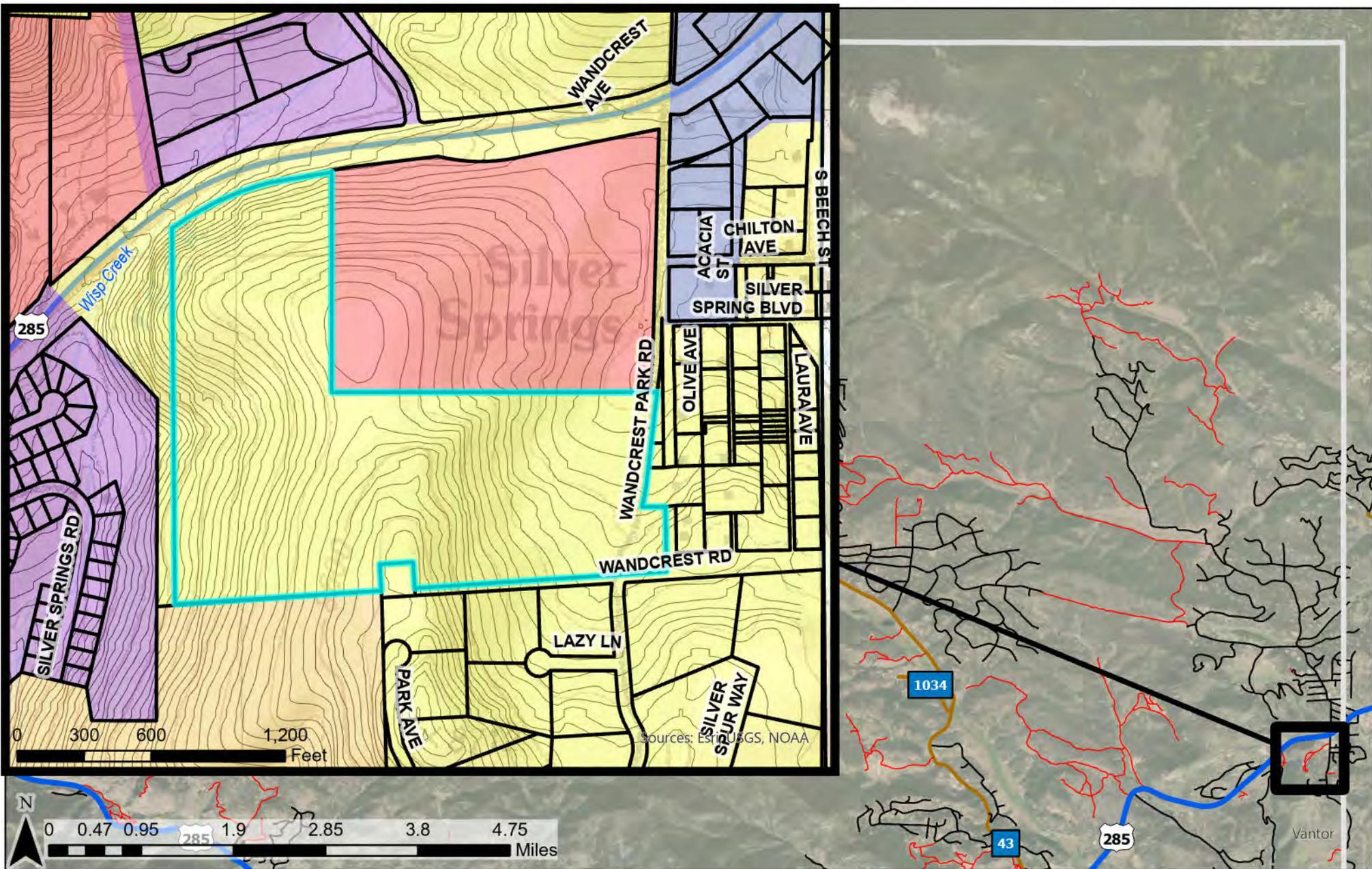
Parcel 44583
Joseph J and Jenney M Sanchez
Po Box 668
Pine, CO 80470

Parcel 20591
Tracy and Christopher Chantry
2313 W Melrose St
Chicago, IL 60618

Parcel 44582
Rebecca and Joshua Chance
310 Poppy View Ln
Erie, CO 80516

Parcel 31823
Caitlin B and Matthew C Sabatini
14034 S Wandcrest Dr
Pine, CO 80470

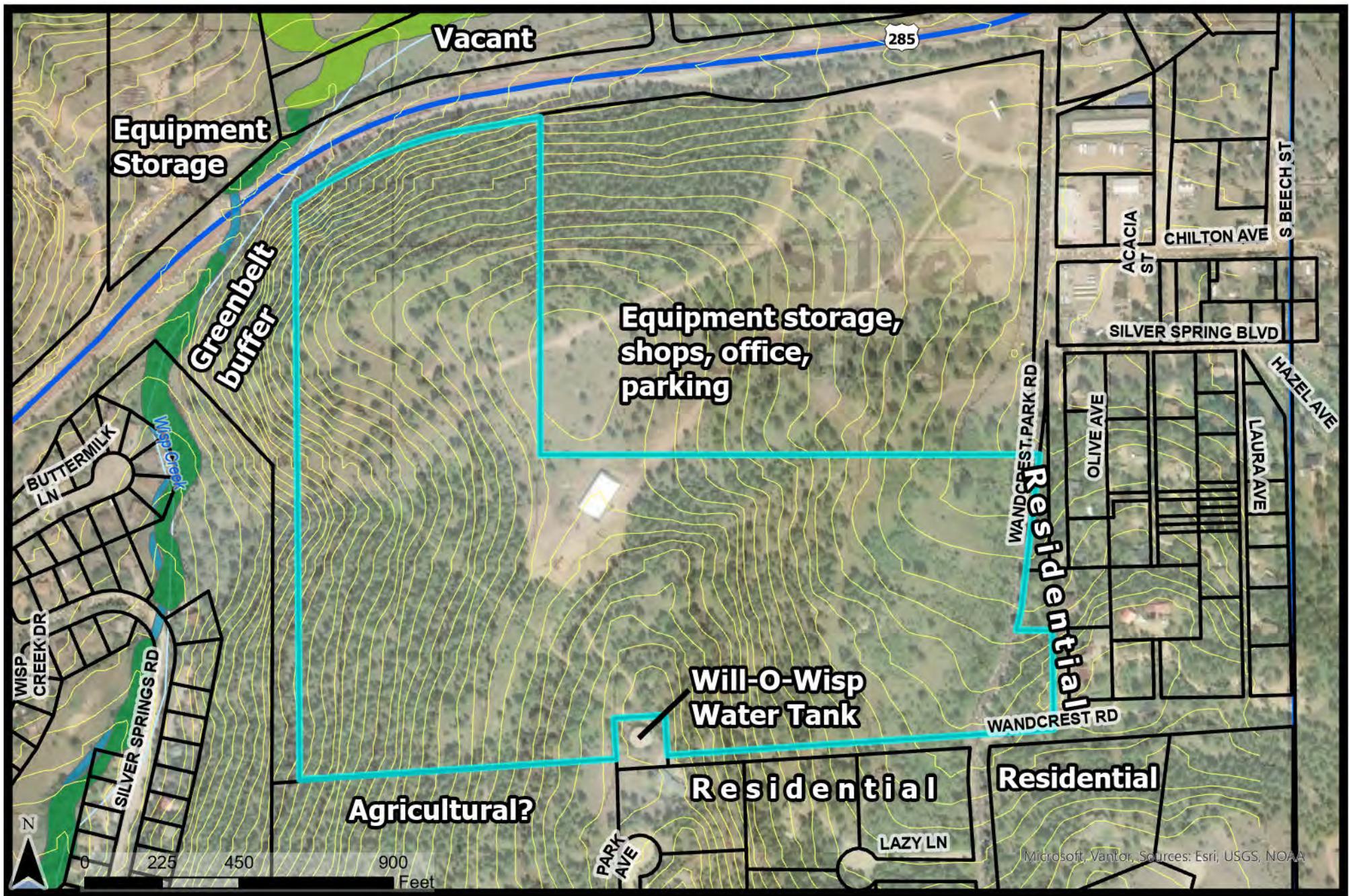
Parcel 20654
Mountain View Waste LLC
Att: Tax Dept
3 Waterway Square Pl Ste 110
The Woodlands, TX 77380



- | | | | |
|---------------|--------------|-------|----------------|
| — County Line | — Private Rd | — A | — R |
| — County Rd | — State Hwy | — C | — 10ft Contour |
| — Local Rd | — US Hwy | — MU | — Flood Hazard |
| | | — PUD | |

Park County Planning & Zoning

This map and the data displayed are not survey quality and should not be used for any legal purpose(s)



- County Line
- County Rd
- Local Rd

- Private Rd
- State Hwy
- US Hwy

- 10ft Contour
- Flood Hazard

- Freshwater Emergent Wetland

- Freshwater Forested/ Shrub Wetland
- Freshwater Pond
- Riverine

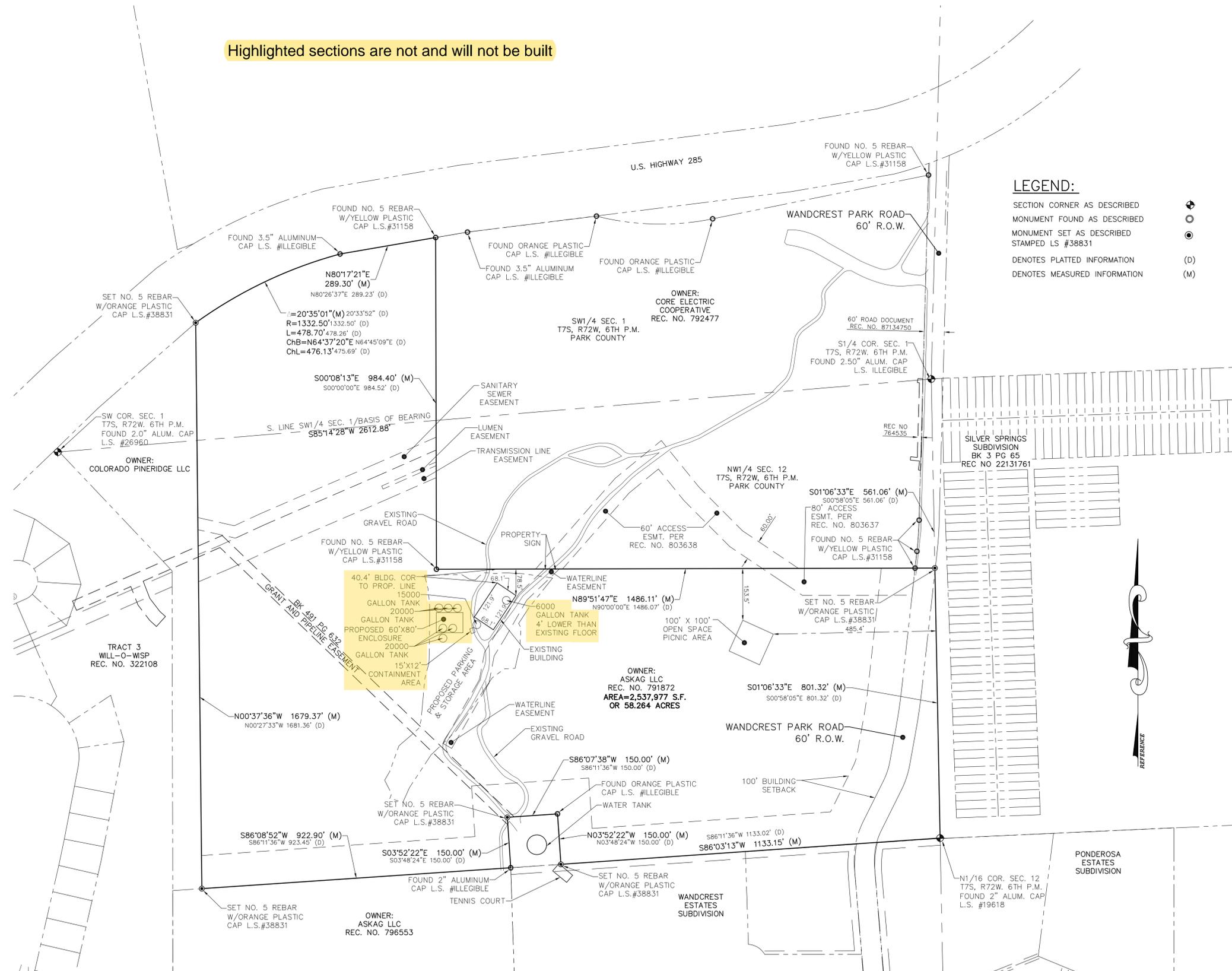
Park County Planning & Zoning

This map and the data displayed are not survey quality and should not be used for any legal purpose(s)

PLANNED UNIT DEVELOPMENT FINAL PLAT

PART OF THE SW1/4 OF SECTION 1 & NW1/4 OF SECTION 12, T7S, R72W, 6TH P.M.
 COUNTY OF PARK, STATE OF COLORADO

Highlighted sections are not and will not be built



LEGEND:
 SECTION CORNER AS DESCRIBED
 MONUMENT FOUND AS DESCRIBED
 MONUMENT SET AS DESCRIBED
 STAMPED LS #38831
 DENOTES PLATTED INFORMATION (D)
 DENOTES MEASURED INFORMATION (M)



NO.	DATE	DESCRIPTION	BY
3	11/30/23	COUNTY COMMENTS	R.M.
2	11/16/23	CLIENT ADDITIONS	R.M.
1	10/09/23	CLIENT ADDITIONS	R.M.

