



**PARK COUNTY BOARD OF COUNTY COMMISSIONERS
PLANNING DEPARTMENT STAFF REPORT**

Hearing date: February 18, 2026

Prepared on: February 9, 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Request: The applicant is requesting a rezoning from PUD or Residential (PUD rescinded by BOCC on November 19, 2025) to Agricultural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Current zone district: Residential (PUD rescinded by BOCC Nov 19, 2025)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 The applicant previously applied for and was granted a rezoning from Residential to PUD but that was rescinded by the BOCC on November 19, 2025.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 the following sections of the 2016 SMP:

- Strategy A for the East Bailey region: "Maintain the rural and scenic character of this unique pocket in Park County";
- Goal 2: "Curtailing the proliferation of small lot residential development";
- and Strategy E of Goal 5.2: "Minimize impacts on groundwater supply and quality."

Rezoning from residential to agricultural is aligned with maintaining the rural and scenic character, would further hinder small lot residential development, and would likely have a lower impact on the groundwater supply and quality (the water concern in the impact analysis section is specific to surface waters, not groundwater).

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. The applicant has switched twice between “running cattle seasonally” and “any and all things agricultural” as a development plan; the first would likely have a lower impact on the land, though the impacts of all permitted-by-right uses would be much more intensive compared to 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”, and there is some concern on possible erosion if larger livestock are not contained to the more level areas of the property.

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 (unsure which lot was affected)
- 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:



- Presence of a white tent structure, storage areas, and parking
- Alleged heavy truck traffic and dirt transportation

Public comments

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

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 and other livestock;
- 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.

Planning Commission

The Planning Commission reviewed this application at their January 28, 2026 meeting and voted unanimously to recommend denial of this application.

Executive Summary: The application received a lot of questions from the Planning Commission directed to Staff and the applicant. Many of the questions revolved around the potential uses under the requested re-zoning, the temporary building, current violations related to the property and compatibility. There were 15 comments from the public against the application and 0 for the application. The ruling from the 106 hearing was provided to the Planning Commission by a participant during public comment.

During deliberations the Planning Commission reviewed Standards A-E individually, the Commission found that three of the Standards were not met, specifically letters A, D and E(a).

The BOCC's options are to authorize staff to prepare a resolution to:

- Approve the application with no conditions;
- Approve the application with conditions;
- Deny the application.

The BOCC may also continue the hearing to acquire additional information.

**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) [REDACTED] (home) _____ (fax) _____
Owner's Name: Member Adam Shirley
Mailing Address: PO Box 86 Pine CO 80470
Telephone No.: [REDACTED]

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 Bailey 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.) <input checked="" type="checkbox"/>
(2.) <u>Staff</u>
(3.) <u>Staff</u>
(4.) <input checked="" type="checkbox"/>
(5.) <u>Staff</u>
(6.) <u>Staff</u>
(7a.) <u>Staff</u>
(7b.) <input checked="" type="checkbox"/>
(7c.) <u>Staff</u>
(8a.) <u>Staff</u>

For County Use Only:
Initial Receipt of the Required Information

obtained from the property subject to rezoning to the nearest county road or highway;

- c. Where any access to the property subject to rezoning is obtained from a road, trail, easement, driveway, or other private access other than an adjacent County-owned highway, street or road, the applicant shall provide evidence of permanent legal right of access. Such evidence may include, but not be limited to, deed, easement agreement, or attorney opinion that a permanent legal right of access exists to the property;
 - d. Natural features of the property subject to rezoning including, wetlands, floodplain, riparian areas, water bodies (e.g., lakes, ponds, streams, whether continuous or seasonal), rock outcroppings, significant vegetation, geological or other hazards, and slopes greater than twenty-five percent (25%);
 - e. Utility systems including existing and proposed water wells, sewer systems, electric services, and natural gas.
9. Applicant must provide a Proposed Development Plan describing in mapped form and/or text the existing and proposed physical improvements of the property and the approximate locations of improvements.
10. The property must be clearly identified with the address and posted according to the Park County address requirements (attached).

(8b.) *[Signature]*

(8c.) _____

(8d.) _____

(8e.) _____

(9.) *[Signature]*

(10.) _____

For properties currently within a Mining Zone District, the following additional materials must be included in a complete application:

- 1. The building envelope must be at an elevation of not more than 11,500 feet.
- 2. The application must include a geo-technical report prepared by a qualified Geo-technical professional utilizing the information and guidelines contained in "Guidelines and Criteria for Identification of Land Use Controls of Geological Hazards and Mineral Resource Areas" Colorado Geological Survey Publication 6, or the updated version of this publication. The geo-technical report must be accompanied by a statement of the engineer's qualifications relative to geology, mine economics and geological hazards. At a minimum, this report must address the following information specific to the property in question, all of which shall be considered in evaluating the Rezoning application.
 - a. The presence and extent of any geological hazards, including but not limited to underground excavations on or adjacent to the subject property and the presence of radioactive or toxic materials and minerals.
 - b. The presence of surface and subsurface minerals, including but not limited to the types and amounts of minerals present and the viability of mineral extraction now and in the future.

(1.) _____

(2a.) _____

(2b.) _____

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 Edward, 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.

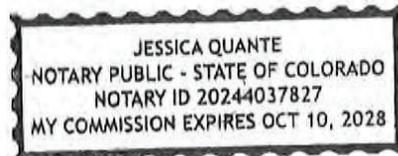
Applicant Name: ASK 99 LLC

Mailing Address: PO Box 86 Pine CO 80470

Project Name / Type: _____

[Signature]
Signature of Applicant

Adam Edward
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

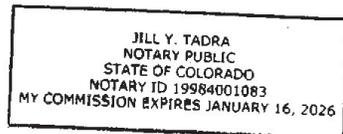
BY: **David Coppfer, Managing Partner**

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 Bre 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

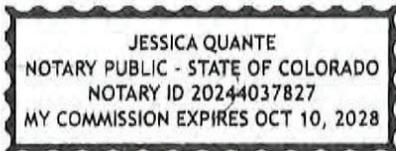
6.² The authority of the foregoing person (s) to bind the entity is not limited limited as follows: _____

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

Executed this _____

[Signature]

Signature



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.

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