DRAWN:	CHKD.:	JOB NO.:	DATE OF FIELD WORK:	ACAD FILE:
R.M.	J.L.	R13506	AUGUST 10, 2023	R13506-SHIRLEY LSP

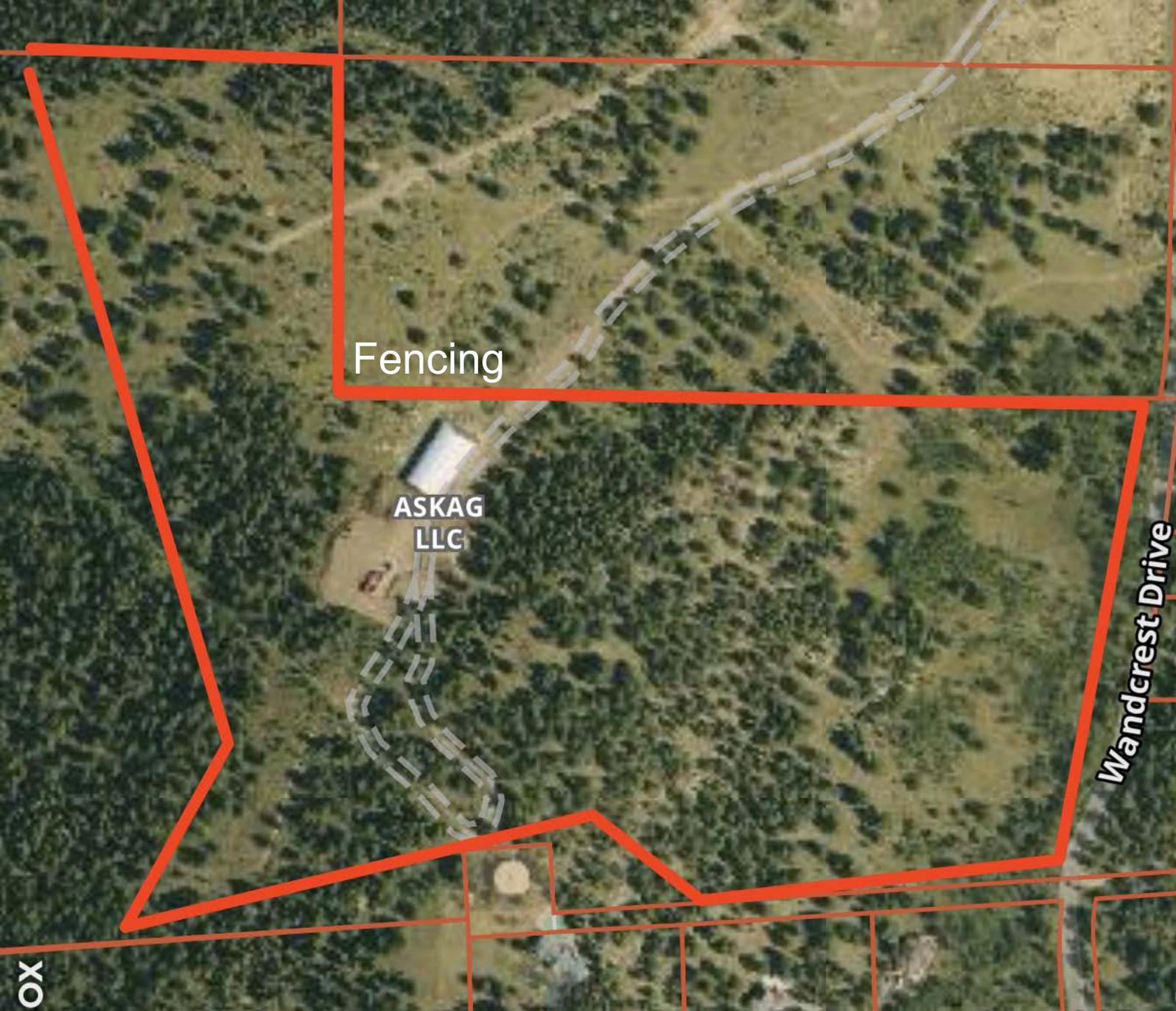
PRECISION SURVEY & MAPPING	
PROFESSIONAL LAND SURVEYING CONSULTANTS	
9025 E. Kenyon Ave., Suite 150, Denver, CO 80237	
Tel: (303) 753-9799	

OX

Fencing

ASKAG
LLC

Wandcrest Drive



Re: Agriculture zoning

From Adam Shirley <adam@sspwaste.com>
Date Tue 1/27/2026 5:32 AM
To Kay Wolf <Kay.Wolf@parkcountyco.gov>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

There will be 30 to 60 AUM's as the Cows calve they will be moved to the adjacent 179 acres

The temporary structure will be used as hay storage equipment storage in a calving shelter

Manure we will use a pasture drag to break up. The manure in the confined spaces will be collected and redistributed by a manure spreader on our open pastures on the 179 acres.

Manure will be contained by concrete blocks in our containment area. As you can see in the map cattle will be up on the north east side, and on the flat away from any natural drainage

Get [Outlook for iOS](#)

From: Kay Wolf <Kay.Wolf@parkcountyco.gov>
Sent: Monday, January 26, 2026 4:34:17 PM
To: Adam Shirley <adam@sspwaste.com>
Subject: Re: Agriculture zoning

Hi Adam,

Thanks for getting this to me. Could specify the following for us:

- the number of cows,
- the new use of the temporary structure,
- the specific pasture management techniques (including manure management),
- methods for protecting water resources and drainage areas,
- and the proposed use of the temporary structure still on your property?

Thank you,
Kay Wolf
Planner II
Office: 719-836-4293
Email: kay.wolf@parkcountyco.gov

Please note that standard office hours are 7am-5pm Monday through Thursday.

From: Adam Shirley <adam@sspwaste.com>
Sent: Monday, January 26, 2026 3:28 PM

Fw: Agriculture zoning

From Adam Shirley <adam@sspwaste.com>
Date Mon 1/26/2026 3:28 PM
To Kay Wolf <Kay.Wolf@parkcountyco.gov>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon, Kay, I apologize this is coming from a different email but the other one is not sending to your email for some reason. Please let me know that you received this in your thoughts thank you Adam Shirley.

Get [Outlook for iOS](#)

From: Adam <ask.2005@yahoo.com>
Sent: Monday, January 26, 2026 2:53:30 PM
To: Adam Shirley <adam@sspwaste.com>
Subject: Agriculture zoning

Rezoning Brief: Residential to Agricultural

Title:

Request for Rezoning of Residential Property to Agricultural Use

Property Address: 14097 Wandcrest Park Drive, Bailey, Colorado 80421

Parcel Description: Southwest Quarter of Section 1, Township 7 South, Range 72 West; and Northwest Quarter of Section 12, Township 7 South, Range 72 West

Acreage: 58.3 acres

Applicant: [Your Name]

Date: [Insert Date]

1. Introduction

This brief respectfully requests the rezoning of the property located at **14097 Wandcrest Park Drive, Bailey, Colorado 80421**, consisting of **58.3 acres**, from its current **Residential** zoning designation to an **Agricultural** zoning designation.

The purpose of this request is to allow the lawful use of the land for **seasonal cattle operations**, specifically for **calving activities during the months of February through June**. The proposed agricultural use reflects the property's physical characteristics, historic suitability for ranching in Park County, and the broader community goals of preserving rural land use and supporting local agriculture.

2. Property Description

The subject property comprises approximately **58.3 acres** and is legally described as the **southwest quarter of Section 1, Township 7 South, Range 72 West**, and the **northwest quarter of Section 12, Township 7 South, Range 72 West**.

The land is characterized by open pasture, natural vegetation, and topography suitable for grazing and livestock management. The size and configuration of the parcel make it impractical for dense residential development but well-suited for low-impact agricultural use.

Surrounding land uses in the Bailey area include a mix of large-lot residential properties, open land, and agricultural or semi-agricultural uses, making the proposed rezoning compatible with the existing rural character of the area.

3. Purpose of Rezoning

The rezoning from Residential to Agricultural is requested for the following reasons:

- **Appropriate Land Use:** The parcel's size, terrain, and open-space character make it better suited for agricultural use than residential development.
 - **Seasonal Agricultural Operations:** The property will be used to run cattle specifically during the **calving season from February through June**, a limited and controlled period of agricultural activity.
 - **Preservation of Rural Character:** Agricultural zoning will preserve open land and maintain the traditional ranching character of the Bailey and greater Park County area.
 - **Alignment with Regional Practices:** Livestock operations are a longstanding and culturally significant land use in Park County, and the proposed use aligns with historical and current regional land-use patterns.
-

4. Proposed Use of the Property

Under the Agricultural zoning classification, the property will be used for **seasonal cattle grazing and calving operations** from **February through June**.

The operation will be limited in scope and managed using best practices for livestock care and land stewardship, including:

- Rotational grazing to protect pasture health on our adjacent 179 acre parcel
- Responsible manure management
- Maintenance of fencing and access points and accordance with CPW wildlife friendly fencing
- Protection of water resources and drainage areas

Any agricultural structures or improvements, such as temporary shelters, fencing, or corrals, will comply with all applicable zoning, environmental, and building regulations.

5. Impact Assessment

a. Community Impact

The proposed rezoning will not increase population density or create additional residential demand for municipal services such as schools, utilities, or road expansions. Agricultural use is consistent with the area's rural setting and will reduce pressure for residential subdivision or higher-density development.

Seasonal cattle operations are expected to generate minimal traffic and limited noise, primarily during normal daylight hours, and will not materially impact neighboring properties.

b. Environmental Impact

Agricultural zoning will encourage responsible land stewardship and conservation. The proposed use will preserve open space, maintain soil integrity, and support sustainable grazing practices.

By limiting cattle operations to a defined calving season and implementing pasture management techniques, potential environmental impacts—such as soil compaction, erosion, and runoff—will be minimized.

c. Economic Impact

The rezoning will support local agricultural production and contribute to the regional agricultural economy. Seasonal cattle operations may also create modest economic activity related to feed supply, veterinary services, and local labor.

Property tax revenues are expected to remain stable and may improve depending on the assessed agricultural classification.

6. Consistency with Planning and Zoning Policies

The proposed rezoning is consistent with Park County's planning objectives related to:

- Preservation of rural land use
- Protection of open space
- Support for agricultural activities
- Responsible, low-density development

Rezoning the subject parcel to Agricultural reflects a more accurate and practical land-use classification given the property's size, location, and suitability for livestock operations. Similar properties in the surrounding area are used for agricultural or semi-agricultural purposes, establishing precedent for this rezoning request.

7. Conclusion

Rezoning the property at **14097 Wandcrest Park Drive, Bailey, Colorado**, from Residential to Agricultural is a reasonable, responsible, and forward-looking request. The change will allow the land

to be used for **seasonal cattle calving operations from February through June**, a low-impact and culturally consistent agricultural use in Park County.

The proposed rezoning aligns with local planning goals, preserves rural character, supports agricultural production, and ensures the land is used in a manner that reflects its highest and best long-term use.

For these reasons, approval of this rezoning request is respectfully requested



Outlook

ask ag LLC/agriculture, zoning, digital map

From Adam <ask.2005@yahoo.com>

Date Mon 1/19/2026 5:38 PM

To Kay Wolf <Kay.Wolf@parkcountyco.gov>

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

There's some dense forest on the northwest side of the property trees, bushes, and shrubs. There are no utilities no documented Wells no septic systems no power.

Proposed development plan any and all things agriculture.



Outlook

(No subject)

From Adam Shirley <adam@sspwaste.com>

Date Tue 12/30/2025 11:27 AM

To Kay Wolf <Kay.Wolf@parkcountyco.gov>

 1 attachment (304 KB)

Shirley PUD.pdf;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Proposed development Plan ranching / agriculture will mostly just be running cattle in the winter months and spring time before they go to summer Pasture .

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NOTICE

Print or Hearings By:

- Board of Adjustment
- Hearing Commission **Wed. Jan 28, 2016 9:00 AM**
- Board of County Commissioners **Wed. Feb 18, 2016 3:00 PM**

Case # and Applicant: **ACE-0118**
Adam S. Deby

Property Description: **28.5' x 100' Parcel in District 2, T12N R27E W12E of SEC 104 (PZL) adjacent to US 515 near the intersection of Highway 100 and the right-of-way to the east.**

Number of Requests: **Request for Reconsideration (PZ) requested by BCL on 1/16/16**

Working Location: **5011 Marina Court, 156 Pacific Ave., San Diego, CA 92161**

For Further Information contact:
Park, County Planning and Zoning Department
1st, 2nd Floor, 156 Pacific Ave. San Diego, CA 92161
313.336.4392 • www.parks.ca.gov

14097

Park County Planning Department

P.O. Box 1598

Fairplay, Colorado 80440

Phone: (719) 836-4293 • Fax: (719) 836-4268 • E-mail address: planning.zoning@parkcountyco.gov

Referral Response

Comment Deadline Date: January 21 2026

Submitted Date:

Case #: A25-0118

Case Name: Askag Rezoning

Applicant: Adam Shirley

Request: The applicant is requesting a rezoning from PUD or Residential (PUD rescinded by BOCC on November 11, 2025) to Agricultural

Legal Description: T07 R72 S1 SW4 a parcel in SW4 Section 1- 7-72, NW4 Section 12-7-72, a portion described in R781265, described in addendum R792480, addressed as 14097 Wandcrest Park Dr, Bailey

Date of Planning Commission Hearing: Wednesday, January 28 2026

Date of BOCC Hearing: Wednesday, February 18 2026

We have reviewed this referral and find that it **does** comply with our specific organization's concerns.

We have reviewed this referral and find that it **does not** comply with our specific organization's concerns for the following reasons:

We have reviewed this referral and find no conflicts with our interests.

A formal recommendation is under consideration and will be submitted to you prior to _____.

Please refer to the enclosed letter.

We offer the following comments regarding this referral:
At this time, ABE does not have sufficient information to effectively evaluate this application. ABE believes this is the same property that was evaluated in applications 23PUD-03 & 23PUD-04 and comments made in those referral responses may need to be considered. Was the property used as a waste transfer station as requested in 23PUD-04? Environmental testing may be required if it was used as a waste transfer station. Based on information provided by the public during the ABE meeting, is there litigation pending that may impact this application or the property and thus ABE's evaluation of this application?

Signed: John Reiber

Date: 1/17/2026

Title: ABE Chairman

Park County Planning Department

P.O. Box 1598

Fairplay, Colorado 80440

Phone: (719) 836-4293 • Fax: (719) 836-4268 • E-mail address: planning.zoning@parkcountyco.gov

Referral Response

Comment Deadline Date:

Submitted Date: January 22, 2026

Case #: A25-0118

Case Name: aSkag LLC Rezoning Application

Applicant: aSkag LLC/Adam Shirley

Request: The applicant is requesting a zoning change from PUD/residential to agricultural

Legal Description: 14097 Wandcrest Park Rd

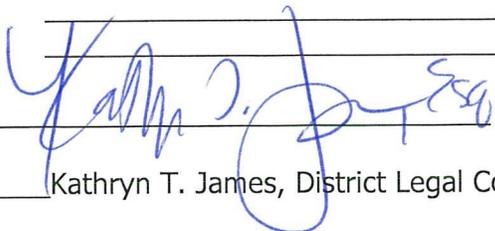
T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1-7-72, NW4 SECTION 12-7-72, A PORT DESC R781265

DESC IN ADDENDUM R792480 (58.282 AC)

Date of Planning Commission Hearing: Wednesday, January 28, 2026

Date of BOCC Hearing: TBD

- We have reviewed this referral and find that it **does** comply with our specific organization's concerns.
- We have reviewed this referral and find that it **does not** comply with our specific organization's concerns for the following reasons:
see attached letter
- We have reviewed this referral and find no conflicts with our interests.
- A formal recommendation is under consideration and will be submitted to you prior to _____.
- Please refer to the enclosed letter.
- We offer the following comments regarding this referral:
Request to Deny; see attached letter

Signed:  Date: 1/22/2026

Title: Kathryn T. James, District Legal Counsel, Will O Wisp Metropolitan District

Aaron W. Barrick
Marc C. Patoile
Kathryn T. James
Joe D. Kinlaw II
Michael P. Hupf
Conor P. Stewartson
Katherine R. Yens

January 22, 2026

Park County Planning Department
Post Office Box 1598
Fairplay, Colorado 80440

VIA EMAIL: planning.zoning@parkcountyco.gov and kay.wolf@parkcountyco.gov

Re: ASKAG, LLC – REZONING
A25-0118

To Whom it May Concern:

Our firm represents Will-O-Wisp Metropolitan District, a quasi-municipal corporation and political subdivision of the State of Colorado (the “District”). This letter will serve as the District’s referral response for project/case number ASKAG, LLC Rezoning-#A25-0118 submitted by Applicant, ASKAG, LLC, requesting the rezoning of property from Residential Zone District to Agricultural Zone District.

First, the District does not believe adequate time has been given to assess this application and provide a thorough referral response and the District requests that the Planning Commission hearing set for January 28, 2026 be continued both for more time for staff and referral parties to review and comment and also to require a more complete application or staff report in which to comment on. This application was submitted on December 30, 2025, and the District received notice of it on January 12, 2026 and the referral response is requested by 5:00 p.m. on January 22, 2026.

The County is fully aware of the history of land use approval errors on this parcel, having been a party to Park County District Court case number 2025CV30019 whereby the previous rezoning approved by the County for application number 23PUD-04 was reversed by the Court. A copy of the Court Order finding that the PUD approval was error and also finding that the rezoning was “spot zoning” is attached for reference. The County is also aware of other pending litigation between the District and Askag involving a parcel adjacent to the parcel at issue here, which resulted from the County rezoning such adjacent parcel in application number 24ZON-01 from Residential to Agricultural. **The District’s referral responses in that previous rezoning are also attached here for reference.** The only significant difference between the previous rezoning to agricultural and the current application is the size of the parcel at issue. Otherwise, many of the District concerns are the same.

available upon
request

As articulated when the other Askag parcel was rezoned to Agricultural, the District had serious concerns about the actual intent of such rezoning and that it likely was a step toward expansion of the transfer station project. Such concerns proved valid, when raw sewage spilled from the parcel due to unauthorized activities on the parcel which resulted in putting the District's water source at risk, contaminating the soil of both District property and District residents's property, and serving as a general nuisance and trespass. Such an experience should be just one reason that the County very carefully and deliberately require all details and all information from this applicant before entertaining any other development request.

This particular application is not complete and should not be approved. Some of the same issues were present and noted in the previous Askag rezoning to Agricultural and those issues are highlighted from the attached previous referral response from the District, from 2024. This applicant has a history of being allowed to proceed with County rezoning applications in a rushed and incomplete fashion and has since proven that all community (and specifically, District) concerns that were glossed over by applicant (and in fact County staff and officials) were valid concerns with detrimental consequences.

This application has no narrative other than an email indicating "will mostly just be running cattle in the winter months and spring time before they go to summer Pasture." In the last rezoning to Agricultural by Askag, such statements about "running cattle," made on the record in the hearings in that case, turned out be patently false. Based on Mr. Shirley's prior misrepresentations to the County as well as his conviction in Park County District Court for remedial and punitive contempt, Mr. Shirley is not a credible applicant. (As an important side note, the County should be proceeding on the other rezoned Askag parcel to take measures against the applicant under Section 2-203 of the Land Use Regulations ("LUR") for false information to the degree available under the law).

What use in addition to "mostly just" running cattle does the applicant plan?

Upon information and belief, Askag continues to operate a transfer station on the parcel currently at issue and upon the other previously rezoned parcel. The County should have full, on site, confirmation of every trace of such operation being terminated and removed from the instant parcel, and the adjacent parcel, before taking any action on additional development requests from Askag. Under LUR Section 5-201.H, a description of the "current condition" of the property in detail, is required for a complete rezoning application. This application has a general note on a basic map illustration that references "equipment storage, shops, office, parking." What is truly the current condition and is any part of it related to the illegal transfer station operation?

Under LUR Section 5-201, the applicant is also required to provide topographical information that is missing here, to provide information on natural features of the property, and a description of existing and proposed physical improvements of the property with locations. All of these are missing. Furthermore, the PUD plat maps submitted are stale and represent currently inaccurate zoning and status of improvements on the Property.

The LUR requires certain standards to be met in order to approve the rezoning, beyond just the application. The District does not have any information on details that would support such standards for a rezoning, as the application is extremely limited and deficient. Under Section 5-202 of the LUR, relevant standards that stand out for concern are:

- That the potential uses of the property within the proposed zone district are compatible with other properties within the immediately surrounding area; and
- That the rezoning, as proposed, is consistent with the Park County Strategic Master Plan or that the rezoning, as proposed, is supported by circumstances and conditions within the immediate area which have changed since the adoption of the Master Plan.

The Court Order in District Court case number 2024CV30019 emphatically supports that a change in use for this parcel from its existing Residential zoning is not consistent with the Master plan nor is a rezoning supported by circumstances or changes in the immediate area which have changed. The District submits that any rezoning from Residential is illegal “spot zoning.” The area is vastly residential around the parcel and the nearby Agriculturally zoned parcel has been used thus far in manners both inconsistent with the surrounding area and in violation of the LUR. Applicant is not just “running cattle” on the adjacent Agricultural parcel and even if he were, there is no need and change in circumstances in the area that warrant a decision by the County to add this 54 acre parcel to the “running cattle” use of the land.

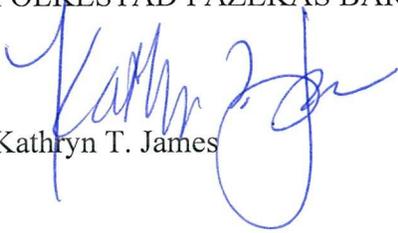
What a rezoning to Agricultural could do however, is put this applicant another step closer to trying to obtain approval for his illegal transfer station by applying for a Conditional Use Permit to authorize such use on Agriculturally zoned property. For all of the reasons that the District has previously, and currently opposed such heavy industrial use in a residential area—and for all of the reasons the County has initiated various enforcement measures against this applicant/property owner—the District reiterates that any step toward facilitating the current illegal use of the parcel (or the adjacent parcel) as a transfer station should be prohibited.

The parcel at issue has historically been zoned Residential, has been reverted to Residential zoning by the District Court after the County erred in rezoning it to PUD, and nothing in the area has changed to warrant this rezoning. The only change is that in the meantime since approval of the PUD, the property owner has failed to be honest about his use of either of his adjacent properties and has flagrantly violated both Court orders and County requests to cease unpermitted use. That change in circumstances supports a denial of any rezoning application on this parcel.

The County can learn from its previous errors in fast-tracking rezoning applications, in allowing deficient and untruthful applications to proceed, in ignoring possible “spot zoning” decisions, and in failing to consider the surrounding residents and referral agencies concerns. The District strongly prefers a careful, consistent, and thorough approach to any rezoning application over the post litigation that occurs when such approach is not taken.

Sincerely,

FOLKESTAD FAZEKAS BARRICK PATOILE & JAMES, P.C.



Kathryn T. James

office. 303.688.3045 • fax. 303.688.3189

18 South Wilcox Street, Suite 200

Castle Rock, Colorado 80104-1909

ffcolorado.com

Park County Planning Department

P.O. Box 1598

Fairplay, Colorado 80440

Phone: (719) 836-4293 • Fax: (719) 836-4268 • E-mail address: planning.zoning@parkcountyco.gov

Referral Response

Comment Deadline Date:

Submitted Date:

Case #: A25-0118

Case Name: aSkag LLC Rezoning Application

Applicant: aSkag LLC/Adam Shirley

Request: The applicant is requesting a zoning change from PUD/residential to agricultural

Legal Description: 14097 Wandcrest Park Rd

T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1- 7-72, NW4 SECTION 12-7-72, A PORT DESC R781265
DESC IN ADDENDUM R792480 (58.282 AC)

Date of Planning Commission Hearing: weekday, month day, year

Date of BOCC Hearing: TBD

 We have reviewed this referral and find that it **does** comply with our specific organization's concerns.

 X We have reviewed this referral and find that it **does not** comply with our specific organization's concerns for the following reasons:

 We have reviewed this referral and find no conflicts with our interests.

 A formal recommendation is under consideration and will be submitted to you prior to _____.

 X Please refer to the enclosed letter.

 X We offer the following comments regarding this referral:
Deny rezoning application. Please see the attached letter.

Signed: Kimberly J Merriman Date: 1/22/2026

Title: President Will O Wisp Metropolitan District

Park County Planning Department & BOCC
P.O. Box 1598
Fairplay, CO 80440

Re: Referral Response – Case A25-0118
Applicant: aSkag LLC
Proposed Rezoning: Agricultural

To Whom It May Concern:

1. Prior Judicial Findings and Ongoing Noncompliance

The subject property has been the focus of extensive litigation and enforcement actions since April 2024, when the Will O’ Wisp Metropolitan District filed a Rule 106 action challenging the improper rezoning of the parcel to Heavy Industrial. That zoning was incompatible with surrounding residential uses and adjacent CORE Electric property and was accompanied by unlawful activities, including the operation of an illegal septic and trash transfer station and construction without required permits.

In January 2025, the Park County District Court ruled that the Heavy Industrial zoning constituted unlawful spot zoning, reversed the Board of County Commissioners’ zoning decision, and issued a permanent injunction prohibiting all aSkag LLC operations on the property. The Court expressly found that the BOCC abused its discretion by approving land use actions inconsistent with governing law, thereby returning the parcel to its prior Residential zoning designation.

Despite this ruling, since January 2025 aSkag LLC and its principal, Adam Shirley, have continued operations on the subject parcel and have relocated transfer activities to an adjacent parcel without obtaining BOCC approval, required permits, or appropriate regulatory oversight. The applicant has ignored cease-and-desist orders and ongoing enforcement proceedings and remains in documented noncompliance.

This pattern demonstrates a consistent practice of representing limited or benign land uses during approval processes and then engaging in materially different, unapproved, and unlawful activities once approvals are granted.

Rezoning must not be used as a mechanism to circumvent active violations, enforcement actions, or judicial orders. Moreover, a parcel that remains subject to ongoing litigation and compliance disputes should not be considered for rezoning under any circumstances.

2. Agricultural Zoning and Inconsistency with Claimed Use

Agricultural zoning permits a broad range of uses and typically entails reduced oversight relative to other zoning classifications. As such, it must be reserved for legitimate agricultural operations.

The applicant claims the intended use of the property is limited to seasonal cattle grazing, stating that the “proposed development plan ranching/agriculture will mostly just be running cattle in the winter months and spring time before they go to summer pasture.”

However, this assertion is directly contradicted by observable and documented conditions on the site, including but not limited to:

- The continued presence of an illegal white tent structure;
- Ongoing heavy truck traffic, including dump trucks transporting dirt along the aSkag LLC driveway;
- Video and photographic evidence, submitted to the County, showing trash trucks and septic trucks utilizing the property as recently as early to mid-January 2025; and
- The inclusion, within this rezoning application, of a 2023 PUD map depicting gallon tanks, the tent, storage areas, and parking—features wholly unrelated to seasonal cattle grazing.

None of these elements are consistent with bona fide agricultural use. If the applicant were genuinely transitioning the property to agricultural operations, these hazardous and incompatible features would have been removed. Prior experience with the adjacent parcel agricultural rezoning demonstrates the risk of accepting vague, one-sentence development plans without adequate verification or supporting documentation.

Agricultural zoning must not serve as a conduit for non-agricultural or industrial activities, particularly where such activities pose heightened risks to neighboring residential properties, including fire hazards, soil and groundwater contamination, well contamination, odor impacts, and public safety concerns.

3. Risk of Approval Based on Inaccurate or Misleading Representations

Park County Land Use Regulations, Article II, Section 2-203, prohibit the submission of false or materially inaccurate information in support of land use applications and authorize the suspension or revocation of approvals obtained through such representations.

Given the applicant’s documented history on this site, including prior court findings and continued violations, the County must apply heightened scrutiny to all representations made in this application. Approval based on statements that conflict with observable site conditions, historical operations, enforcement records, or judicial rulings would expose the County to significant legal risk and undermine the integrity of its regulatory process.

4. Precedent and Integrity of the Land Use Regulatory System

Approval of this rezoning would establish a dangerous precedent: that repeated violations, adverse court rulings, and sustained noncompliance with Land Use Regulations may be remedied retroactively through rezoning rather than through lawful compliance.

Such an outcome would signal to Park County residents and prospective residents that the County’s Land Use Regulations are discretionary, inconsistently enforced, and ultimately avoidable. This would erode public trust and materially weaken the County’s regulatory framework.

As a Park County resident, I sincerely hope the County does not intend to foster an environment where land use laws lack meaning or consequence. Approval of this rezoning would send precisely that message.

5. Procedural Deficiencies and Requested Action

For the reasons stated above, I respectfully request that the Planning Commission and the Board of County Commissioners deny the proposed rezoning.

At a minimum, the hearings should be stayed and rescheduled due to significant procedural deficiencies in the referral process. The Will O' Wisp Metropolitan District did not receive the referral materials in a timely manner. The application, submitted on December 30, 2025, was initially sent to the wrong district (Bailey Water). The Will O' Wisp District only became aware of the application when its district engineer—who was inadvertently included on an email chain—forwarded the materials. Absent that action, the District would not have received notice until receipt of a hard copy in district mail on January 19, 2025.

When questioned, Planning Department staff acknowledged that the referral list was outdated and that the closest utility was selected without verification, despite Will O' Wisp Metropolitan District being listed on page 12 of the adjacent property owners for Parcel No. 47905. Given that Will O' Wisp is one of only a few utility providers in Park County and has been for over 40 years, this raises serious concerns regarding internal procedures, training, and diligence within the Planning Department.

Additionally, CORE Electric—an adjacent property owner—was not listed on the referral materials, an omission that should be promptly corrected.

These deficiencies independently warrant postponement of the hearings to ensure compliance with referral requirements and to preserve due process.

Respectfully submitted,



Kimberly Merriman

President, Will o Wisp Metropolitan District

January 22, 2026



June 9, 2025

Adam Shirley
Registered Agent for aSkag, LLC
P.O. Box 86
Pine, CO 80470

Regarding Property: 14097 Wandcrest Park Road
Tax Assessor Parcel: #47905

Dear Adam Shirley:

This office is charged with the duty of performing inspections for the enforcement of the Park County Building Code. A visual inspection from public roadways was conducted on 6/5/2025 at the above-referenced property that revealed the following violations:

1. No Valid Permit for Temporary Structure

- a) **2018 IBC Section 105** requires a building permit for any structure erected on the premises.
- b) **2018 IBC Section 108** states that building permits for temporary structures shall be limited to **180 days**.
- c) **2018 IBC Section 3101.1** (“Scope”) and **Section 3102.1** (“Temporary Buildings and Structures”) authorize temporary structures only with a permit and limit their use to a maximum of **180 days**.

Our records indicate that a temporary structure was constructed on your property pursuant to BNR-00213 issued on 9/19/2023. In accordance with the permit and the code provisions cited above, the structure does not have a valid permit as BNR-00213 expired 180 days after its issuance, March 17, 2024.

Required Corrective Action:

- Immediately apply for and obtain the required building permit for the temporary structure, or remove the structure from the property.

A follow-up inspection will occur on or after June 23rd, 2025, If the violation remains, this matter will be referred to the County Attorney for legal enforcement.



Penalties:

Pursuant to Colorado Revised Statutes § 30-28-210, the penalty for a violation of the County's Building Code is a court judgment of \$500 to \$1,000 per violation and up to \$100 per day per violation after judgment until the violation is corrected. Injunctive relief may also be sought.

If you believe your property is already in compliance or have questions, please contact Park County Code Compliance at **719-836-4259** or **code.enforcement@parkcountyco.gov**. You may wish to consult an attorney regarding this matter.

Thank you for your prompt attention to these serious code violations.

Sincerely,

 6/9/25

Andy Grand, Chief Building Official

 6/9/25

Lucas Meyers, County Manager



Park County Development Services

P.O. Box 1598 ▪ Fairplay, CO 80440 ▪ Fax: 719.836.4351. Phone: 719-836-4254

July 10th, 2025

Mr. Adam Shirley,

During our department meeting today, we reviewed and confirmed the terms and conditions related to the enforcement actions outlined in the letter dated June 9, 2025.

You agreed to begin drafting a rezoning application within 15 working days. For clarity, the 15-day period will begin on **Monday, July 14, 2025**. Any correspondence regarding requests for information, application, etc. will satisfy this requirement.

In response, the Chief Building Official (Andy), County Manager (Lucas), and Director of Development Services (Brandon) have agreed to allow a **90-day period**, also beginning on **Monday, July 14, 2025**. This 90-day window is the timeframe within which either removal of the structure or issuance of a building permit by the Park County Building Department must occur. Full resolution for legal compliance of the structure is up to the owner, Adam Shirley, and must be completed and fully resolved before the 90 day period is up.

Thank you again for taking the time to meet with us. We will stay in contact as we move through the process.

Sincerely,

Lucas Meyer, county Manger

Brandon Heacock, Dir of Development Services

Andy Grand, Chief Building Officer



Park County Development Services Department
Environmental & Code Compliance

P.O. Box 1598 ▪ Fairplay, CO 80440 ▪ Phone: 719-836-4259

September 3, 2025

Askag LLC
14803 S Wandcrest Dr
Pine CO 80470

Re: SC #47905 – 14097 Wandcrest Park Rd T07 R72 S1- Regulatory Violations

Dear Property Owner,

This office is charged with the duty of performing inspections for the enforcement of the zoning regulations of Park County, Colorado. A site inspection conducted on 9/3/2025 at the abovementioned premises indicates that this property is in violation of the following sections of the Park County Land Use Regulations:

Article V Section 5-304: Operating a transfer station within a Residential Zoned property

A follow-up inspection will be made on or after 9/13/2025. If at that time the violation still exists, the matter will be sent to the County Attorney for further action.

Pursuant to Colorado Revised Statutes § 30-28-124.5, the penalty for violation of the County's Land Use Regulations is a court judgment of \$500 to \$1,000 in penalties per violation and up to \$100 per day per violation after judgment until the violation is corrected. Injunctive relief may also be sought.

If you have any questions, or your property is in compliance, please feel free to contact Park County Environmental and Code Compliance at 719-836-4257.

You may want to consult with an attorney concerning this matter.

Sincerely,

Park County Code Enforcement Department



**Park County Development Services Department
Environmental & Code Compliance**

P.O. Box 1598 • Fairplay, CO 80440 • Phone: 719-836-4259

October 7, 2025

Askag LLC
Adam Shirley
P.O. Box 86
14803 S Wandcrest Dr
Pine CO 80470

Re: SC #47905 – 14097 Wandcrest Park Rd T07 R72 S1 (Parcel No. 47905)- Regulatory Violations

Dear Mr Shirley,

This letter serves as formal notice regarding ongoing operations and code violations identified on the above-referenced parcel. Park County Development Services has conducted a review of site conditions and determined that the property is not in compliance with the **Park County Land Use Regulations**.

Directives:

1. Citizen Portal Account

Please create an account in the Park County Citizen Portal to facilitate communication, permit applications, and compliance tracking. Step-by-step instructions are provided in the attached document.

2. Removal of Temporary Structure

The temporary structure currently on the property is unpermitted and not being used for any legally permitted purpose on residentially zoned land. In accordance with **Article V, Sections 5-103(A) and 5-300** of the Park County Land Use Regulations, this structure must be removed immediately.

3. Remove all Ordinance 6 violations (ie, the large slash pile)

4. Prohibited Use – Trash Transfer Station

Operating a trash transfer station or similar activity is not permitted in a residential zone. This reinforces the requirement for removal of the temporary structure and cessation of any activities associated with that use.

You are directed to bring the property into compliance without delay. Failure to do so may result in further enforcement actions, including fines, abatement, or legal proceedings.

If you have questions regarding this notice or require assistance with the compliance process, please contact Park County Development Services at [phone number] or [email address].

Thank you for your prompt attention to this matter.

Pursuant to Colorado Revised Statutes § 30-28-124.5, the penalty for violation of the County's Land Use Regulations is a court judgment of \$500 to \$1,000 in penalties per violation and up to \$100 per day per violation after judgment until the violation is corrected. Injunctive relief may also be sought.

If you have any questions, or your property is in compliance, please feel free to contact Park County Environmental and Code Compliance at 719-836-4257.

Sincerely,

Park County Code Enforcement Department



Park County Development Services Department
Environmental & Code Compliance

P.O. Box 1598 ▪ Fairplay, CO 80440 ▪ Phone: 719-836-4259

October 16, 2025

Askag LLC
Adam Shirley
P.O. Box 86
14803 S Wandcrest Dr
Pine CO 80470

Re: SC #47905 – 14097 Wandcrest Park Rd T07 R72 S1 (Parcel No. 47905)- Regulatory Violations

Dear Mr. Shirley,

This letter serves as formal notice regarding ongoing operations and code violations identified on the above-referenced parcel. Park County Development Services has conducted a review of site conditions and determined that the property is not in compliance with the **Park County Land Use Regulations**.

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You are directed to bring the property into compliance without delay. Failure to do so may result in further enforcement actions, including fines, abatement, or legal proceedings.

If you have questions regarding this notice or require assistance with the compliance process, please contact Park County Development Services at 719-836-4259 or code.enforcement@parkcountyco.gov.

Thank you for your prompt attention to this matter.

Pursuant to Colorado Revised Statutes § 30-28-124.5, the penalty for violation of the County's Land Use Regulations is a court judgment of \$500 to \$1,000 in penalties per violation and up to \$100 per day per violation after judgment until the violation is corrected. Injunctive relief may also be sought.

If you have any questions, or your property is in compliance, please feel free to contact Park County Environmental and Code Compliance at 719-836-4259.

Sincerely,

Park County Code Enforcement Department

Public Comments
After This Page

aSkag LLC Rezoning Request Case A25-0118

From asands@wispertel.net <asands@wispertel.net>

Date Sat 1/17/2026 11:37 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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I am writing to request that Park County reject the subject rezoning application for the following reasons:

This company has already put our neighborhood through enough misery and enough is enough!!

Rezoning should not be used to legitimize noncompliant uses. This company has already demonstrated their inability to be a good neighbor and follow the rules. Previous cease and desist orders issued by the county have been ignored.

Zoning protects homeowners. Zoning is one of the elements that people consider when they buy a home because that zoning protects their investment. Homebuyers can only be hurt when someone comes in and changes the way their neighborhood is zoned.

This would once again conflict with prior enforcement actions and court rulings.

There is nothing wrong with the types of businesses aSkag LLC is trying to set up but they must be set up on land that is already zoned for that type of business so that whole neighborhoods don't get hurt...and our neighborhood has been hurt enough.

Thank you for considering this request.

Sincerely,

Al Sands
14037 S. Laura Ave
Pine, CO

Rezoning Request-Case # A25-0118

From Gary Zuiderveen <garyz5876@gmail.com>

Date Mon 1/19/2026 12:30 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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To: Park County Planning & Zoning
Park County Board of County Commissioners
Lucas Meyer
Brandon Heacock

Re: Rezoning Case A25-0118
14097 Wandcrest Park Rd, Pine, CO 80470

I am a resident of Park County. I have become aware that the owner of the above-reference property has requested the property to be rezoned to Agricultural Zoning.

I am opposed to the rezoning request for the following reasons:

1. This property has been subject to prior PUD and spot-zoning activities to convert it to a Waste and Septage Transfer station. There has been an abundance of legal action and a court injunction to cease such activities on this property. I believe the property should remain zoned as the court has ordered. Rezoning this property may result in additional legal action, especially if the property owner sees such rezoning as a means to restart its Transfer Station activities.
2. Rezoning the property to Agricultural would remove critical County oversight and create code enforcement loopholes that are extremely difficult to reverse. Specifically, Agricultural zoning would create major exemptions to County ordinances and enforcement, limited building permit requirements for accessory structures, unlimited accessory structures on large agricultural acreage, minimal regulation of storage, materials, equipment, and land disturbance, and minimal compliance oversight. These ordinance and enforcement limitations are especially alarming in a residential neighborhood where the subject property is located.
3. The applicant/owner has a documented history of land use violations and court injunctions. There is no basis to believe the owner will limit his activities on this property to cattle grazing, as stated in his rezoning application.
4. As you can see in the maps/pictures included in the rezoning application, this property is largely unsuitable for cattle grazing—it has rough and steep terrain and is mostly forested, except where the owner has clear cut the property to conduct illegal Transfer Station activities.
5. In the event the property is rezoned, I believe the owner will use the property to either conduct Transfer Station activities or some other equally objectionable activity such as raising

hogs and/or conducting butchering activities. Such activity is not suitable for property directly adjacent to residential property and will be subject to additional legal action in which the County will likely be a party.

In summary, I believe the rezoning request is simply an attempt to legitimize previously noncompliant land use and the rezoning request should be denied.

In the event, the rezoning request is granted, then strict rules should be applied, by order of the County, that the property is to be used solely for grazing cattle as requested in the rezoning application. All vehicles, trucks, buildings, equipment and activities unrelated to Agricultural use should be removed, by order of the County. In addition, County personnel should be given full and complete access to the property to independently determine compliance with such rules. Finally, by order of the County, the County should be given full ordinance and enforcement rights as if the property were still zoned Residential. All of these ordinance and enforcement rights should be provided in writing and signed by the property owner and its agents. A copy of the written agreement should be attached to the property records and accessible to the public.

Please confirm receipt of this email. Thanks!

Sincerely,

Gary Zuiderveen,
198 Park Ave
Pine, CO 80470

(303) 242-2948

Application A25-0118 for hearing date 1/28/2026

From Heather Prewitt <prewithj@gmail.com>

Date Mon 1/19/2026 12:34 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

 1 attachment (335 KB)

00 FINDINGS AND ORDER ON C.R.C.P.pdf;

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I am submitting the following public comment in connection with the above referenced application for Askag LLC:

Throughout the application and in the public notice, the subject property is referred to as "PUD/Res". This is inaccurate.

The subject property is residential, as determined by District Judge Amanda Hunter on January 23, 2025 (see attached ruling), NOT based on the BOCC decision to rescind the ILLEGAL zoning in December 2025.

When considering the application, in addition to the LUR and SMP requirement, I believe the County must additionally overcome the hurdle that allowed Will O Wisp Metropolitan District to prevail in its case (#2024CV30019) against the BOCC in January 2025.

According to Judge Hunter's decision "the county abused its discretion by its misinterpretation or misapplication of governing law" based on the following:

'...Spot zoning asks "whether the change in question was made with the purpose of furthering a comprehensive zoning plan or [was] designed merely to relieve a particular property from the restrictions of the zoning regulations." Clark v. City of Boulder, 146 Colo. 526, 531, 362 P.2d 160, 162 (1961).

[S]pot zoning "creates a small island of property with restrictions on its use different from those imposed on the surrounding property."... If the rezoning is for the purpose of furthering a comprehensive zoning plan or based on changed conditions, the rezoning is not spot zoning. ... Likewise, reclassifications when the "new use is consistent with others in the surrounding area".'

Judge Hunter cites the following conclusions which the County failed to surmount which provided for her final judgment:

- 1 - The county does not point to anything in the record to show that the change of this property from residential to industrial furthered a comprehensive zoning plan."
- 2 - The record supports plaintiff's argument that the approval of the PUD here was "designed merely to relieve a particular property from the restrictions of the zoning regulations."

3 - The zoning change here created a small island of property with restrictions on its use different from those imposed on the surrounding property. The record shows the surrounding properties are zoned residential and commercial, not industrial.

4 - BOCC contends it considered “the changing landscape and needs of Park County.” But it cites no part of the record in support. In fact the record contradicts that argument – the planning staff report’s “bullet point that changed circumstances and conditions were “Not Applicable”.

5 - The new use of the aSkag property is not consistent with others in the surrounding area.

Based on the 5 findings above, if you switch "agricultural" in place of “industrial” and/or “PUD”, would it change any of the conclusions reached?

I do not believe so. I think approval of this application is the County attempting to subvert the Court ordered decision to return this property to residential zoning.

Case A25-0118 Concerns

From Jake Jordan <jordan5499@gmail.com>

Date Sat 1/17/2026 9:22 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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Good morning,

My name is Jake Jordan, owner of 165 Silver Spur Way, Pine, CO, 80470, and I am writing to express my concerns over the proposed rezoning from Residential to Ag on the land that Adam Shirley owns off Wandcrest.

My hope is that the continued negotiations in bad faith from Mr. Shirley, combined with his past convictions, outright lies, and disregard for the community, environment, and legal system will lead the committee to decline this and all future requests from Mr. Shirley.

His desire to exploit any legal loopholes for his direct benefit, at the expense of the community, is reprehensible and frankly, I can't believe we are still having to address these issues. We all know he's using this as an excuse to try to continue his industrial, environmentally destructive, behavior at this site, something that has been extensively documented by the community.

On a personal note, the county stands nothing to gain from granting anything to this individual. His paltry business does nothing from a tax revenue standpoint, and the sheer animosity this individual has generated leads me to believe that if the county continues to consider his proposals, the long term legal detriments will be staggering, something the county does not want.

I hope that these comments and concerns are tracked in the record for the upcoming meeting to discuss this proposal. This is a plea for common sense, that the county will realize that any and all deals with this individual will lead to future conflict, and that he is a liar at his core, corrupt and with no regard to the community.

Please ensure this request is denied, forcefully.

Legal Description:

T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1- 7-72, NW4 SECTION 12-7-72, A PORT DESC R781265 DESC IN ADDENDUM R792480 (58.282 AC)

Thank you,
Jake Jordan

Fw: Case A25-0118

From Brandon Heacock <Brandon.Heacock@parkcountyco.gov>
Date Tue 1/20/2026 6:48 AM
To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>
Cc Lucas Meyer <Lucas.Meyer@parkcountyco.gov>

Please enter the statement into the record for this case.

Brandon Heacock
Director ~ Dev Services
brandon.heacock@parkcountyco.gov
719-836-4288 - O
719-838-0900 - C



From: Kay DuShane <ked@skybeam.com>
Sent: Saturday, January 17, 2026 9:27 AM
To: Brandon Heacock <Brandon.Heacock@parkcountyco.gov>
Subject: Case A25-0118

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Regarding Case A25-0118, the parcel address is
14097 Wandcrest Park Rd, Pine, CO 80470

The legal description is:

T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1- 7-72, NW4 SECTION 12-7-72, A PORT DESC R781265 DESC IN ADDENDUM R792480 (58.282 AC)

I oppose rezoning request in this case.

This request is a runaround for Shirley who has been noncompliant disrespecting the previous rulings against him. He has continued to defy court orders and zoning, and continues to threaten the property values and conditions for homeowners in the area, who **unanimously** object to this rezoning request.

Please confirm you receipt of this email.

Thank you for your consideration.

Kay DuShane
34 year Park County Resident.

Park County Planning Department & BOCC
P.O. Box 1598
Fairplay, CO 80440

Re: Referral Response – Case A25-0118
Applicant: aSkag LLC
Proposed Rezoning: Agricultural

To Whom It May Concern:

I submit this referral response regarding Case A25-0118 and the request by aSkag LLC to rezone approximately 58 acres to an Agricultural zoning designation.

My comments are offered to assist the County in evaluating this request in light of documented site history, existing legal constraints, and the County's obligation to apply its Land Use Regulations consistently and lawfully.

1. Prior Judicial Findings and Enforcement History

The subject property has been the focus of extensive enforcement actions and litigation. In January 2025, the District Court for Park County issued a permanent injunction prohibiting aSkag LLC from operating a waste transfer station on this site, finding that the County previously abused its discretion by approving land use actions inconsistent with governing law.

The applicant's compliance history includes cease-and-desist orders, findings of ongoing noncompliance, and enforcement proceedings culminating in that injunction. This history is directly relevant to the credibility of the present application and to the County's evaluation of whether approval would again expose it to legal challenge.

Rezoning should not be used as a mechanism to cure or sidestep violations that have already been adjudicated.

2. Agricultural Use Claim Is Inconsistent With Site Conditions and History

The application represents that the rezoning is sought for agricultural purposes, including running cattle. However, existing site conditions, installed infrastructure, and documented historical use of the property are inconsistent with bona fide agricultural operations as contemplated under Park County Land Use Regulations.

The property has previously supported intensive, non-agricultural industrial activities, and the physical configuration of the site reflects that legacy. Agricultural zoning is intended to support

legitimate agricultural use, not to provide cover for continued or resumed non-agricultural operations under a different label.

3. Risk of Approval Based on Inaccurate or Misleading Representations

Park County Land Use Regulations, Article II, Section 2-203, prohibit the submission of false or materially inaccurate information in support of land use approvals and authorize suspension or revocation where approvals are based on such information.

Given the applicant's documented history on this site, the County should exercise heightened scrutiny. Approval based on representations that conflict with observable conditions, historical operations, or prior court findings would place the County at substantial legal risk.

4. Precedent and Regulatory Integrity

Approving this rezoning would set a troubling precedent: that repeated violations and adverse court rulings can be resolved not through compliance, but through rezoning after the fact. This undermines the integrity of the Land Use Regulations and places compliant property owners at a disadvantage.

Land use decisions must further a coherent regulatory framework, not function as exceptions crafted for a single operator with an extensive enforcement history.

5. Requested Action

For the reasons stated above, I respectfully request that the County deny the proposed rezoning. At a minimum, the application should be continued pending independent verification of agricultural use claims, full disclosure of prior violations and injunctions, and a demonstration that the proposed use complies with both the letter and spirit of the Land Use Regulations.

Thank you for considering these comments.

Respectfully submitted,

Timothy Jones
President, Park County Neighborhoods Alliance & Park County Resident
January 15, 2026

Exhibit A:

Below are images taken by Denver7 Investigates for several stories they have broadcast regarding this nearly 3 year battle by neighbors. In the last broadcast, Tony Kovaleski interviews Commissioner Wissel who stated: "...in hindsight perhaps that wasn't the best we could have done..."

Does this look like a place for cattle? This is how this area looks today even after court orders and jail time for the applicant. He was ordered to remove all of this equipment. The county had "red tagged" much of this. He still defies the county, the courts and public outcry.

The county got it wrong once – are they going to get it wrong again or do the right thing this time?





Objection to Proposed Rezoning Request – Consistency with Enforcement and Land Use Regulations

From Tom Kyte <tkyte42@gmail.com>

Date Sat 1/17/2026 8:17 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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Hello,

I am writing to state my opposition to the proposed rezoning request submitted by aSkag LLC (Adam Shirley) that proposes to rezone approximately 58 acres to Agricultural zoning in the Wandcrest Park area.

The request is difficult to reconcile with the County's prior enforcement actions, including cease-and-desist orders issued for noncompliant use at this property. Those actions reflect a determination that the use was not permitted under the existing zoning. Rezoning after enforcement, particularly where compliance has been disputed and subject to court review, raises serious concerns about consistency and fairness.

Rezoning should not be used to legitimize uses that were previously found to be noncompliant. Land use regulations are intended to guide development prospectively, not to resolve violations after the fact.

Where a proposed use has been the subject of enforcement and litigation, accurate representations by the applicant and strict, independent verification by the County are essential. Reliance on unverified assertions undermines the credibility of the land use process.

For these reasons, the rezoning request should be denied. At a minimum, no approval should be considered without rigorous independent verification and a clear separation between zoning decisions and prior noncompliance.

Respectfully,

Thomas Kyte
15553 S Pitkin Ln
Pine, CO 80470

Public Health, Safety, and Land Use Concerns, Case #A25-0118

From Barbara Jolley <jolley.pines@gmail.com>

Date Tue 1/20/2026 12:25 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>; Idahlkem@jeffco.us <Idahlkem@jeffco.us>

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Reply To Attention Of: Gary E. Jolley 20, January, 2026

15255 S. Swiss Road

Pine, CO 80470

Jolley.pines@gmail.com

Subject: Public Health, Safety, and Land Use Concerns – aSkag LLC Operation Near Jefferson County Line

To Whom It May Concern:

My name is Gary Jolley and I reside in Jefferson County, but extremely close to Park County line. This concern, if valid, could ultimately affect the health of my family; and my property value.

A short synopsis of my credentials, which I believe confirms my credibility for concern:

- (1980-1993) Supervised 10 shops at Holloman AFB, New Mexico; with many of them having Environmental Protection Agency (EPA) concerns and remediation issues.
 - o High Voltage Electric – over 3000 transformers that had to be tested for PCBs (Polychlorinated Biphenyls) in the oil, and over a 1000 that had to be monitored monthly or replaced. (Superfund National issue due to usage of transformers throughout the US.)
 - o Water Production - Consisting of 14 wells and involved water treatment for potable water being used throughout the AFB.
 - o Sanitation and Waste - Including a fully-functional Waste Treatment Plant. Possible hazards including raw waste ground contamination and Botulism created at the Waste Treatment Plant if proper policies were not observed and followed.
 - o Entomology – Involved the use of pesticides throughout the base, including housing areas, schools, and hospitals.
- (1993-2012) Worked as Federal Employee for the Army Corps of Engineers (COE) as Inspector for all Construction Projects for National Electrical Code (NEC-Low voltage systems) and National Electrical Safety Code (NESC-High Voltage Distribution Systems).
 - o Taught the NEC and NESC courses in both the US and various other countries to thousands of federal employees.

- o I was Certified with a Class B license for Fuel Tank Removal; and supervised the removal of numerous fuel tanks in multiple locations in Texas following EPA Guidelines. (Superfund Sites for Federal Government Bases everywhere buried fuel tanks had been abandoned.)

I am writing to formally raise concerns regarding the operations of Adam Shirley (aSkag LLC) and the siting of his waste transfer and garbage collection facilities on property in Park County located approximately 400 yards from the Jefferson County line.

Mr. Shirley previously operated septic tank installation and garbage collection facilities in Jefferson County. Within the past year, he purchased property in Park County and applied for permits to relocate his raw sewage transfer and garbage collection operations to this new location. Significant construction and site development began — and was largely completed — **prior to the issuance of required permits.**

Based on the extensive ground disturbance observed at his prior location and the apparent pace at which approvals were proceeding in Park County, I joined community members in objecting to this project before proper vetting and compliance review had been completed. Despite multiple unresolved issues, construction and operational activity continued with no meaningful enforcement action taken at the time.

I spoke at a public meeting before the Park County Board of County Commissioners to outline my objections and concerns regarding the lack of adequate investigation. Specifically:

- **No comprehensive Environmental Impact Study** was required or completed, despite the clear risks associated with raw sewage transfer operations and their proximity to residential areas and sensitive environmental features.
- The facility involves the handling and transfer of human waste in enclosed structures. Such operations typically require review by a **licensed electrical engineer** to determine applicable **National Electrical Code (NEC) hazardous classifications** (likely Class I, Division 1 or 2). These classifications mandate explosion-proof electrical systems, rigid conduit, seal-offs, and properly rated equipment. To my knowledge, this review and required safeguards were not implemented.
- The prevailing wind direction in this area flows from Park County toward Jefferson County. The facility is located within approximately 400 yards of a heavily forested area. In the event of a fire or explosion, a wind-driven fire could reach Jefferson County in under 30 minutes. I contacted the fire department located approximately one-half mile away in Jefferson County and was informed that such an incident would likely fall to them to respond to. This means my tax dollars would pay for damages caused by a Park County business.
- Even absent a catastrophic event, the presence of this facility materially impacts nearby property values, including properties located in Jefferson County.
- The site does **not have a continuous, reliable water supply** sufficient to meet fire suppression needs or applicable OSHA standards for employee safety.

Since relocation of the sewage transfer operation, at least one documented spill occurred, with contaminated material flowing downhill into a residential area. That subdivision is served by a deep water well, raising serious concerns regarding groundwater contamination and public health.

A district court judge recently found Mr. Shirley in violation of a lawful cease-and-desist order, resulting in a sentence of 60 days in jail. The court further ordered removal of equipment and restoration of the property to its prior condition. Despite these orders, operations reportedly continued during his

incarceration, equipment was not removed, the property was not restored, and the full jail sentence was not served. Monetary penalties appeared insufficient to deter continued non-compliance.

Mr. Shirley is now attempting to pursue rezoning as a potential workaround to both the original permitting issues and the court's order. (See attached filing materials.)

I respectfully request that the County carefully consider the documented history of violations, public health risks, fire hazards, environmental impacts, and cross-county consequences associated with this operation.

Park County Case is A25-0118, the parcel address is

14097 Wandcrest Park Rd, Pine, CO 80470

The legal description is:

T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1- 7-72, NW4 SECTION 12-7-72, A PORT DESC R781265 DESC IN ADDENDUM R792480 (58.282 AC)

For additional documentation and a detailed chronology compiled by the community most directly affected, please contact:

Tim Jones

303-550-4405

tjones834@gmail.com

Thank you for your attention to this matter and for your assistance in ensuring that public health, safety, and land use regulations are appropriately enforced.

Respectfully submitted,

Gary Jolley

Jefferson County Resident

Opposition to Proposed Rezoning A25-0118 (ASKAG LLC.)

From Chris Masar <chrismasar4@gmail.com>

Date Tue 1/20/2026 10:49 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

 1 attachment (62 KB)

ASKAG LLC rezoning public comment.pdf;

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Dear County Staff and Board of County Commissioners,

I am writing to formally express my opposition to the proposed rezoning of the subject property from Residential to Agricultural. I respectfully request that this correspondence and the attached Letter of Opposition be entered into the official record for this application.

As outlined in the attached letter, the proposed rezoning is incompatible with the established residential character of the surrounding area, raises serious environmental and drainage concerns, and would introduce uses that the property's topography and infrastructure cannot reasonably support. In addition, the proposal is inconsistent with the County's long-range planning goals and would create enforcement and nuisance issues that the County is not currently equipped to address.

For these reasons, I urge County staff, the Planning Commission, and the Board of County Commissioners to recommend and ultimately deny this rezoning request.

Thank you for your time, consideration, and service to the community.

Sincerely,
Chris Masar



Fw: Case #A25-0118 - Askag, LLC Rezoning

From Brandon Heacock <Brandon.Heacock@parkcountyco.gov>

Date Wed 1/21/2026 6:47 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

Cc Andrew Grand <Andrew.Grand@parkcountyco.gov>; Sarah Larimore <Sarah.Larimore@parkcountyco.gov>

Good morning, Corey,

I have forwarded your request to our team handling this case. It will be made part of the record and will be shared with the Planning Commission as well as the Board of County Commissioner's when it comes before them.

Brandon Heacock

Director ~ Dev Services

brandon.heacock@parkcountyco.gov

719-836-4288 - O

719-838-0900 - C



From: Corey Knapp <crknapp88@gmail.com>

Sent: Wednesday, January 21, 2026 6:05 AM

To: Brandon Heacock <Brandon.Heacock@parkcountyco.gov>

Subject: Case #A25-0118 - Askag, LLC Rezoning

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Good morning Brandon

My name is Corey Knapp, and I am a concerned citizen of the Will-O-Wisp neighborhood regarding the potential rezoning of the Askag, LLC owned land north of our densely populated neighborhood and is above our water wells and aquifer.

I strongly oppose the rezoning attempt from residential land to agricultural land as his limitations on the property will be more relaxed than it is now with enforcement already being too low. What he will be able to be accomplish on the land will be unacceptable for our family's and children that inhabit the area and drink the water he will poison. He already has a problematic history nearly causing contamination of a natural creek with unfiltered and untreated human waste, from his company, and not obeying court orders leading to his own jail time.

Rezoning this land to agriculture will directly conflict with prior enforcement actions and court rulings. Rezoning should not be used to legitimize non-compliant uses on that land. He is already disobeying court orders by continually running his illegitimate business on residential land and has admitted to spraying human septage on his land already.

I plead that this rezoning attempt gets denied in thought of the families, communities, and natural beauty that was here before this mess initially happened.

With great concern,

Corey Knapp
303.957.6089

Case A25-0118, Opposition to Zoning Request by Adam Shirley, aSkag, LLC

From Rardin, David, ACFD <David.Rardin@alamedacountyfire.gov>

Date Tue 1/20/2026 5:44 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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**Opposition
to Requested Zoning Change – 14097**

Dear [Board Members / Planning Commission / Board of County Commissioners]:

I am a downstream resident of the 58-acre tract located at 14097 Wandcrest Park Road in Bailey, Colorado, owned by Adam Shirley, also known as Skag, LLC. I am writing to formally express my strong opposition to the requested zoning change from Residential to Agricultural.

My properties include 3 pond and 3 drinking water sources fed by Roland Creek and Wisp Creek. In July 2024, Mr. Shirley's de-watering operation released sewage that flowed downhill into Wisp Creek. Heavy rainfall shortly thereafter increased the risk of contamination to downstream properties, including my own. This incident underscores the very real environmental and public health risks associated with the current and proposed uses of this property.

Independent of ownership, Agricultural zoning is inappropriate for this location. The surrounding area is predominantly Residential, and Agricultural zoning permits uses that are incompatible with nearby homes and would negatively affect property values. Such uses include, but are not limited to, cattle operations, marijuana cultivation and manufacturing, riding arenas, racetracks (animal and motorized), recycling facilities, transfer stations, and utility facilities.

My concerns are further heightened by Mr. Shirley's documented history of noncompliance with County regulations, evasiveness regarding his intentions for the property, and repeated disregard for the impacts on neighboring residents. I do not find the assertion that the property would be used solely to "occasionally run cattle" to be credible. Rather, I believe this zoning change would enable him to pursue a Conditional Use Permit for a transfer station, allowing septic waste de-watering operations to continue and placing Wisp Creek at ongoing risk.

The residents of the Will-o-Wisp community have already endured sufficient adverse impacts. Mr. Shirley's operations should be located in an area that is not surrounded by established residential neighborhoods.

For these reasons, I respectfully urge the Board to deny this zoning change request.

Please confirm receipt of this correspondence. If you do not agree with my position on rezoning, please provide your rationale on why you would like this change.

Respectfully,

Dave Rardin

812 Brookside Drive

Bailey, Co. 80421

Get [Outlook for iOS](#)



Fw: Case A25-0118, opposition to zoning request from Residential to Agriculture

From Brandon Heacock <Brandon.Heacock@parkcountyco.gov>

Date Wed 1/21/2026 6:35 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

Cc Andrew Grand <Andrew.Grand@parkcountyco.gov>; Sarah Larimore <Sarah.Larimore@parkcountyco.gov>

Hello Deborah,

I have forwarded your comments to our team handling this case. It will be made part of the record and shared with Planning Commission as well as the Board of County Commissioner's when it comes before them.

Brandon Heacock

Director ~ Dev Services

brandon.heacock@parkcountyco.gov

719-836-4288 - O

719-838-0900 - C



From: Deborah Lynn Dixon <iom315@me.com>

Sent: Tuesday, January 20, 2026 5:58 PM

To: Brandon Heacock <Brandon.Heacock@parkcountyco.gov>

Subject: Case A25-0118, opposition to zoning request from Residential to Agriculture

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Deborah Lynn Dixon

PO Box 429

Pine, Colorado 80470

Mr. Brandon Heacock

Development Services Director

P.O Box 1598

Fairplay, CO 80440

January 20, 2026

RE: Case A25-0118, Opposition to Zoning Change request

Dear Mr Heacock:

I am a downstream resident of the 58-acre tract at 14097 Wandcrest Park Road, Bailey, CO, owned by Adam Shirley / aSkag, LLC. I strongly oppose the requested zoning change from Residential to Agricultural.

658 Brookside Drive, Bailey, CO has been my home for 29 years. Our property includes a pond fed by Roland Creek and Wisp Creek. In July 2024, Mr. Shirley's de-watering operation released sewage that flowed downhill into Wisp Creek. Heavy rainfall shortly thereafter increased the risk of contamination to downstream properties, including my own.

Independent of ownership, Agricultural zoning is inappropriate for this location. The surrounding area is predominantly Residential, and Agricultural zoning permits uses that are incompatible with nearby homes and would negatively affect property values. These include, but are not limited to, cattle operations, marijuana cultivation and manufacturing, riding arenas, racetracks (animal & motorized), recycling facilities, transfer stations, and utility facilities.

My concerns are further heightened by Mr. Shirley's history of non-compliance with County regulations, evasiveness regarding his intentions, intimidation of and repeated disregard for neighboring residents. I do not trust that the property would be used solely to "occasionally run cattle". Rather, I believe this zoning change would enable him to pursue a Conditional Use Permit for a transfer station, allowing septic waste de-watering operations to continue and placing Wisp Creek at continued risk.

The residents of Will-o-Wisp have endured sufficient adverse impacts. Mr. Shirley's operations should be located in an area not surrounded by established residential communities. For these reasons, I respectfully urge the Department of Planning and Zoning and Board of Country Commissioners to deny this zoning change.

Thank you for taking the time to consider my request. Also, please acknowledge receipt of this correspondence and confirm that it has been made part of the public record.

Respectfully,



Deborah Lynn Dixon
303-838-9637



Outlook

Fwd: Park County; aSKag LLC request for ReZoning Change , Case# A25-0118

From Luke Heffernan <lheff56@gmail.com>

Date Wed 1/21/2026 2:36 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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Sent from my iPhone

Begin forwarded message:

From: Luke Heffernan <lheff56@gmail.com>

Date: January 20, 2026 at 12:53:32 PM MST

To: Luke Heffernan <lheff56@gmail.com>

Subject: Park County; aSKag LLC request for ReZoning Change , Case# A25-0118

It has been brought to my attention that aSKag LLC has applied for a rezoning change to their property in Park County, specifically 14097 Wandcrest Park Rd. Pine Co. 80470. The change to " Agriculture ", should not be approved based on the current and ongoing issues with this property/owner. I live at 546, Brookside Dr, Bailey CO 80421, and have been impacted by the Environmental spill that came from the aSKag LLC property/operations In July of 2024. My drinking water/well and pond on my property were and continue to be contaminated from this event. The appropriate safeguards to prevent this type of Environmental hazard were never implemented. Notifications of this event were not delivered to all property owners affected by it, and cleanup of impacted properties was not done in accordance with State of Colorado Department of Public Health regulations/requirements. In addition allowing temporary storage of solid waste materials, ie. A Transfer Station without Standard Fire Protection protocols in an area of High Fire Risk is unacceptable, and extremely dangerous for the residents of Park County. The lack of installing a Standard leachate/liner system at the Transfer Station to prevent contamination of the soils and ground water is also a threat to the health of Park County residents. Allowing the zoning change will limit the oversight capabilities of Park County and jeopardize the safety of residents. aSKag LLC has already shown they have no interest in the safety of neighbors, by their actions of allowing the Environmental spill to occur as well as defying Park County Court orders to Cease and Desist operations of the operations

of the Solid Waste Storage/Transfer station facility on their property. With less oversight by the county, aSKag LLC will have the ability to continue to endanger the health and lives of fellow Park County residents without any culpability for their actions. We need the Board of county commissioners and the Building/Zoning departments to reject this request, and resolve the continued ongoing issues with the aSKag LLC property. Thank you in advance for your help in protecting the Residents of Park County. Please reply confirming receipt of this email.

Sent from my iPhone

Opposition to Rezoning aSkag Property Petition – Map Amendment

From Aly Tovey <atovey407@gmail.com>

Date Wed 1/21/2026 3:58 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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Formal Statement to the Park County Board of County Commissioners / Board of Adjustment

Re: Opposition to Rezoning Petition – Map Amendment

Parcel: Case A25-0118

Assessor's Parcel Number: T07 R72 S1 SW4 A PARCEL IN SW4 SECTION 1-7-72, NW4 SECTION 12-7-72, A PORT DESC R781265 DESC IN ADDENDUM R792480 (58.282 AC)

Location: 14097 Wandcrest Park Dr Baily, CO 80421

I. Introduction

Members of the Board, thank you for the opportunity to provide comment. I respectfully submit this statement in **formal opposition** to the proposed rezoning of the above-referenced parcel from **Residential to Agricultural**.

This opposition is based on **Park County Land Use Regulations, Colorado state environmental law,** and **established planning principles**, specifically relating to:

1. Reduction of County oversight,
 2. Creation of enforcement loopholes,
 3. Incompatibility with downhill residential properties,
 4. Risk of waste-related or high-impact uses,
 5. The requirement that **existing violations be resolved prior to rezoning consideration**.
-

II. Rezoning Fails to Meet Park County Rezoning Criteria

Under **Park County Land Use Regulations (PC LUR), Article 10 – Zoning Map Amendments**, rezoning requests must meet specific findings, including:

- **Compatibility with surrounding land uses**
- **Protection of public health, safety, and welfare**
- **Consistency with the Park County Master Plan**
- **No adverse impact on neighboring properties**

The proposed Agricultural zoning fails these criteria due to its **downslope position above an established residential neighborhood**, where impacts such as runoff, noise, dust, traffic, and potential waste handling would disproportionately affect downhill residents.

III. Agricultural Rezoning Reduces County Oversight

Residential zoning subjects land use changes to **stricter review standards**, including site plans, use limitations, and mitigation requirements. By contrast, **Agricultural zoning permits broader uses by right**, significantly reducing County review thresholds.

Under **PC LUR Article 3 (Zoning Districts)**:

- Agricultural districts allow a wide range of activities that do **not require the same level of County review or public notice** as residential districts.
- Certain accessory and operational uses may proceed without a conditional use permit, reducing the County's ability to impose enforceable conditions.

This rezoning would therefore **weaken County oversight** at a site that is geographically positioned to impact neighboring residences.

IV. Agricultural Zoning Creates Enforcement Loopholes

Agricultural zoning introduces **enforcement challenges** that do not exist under residential zoning:

1. **Broader “by-right” uses** limit enforcement options unless a violation reaches a high evidentiary threshold.
2. **Complaint-based enforcement** is common in agricultural zones, placing the burden on residents rather than proactive County oversight.
3. Agricultural exemptions often complicate enforcement of:
 - Outdoor storage
 - Equipment staging
 - Waste accumulation
 - Heavy vehicle activity

These issues are especially concerning in Park County's rural enforcement environment, where staffing and response times are limited.

Once rezoned, **the County's enforcement authority is narrowed**, making it significantly harder to prevent or correct nuisance or hazardous activities after they begin.

V. Risk of Waste Transfer or Waste-Related Operations

Although not currently proposed, **Agricultural zoning can be used as a foundation for future applications** involving waste handling or transfer activities through conditional use or state permitting processes.

Under **Colorado Solid Waste Regulations (6 CCR 1007-2)**:

- Waste transfer stations are regulated but **may be sited in rural and agricultural areas** if local zoning allows.
- Such facilities involve truck traffic, waste staging, odor, dust, vectors, and potential stormwater contamination.

Given the parcel's **elevation above residential homes**, any waste-related operation would pose **unacceptable environmental and health risks** to downhill properties, particularly regarding runoff and groundwater protection.

VI. Downhill Environmental and Safety Impacts

Park County regulations emphasize protection of neighboring properties from adverse impacts. The downhill location of the residential neighborhood increases risk from:

- **Stormwater runoff and erosion**
- **Sediment transport**
- **Chemical or waste contamination**
- **Noise and air quality degradation**

These impacts are directly contrary to the **health, safety, and welfare standards** required for rezoning approval under Park County code.

VII. Existing Violations Must Be Resolved Before Rezoning

Fundamental land use principles — and Park County enforcement practice — require that **existing violations be resolved prior to approval of any rezoning**.

Rezoning a non-compliant property:

- Undermines the integrity of the Land Use Code,
- Creates the appearance that rezoning can be used to **circumvent enforcement**,

- Sets a precedent that compliance is optional.

Any known or documented violations on this parcel, including but not limited to:

- Case No. 2024CV030019

must be **fully corrected and verified by the County** before any rezoning request is considered.

Rezoning should not be used as a mechanism to legitimize non-compliant land use.

VIII. Precedent and Planning Integrity

Approving this rezoning would set a **dangerous precedent** by allowing residential land to be down-zoned to agricultural in a location where:

- Residential uses are already established,
- Enforcement challenges are foreseeable,
- Environmental and safety risks are elevated.

This is inconsistent with long-term planning stability and undermines public trust in Park County's zoning framework.

IX. Conclusion and Formal Request

For the reasons outlined above, I respectfully request that the Board:

1. **Deny the rezoning request** from Residential to Agricultural;
2. Require **full resolution of all existing code violations** prior to any future land use application;
3. Uphold the intent and integrity of Park County's Land Use Regulations by protecting established residential neighborhoods from incompatible zoning changes.

Thank you for your consideration and for your service to Park County.

--

Aly Hamer, MS, ATC
atovey407@gmail.com
(913)219-7236

Beth Nichols
120 Wisp Creek Dr
Bailey, CO 80421

January 22, 2026

Park County Colorado Planning and Zoning
856 Castello Ave P.O. Box 1598.
Fairplay, CO 80440

Subject: Public Comment Opposing Rezoning Application – Case A25-0118

Dear Members of the Planning Commission,

I am writing to formally oppose the application to rezone the property associated with Case A25-0118. My opposition is based on the application's inconsistency with the Park County Strategic Master Plan adopted in April 2025, as well as the long-term land-use and governance implications of the requested rezoning.

The Strategic Master Plan is a newly adopted, countywide policy document developed through extensive public input and intended to guide land-use decisions now. It is not outdated, aspirational, or advisory in the abstract; rather, it reflects Park County's current priorities for growth management, infrastructure protection, water quality, rural character, and governance. Strategic plans exist to provide consistency, predictability, and defensibility in discretionary land-use decisions such as rezoning, particularly when proposals are complex or controversial.

The subject property is located in an area that aligns most closely with the Pine Junction subarea described in the Strategic Master Plan. This subarea is characterized by limited infrastructure, reliance on private wells and septic systems, residential development patterns, and constrained road capacity. The Plan emphasizes caution in introducing higher-intensity uses

in such areas and underscores the importance of compatibility with existing residential and rural land uses.

While the applicant has represented the rezoning as being for agricultural purposes, rezoning decisions attach to the land, not to a particular owner or stated intent. Approval of this request would permanently expand the range of allowable uses on the property, enabling future intensification under this or subsequent ownership regardless of current representations. This creates long-term risk for surrounding residents and for the County, particularly in an infrastructure-limited area where enforcement capacity, water quality protection, and road impacts are already identified concerns.

Approving a rezoning that conflicts with multiple stated goals of the Strategic Master Plan including groundwater protection, limiting future infrastructure and enforcement burdens, preserving rural character, and strengthening governance, and so soon after the Plan's adoption undermines its role as a guiding policy document. If the Strategic Master Plan does not meaningfully inform decisions of this scale and impact, its purpose and credibility in future land-use decisions become unclear.

For these reasons, I respectfully urge the Planning Commission to deny the rezoning request for Case A25-0118, or at minimum to evaluate it strictly against what the rezoning would legally permit over time, rather than against informal or nonbinding representations of current intent. Consistency with the recently adopted Strategic Master Plan is essential to maintaining public trust, predictable land-use outcomes, and the long-term health, safety, and welfare of Park County residents.

Thank you for your time and consideration.

Sincerely,

Beth Nichols

Will-O-Wisp Community

I oppose the rezoning of the Adam Shirley property at Wandcrest Rd and Highway 285 to agricultural. This zoning would permit activities not consistent with the neighborhood. It is another attempt to skirt the county ordinances and judicial rulings!

Adam Shirley failed to do due diligence before purchasing this parcel to see if it was zoned for his business activities.

Adam Shirley did not secure permits before construction on the site.

Adam Shirley did not/has not considered the impact on neighbors. In the brief time he has operated his illegal facility, he had a raw sewage spill, resulting in raw sewage flowing onto neighbors' property.

Send Adam Shirley the message NO means NO

Garry Gordon
Catherine Rands
Wandcrest Park

We are writing this letter in regards to the rezoning of approximately 58 acres to Agricultural requested by aSkag LLC (Adam Shirley) located in Pine Junction, CO.

We, as well as many who live in and around this location, are opposed to the change of zoning.

Adam Shirley has little regard for regulatory process as evidenced by installing a waste transfer station without permits and without proper vetting by the county and those that live in the area. This, along with other violations and disregard for court ordered cease and desist, does not mean much to him.

We have personally seen the damage that his operations have caused to our area. In July, 2024 a discharge of human waste water and rain caused the affluent to flow down to Brookside drive and inundate a home and local area. Some outside cleanup was done but the occupant's home was exposed to the raw sewage inside and out. With no help from those that caused the event, he tried to stay and clean up what he could, but inaction and illness made him leave. The home is now vacated and should not be lived in as it is still contaminated. Along with the sewage were other contaminates. E, coli bacteria, heavy metals and PFOA/PFOS. In my home, which is close to his, where the discharge from the event flowed near my water source, I now have "forever chemicals" near the maximum level.

If the location is rezoned to agricultural, there would be reduced County oversight along with enforcement loopholes. We believe this would allow him to have free rein to do what he wants with the land. As we live at the South side of the parcel, we cannot imagine what he will do given the opportunity. With his history of environmental violations and regulatory failures, we would not consider him a good steward of the land as would many, many of those that live around this site.

We are opposed to the rezoning application. Please consider denying the zoning change and give Park County residences some hope that this person, that has no regard for regulatory process, does not have more opportunities to further damage the place that we have called home.

Respectfully,
David and Nancy Parks
535 Brookside Drive
Bailey, CO

Case A25-0118

From Heather Knapp <chknapp2015@gmail.com>

Date Wed 1/21/2026 10:01 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; brandon.heacock@parkcounty.gov <brandon.heacock@parkcounty.gov>; amy.mitchell@parkcounty.gov <amy.mitchell@parkcounty.gov>; dave.wissel@parkcounty.gov <dave.wissel@parkcounty.gov>; Jason.Gemmer@parkcounty.gov <Jason.Gemmer@parkcounty.gov>

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Dear Members of the Board of Park County Commissioners and the Department of Planning and Zoning,

I am writing to formally oppose the approval of the rezoning request by aSkag LLC; case A25-0118.

Allowing agricultural zoning to this land would greatly affect the adjacent, densely populated neighborhoods surrounding this property. The approval to rezone would expand land use permissions that are incompatible with the surrounding residential area. Also, agricultural rezoning may allow the property to be exempt from key ordinances that would negatively affect the neighboring residential properties and would make enforcement extremely difficult, if approved. Of particular concern is the potential risk to our neighborhood aquifers, including contamination from agricultural activities that could adversely affect drinking water supplies relied upon by nearby residents. The location of this property is above the aquifers, and over most of these residents, and these kinds of land use activities will seep, run downhill and or contaminate properties, water sources, and wetlands easily. The nature and geography of the property are conducive to these types of spills and contaminates and should not be allowed.

Please consider that ASkag has already had a proven history of noncompliance and severe damage to residential property, including spillage of untreated raw human waste. Approving agricultural land use would allow even more operational freedoms and the risk of recurrent events is too high for the wellbeing and safety of our adjacent residents.

The proposed rezoning also conflicts with prior county enforcement actions and existing judicial rulings, including proceeding brought pursuant to Colorado Rule of Civil Procedure 106(a)(4), among other cases, which addressed noncompliant land uses on the subject property. Rezoning should not be used as a mechanism to circumvent or nullify enforcement outcomes or court determinations. Doing so would undermine the integrity of the county's land use regulatory framework and set an inappropriate precedent by legitimizing uses that were previously found to be noncompliant.

As a Park County and Will-O-Wisp resident, I thank you for your deep consideration on this matter and vote "no" to rezone case A25-0118.

Respectfully,

Heather Knapp
720 Wisp Creek Drive
Bailey, CO 80421

ASKAG LLC

From joan zarlengo <chakraz@icloud.com>

Date Thu 1/22/2026 8:52 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

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A rezoning request by aSkag LLC will be heard by Park County Plaznning & Zoning on Jan. 28 and the BOCC on Feb. 18.

Good morning,

I am certain you are very tired of hearing about this.

The company mentioned above simply built in an area that contains many homes, wells, riparian area and Elk migration. The build was started with no permit.

There was sewage run off into three homes in Will O Wisp.

This is just my request to please leave the zoning residential. Thank you for your time.

Joan Zarlengo

Will O Wisp resident

Sent from my iPhone

Rezoning Case #A25-0118

From Kelli Kraynie <kilala050@aol.com>

Date Thu 1/22/2026 7:45 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

Cc Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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To Whom It May Concern,

I am writing to formally oppose the rezoning request associated with Case #A25-0118, which seeks to change the subject property's zoning from residential to agricultural.

I am a long-time resident of Will-O-Wisp and have closely followed the activities of aSkag LLC and Mr. Shirley since their purchase of the property. This request conflicts with prior enforcement actions and court rulings related to non-compliant land use after a rezoning was previously granted.

Of particular concern is the documented operation of a waste transfer station on the property, which has resulted in sewage leakage into neighboring residential backyards. This poses a serious risk to public health and the local water supply. Despite a cease-and-desist order, residents on the same street have continued to observe business-related truck traffic entering and exiting the property, indicating ongoing operations.

These concerns are underscored by the fact that the property owner recently served a jail sentence after being found in contempt of court for continuing to operate in violation of that order. This pattern of non-compliance raises serious doubts about future adherence to zoning and environmental regulations should the requested rezoning be approved.

For these reasons, I respectfully request that this rezoning application be denied. At a minimum, any consideration of approval should require strict verification, proper permitting, and frequent monitoring to ensure full compliance with all county zoning, environmental, and public health requirements.

Thank you for your time and consideration.

Sincerely,
Kelli Kraynie

465 Wisp Creek Dr. Bailey CO 80421
303-304-9828

Case A25-0118 proposed rezoning

From MELISSA WOODRUFF <melissa450@msn.com>

Date Fri 1/23/2026 10:03 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

Cc Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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Good morning.

I am writing in opposition to this proposed rezoning request for aSkag LLC's request to an agricultural zoning.

Taking into account the documented site history and existing legal constraints, I believe this agricultural zoning will create loopholes for Mr. Shirley to continue illegal operations on this land. All current violations need to be resolved before any rezoning is considered!

I do not believe that he will use this area for cattle. When there have been cattle, they have never been anywhere near this site. There are still massive piles of waste and slash on the site. Day and night, for months on end, he had been dumping trash directly on the land and using it as a trash transfer. He disregarded the courts order and judges ruling. He signed an affidavit saying operations had ceased - that was a lie. Operations continued after the ruling, after he signed the paper, and even after he was put in jail.

Within the past couple weeks, there has been more work going on at the site. It does not appear to be clean-up as Conex trailers and slash still litter the entire area. There are now two white trailers with doors on the property (across from our home) that were not there before and several trucks have been bringing in dirt. Does he have a new project going on? Has this new development been submitted to and approved by the county?

Please verify the agricultural use claims and consider the prior violations and injunctions that he adamantly refuses to obey.

I respectfully request that the County deny this proposed rezoning.

Sincerely,

Melissa Woodruff

(Park County resident and neighboring property owner of site in question)

Referral Response Case # A25-0118 - Wandcrest Estates HOA

From Stan Bates <steamerf16@gmail.com>

Date Fri 1/23/2026 11:28 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>

 1 attachment (4 MB)

Park County Planning Department.pdf;

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Re: Referral Response - Case A25-0118

Applicant: ASKag LLC

Proposed Rezoning: Agricultural

To Whom it May Concern:

I submit our referral response regarding Case A25-0118 which ASKag LLC requests to rezone 58 acres to an Agricultural zoning designation.

The Park County Planning and Zoning Commission and BOCC needs to stop facilitating this continued nightmare with ASKag LLC. We ask that the Planning and Zoning Commission disapprove this Zoning change request from ASKag, demand that ASKag return the property to the original condition under residential zoning, and obey the Judge's Ruling, which placed a permanent injunction on the Heavy Industrial operations.

We find this application appalling after all that our community has been put through for the past 3 years.

Let's review the last debacle from 2023...

- The original ASKag application was pushed through by County Manager Mike Smith and Planning Coordinator Jennie Gannon, and others.
- We told ParkCo it was illegal - Spot Zoning... but the Planning Commission and BOCC didn't listen.
- ParkCo allowed ASKag to build a white tent and a road without a permit.
- ParkCo allowed ASKag to operate a trash septic transfer facility BEFORE it was officially yet illegally approved.
- ParkCo allowed the destruction of our beautiful landscape, bringing Heavy Industrial to our backyard, against the Strategic Master Plan.
- The judge for 11th District ruled against the Planning Commission's recommendation to the BOCC for approval of ASKag's heavy industrial operation.

Then, after Judge Hunter's ruling...

- ParkCo didn't fine him for operating when a permanent injunction was ruled.
- ParkCo Code Compliance and the Sheriff didn't enforce the ruling.
- ParkCo turned a blind eye to ASKag LLC bringing the heavy industrial operation to the neighboring Agriculturally zoned land.
- The land has been ruled residential a year ago, and Park County has done nothing to remove his trash from the hill or stop his illegal operation.

Now, ASKag LLC is asking for another rezoning - NO!!!!

Park County Planning Commission needs to deny the application for the following reasons:

- ASKag LLC lied on the previous application. ParkCo rezoned the 184 acres to the south from Residential to Agricultural, where ASKag LLC then illegally placed and ran a heavy industrial operation on this Agriculturally zoned land. The application said that they were going to run a few cattle, which was a lie.
- ASKag LLC has destroyed the Agriculturally zoned land around our community. ASKag LLC spilled approximately 45,000 gallons of untreated septage on the land and into the Will O' Wisp community. ASKag LLC ripped apart the forested area on the 184 acres to build his illegal operations.
- ASKag LLC does not value safety. The illegal operation has no safety measures for spill containment, wildlife protection, and no water or 24 hour manning for fire protection. To this day our community is at GRAVE FIRE risk because of the ASKag LLC operations and the collection of slash piles that are now over 20 feet tall on property.
- ASKag LLC bought the land originally zoned Residential, surrounded by residential. Our residential home values have decreased because of the illegal actions of Park County and ASKag LLC. Force ASKag LLC to restore the land to its original condition.
- ASKag LLC has lost trust in the community, because of the actions and lawless behavior over the past 3 years. For an owner with a long history in this beautiful part of the country, the owner should be ashamed of himself for how he has done such damage on so many levels to our community.

That rezoning from Residential to Agricultural for ASKag LLC in 2024 on the 184 acres was with the understanding that he would run cattle, NOT run an illegal operation! This heavy industrial operation is being conducted by ASKag LLC with less than 50 yards to the nearest home in our HOA. This is NOT acceptable on Agricultural land and we fear ASKag LLC will do the same if you forward the application for the 58 acres with your approval.

Our community and HOA need the Park County Planning and Zoning Commission to deny this ASKag LLC application under the strongest terms. Please allow healing return to our land and community by voting No.

Respectfully,

Stan Bates

Wandcrest Estates HOA, President







Oppose Rezoning Case A25-0118

From Summer Preston <summer.preston@outlook.com>

Date Fri 1/23/2026 12:03 PM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>; Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>

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Members of the Park County Board of County Commissioners, Park County Leadership, and Park County Planning,

Thank you for the opportunity to comment on the rezoning application for Case A25-0118 at 14097 Wandcrest Park Drive in Bailey. As a local resident, I am writing to clearly express my opposition to the request to rezone this parcel from Residential to Agricultural.

At its core, this rezoning does not make sense for the location or the surrounding area. The property sits uphill from an established residential neighborhood, and changing it to Agricultural zoning would reduce County oversight while increasing the potential for uses that could negatively impact downhill homes as previous re-zoning has proven.

Under Park County's Land Use Regulations, rezoning requests are required to be compatible with surrounding land uses, protect public health and safety, and avoid adverse impacts to neighboring properties. In this case, Agricultural zoning would allow a much broader range of uses by right, many of which require little to no County review compared to Residential zoning. That loss of oversight is concerning given the parcel's position above homes that could be affected by runoff, noise, dust, traffic, and environmental impacts. Unfortunately, these community impacts are already well documented given the county's inability to enforce the Judges orders from exactly a year ago today, January 23rd 2025, and the fact that the parcel is currently being used in ways that continue to violate Park County's LUR's.

Agricultural zoning creates enforcement challenges. Many activities allowed in agricultural districts rely heavily on complaint-based enforcement, shifting the burden onto neighbors instead of proactive County review. Once a property is rezoned, it becomes significantly harder for the County to prevent or correct problematic uses after they begin (as we have seen) — particularly in rural areas where enforcement resources are limited.

In evaluating this application, it is also important to consider the applicant's recent and well-documented land use history in Park County. The applicant, Adam Shirley of ASKAG, LLC, was recently found in contempt of court and sentenced to jail time for continuing to operate a waste transfer facility after a judge ordered the operation shut down. That case involved a disputed rezoning approval, documented permit violations, a septic spill that impacted neighboring properties, and repeated noncompliance with court orders.

These events directly demonstrate the risks associated with reduced oversight and reliance on after-the-fact enforcement. They highlight why careful scrutiny and enforceable conditions are critical for any land use decision involving this applicant.

Additionally, I would like to raise a specific concern found within the rezoning application materials themselves. The survey plan included at the end of the application, titled "Planned Unit Development Final Plat," depicts six 20,000-gallon tanks, one 15,000-gallon tank, and one 6,000-gallon tank located

within the existing building. The application does not clearly describe what these tanks are intended to store.

Given the applicant's recent history involving waste operations and documented environmental impacts, the presence of large-capacity tanks without clear explanation raises serious concerns. At a minimum, the intended use, contents, permitting status, and regulatory oversight of these tanks should be fully disclosed and reviewed before any zoning change is considered. Approving a rezoning without this clarity would further reduce County oversight and expose neighboring properties — particularly downhill residences — to unknown environmental and safety risks.

I am also deeply concerned about wildfire risk associated with this property. There are documented slash piles on the site, significant pine beetle kill in the surrounding area, and a known history of poor compliance with operational and safety requirements. Combined with Park County's ongoing drought conditions, high winter winds, and very limited moisture this season, these factors create an elevated and foreseeable fire hazard.

Any increase in allowed uses, outdoor storage, equipment staging, vehicle activity, or unmanaged materials under Agricultural zoning would further increase ignition risk. Given the parcel's location above residential homes, a fire originating on this property would pose a direct and immediate threat to downhill neighborhoods, emergency access, and evacuation safety. Reduced County oversight under Agricultural zoning significantly limits the County's ability to proactively manage or enforce fire mitigation measures before a dangerous situation develops.

While no waste-related use may be explicitly proposed today, Agricultural zoning can create pathways for future high-impact uses through conditional use permits or state-level approvals. Given the applicant's history and the physical infrastructure already depicted in the application materials, approving a zoning change that allows broader uses with less County control presents an unacceptable risk to nearby residents.

Another critical issue is compliance. Basic land use principles — and common County practice — require that existing code violations be fully resolved before rezoning is considered. Rezoning a property that is not currently compliant undermines the integrity of the Land Use Code and creates the appearance that zoning changes can be used to avoid enforcement. Any known or documented violations on this parcel, including Case No. 2024CV030019, should be fully corrected and verified before any zoning change is approved—which appears to have been an arduous process for the county alone.

Finally, approving this rezoning would set a concerning precedent. Allowing residential land to be down-zoned to agricultural in a location where residential uses are already established, environmental risks are elevated, and enforcement challenges are foreseeable weakens long-term planning stability and public trust in the zoning process.

For these reasons, I respectfully ask the Board to deny the rezoning request, require full resolution of all existing violations and full disclosure of proposed infrastructure and uses before any future land use applications are considered, and uphold the intent of Park County's Land Use Regulations by protecting established residential neighborhoods from incompatible zoning changes.

Thank you for your time and consideration.

Sincerely,
Summer Preston, PhD

ASkag LLC -DENY Rezone Case #A25-0118

From Suzie Bates <batesfamilyco@gmail.com>

Date Fri 1/23/2026 12:22 AM

To Park County Planning and Zoning <Planning.Zoning@parkcountyco.gov>

Cc Lucas Meyer <Lucas.Meyer@parkcountyco.gov>; Brandon Heacock <Brandon.Heacock@parkcountyco.gov>; Amy Mitchell <Amy.Mitchell@parkcountyco.gov>; Dave Wissel <Dave.Wissel@parkcountyco.gov>; Jason Gemmer <Jason.Gemmer@parkcountyco.gov>

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To: Park County Planning & Zoning
Park County Planning Commission
Park County Board of County Commissioners
Lucas Meyer
Brandon Heacock

Re: Rezoning Case A25-0118
14097 Wandcrest Park Rd, Pine, CO 80470

Please accept my opposition to this rezoning request for the following reasons:

1. The potential for continued misuse and abuse of the land under the 'guise of "running cattle" is a high risk for the county and potential legal consequences.

That is exactly what occurred on 270 Silver Springs 184 acres which now has been completely destroyed within less than a year after the county granting an Agricultural Zone request under the same guise of "running cattle." Now as of today, there are old discarded Conex trailers, Septic storage containers, discarded mattresses, old unused heavy industrial equipment, 25-30 ft tall and over 250 ft long slash piles, several other slash and wood chunk piles of wood- beetle kill or land clearing?, construction waste of cement blocks, chunks of cement/asphalt, and other construction or demolition debris, containers full of construction debris, leaking oils and contamination of chemicals leeching into the ground that will affect our ground water/wells, etc which could be hazardous to the health and environment and air to nearby residents. The fire risk is intensely dangerous. This all is within 50-100 yards of nearby homes! We have had to endure these illegal operations because the county code enforcement department did little to STOP or enforce violations, plus the sheriff did nothing. This is unsatisfactory to have any of this near our homes with awful noise and air pollution over these past several months. Some of us have developed respiratory issues as well and we are concerned it is due to all the unknown debris being dumped/transferred and being airborne so close to our homes!

2. According to Kay Wolf, a new employee planner @ the county indicated the "original intent" for the applicant is to combine the 184 acres with the 58 acres. The only reason that is not occurring is there is a tax lien on the 184 acre parcel. Then this past week, the applicant was trying to get a tax abatement on the 184 parcel. Therefore, that shows the obvious intent of the applicant is to defy any and all LUR's and find ways for him to continue to operate his waste business, pay little tax, and have total disregard for the surrounding community. The cattle was just a front ~ and the cattle that did graze for a short time period on the meadow near our homes, kept going onto the neighbor's properties. We had cows in our driveway several times as well as other neighbors. Will O Wisp also had numerous issues with them getting off the "Ag land".

3. Under the LUR's in Ag~Specifically Ordinance 6 there are Loopholes that could be taken by bad actors & that is a huge concern and vital warning once again from the surrounding community. Often times, Past Behaviors Predicts Future Actions~ therefore, based off of discerning wisdom and keen insight over these past 3 years ~ we, as the community that is surrounded by ASkag LLC property ask you to DENY this rezone request.

** (I find it very interesting and foreshadowing how the LLC name stands for Adam Shirley Kristi Agriculture ~ this also shows intent in this entire "idea" he and the other players had in this whole insane idea.)

4. This entire application seems very rushed and pushed through the system. Who is behind this and Why is this being done? According to the ABE board, the original application of this businessman 3 years ago, there were several items of concern and valid information sent to the Planning Commissioners, but it was ignored and it went on through the process and was approved by the BOCC despite wise counsel given to you from the ABE and then the several citizens that also gave excellent insight, valid information of reasons to oppose the application. But someone or a group of someone's pushed this application onward....WHY?

The consequences of these poor decision makings has caused such headache, heart ache, financial strains, time strains, & legal consequences for many of us citizens as well as some of you in the county leadership. Therefore, I ask you a thought provoking question: Does the county leadership want to continue these poor decisions as your reputation OR would you have the moral and ethic fortitude to stand up and say NO?

Please use your common sense as leaders; stand up and be courageous to NOT continue to make unwise decisions that serves/shows favoritism to one businessman plus that harms the environment and the community that purchased their properties with much careful due diligence and desire to have serenity to live in the mountains. The animals, like the beautiful Elk, that migrate through this area next to Park Ave (not the gnats, bears, crows, vultures, biting flies that have come due to all the trash/septic waste though;) and us humans would thank you for doing the right thing.

Please DENY #A25-0118.

Respectfully,

Suzie Bates
123 Park Ave
Pine, CO 80470

PLEASE CONFIRM RECEIVED & PUT IN PUBLIC RECORD **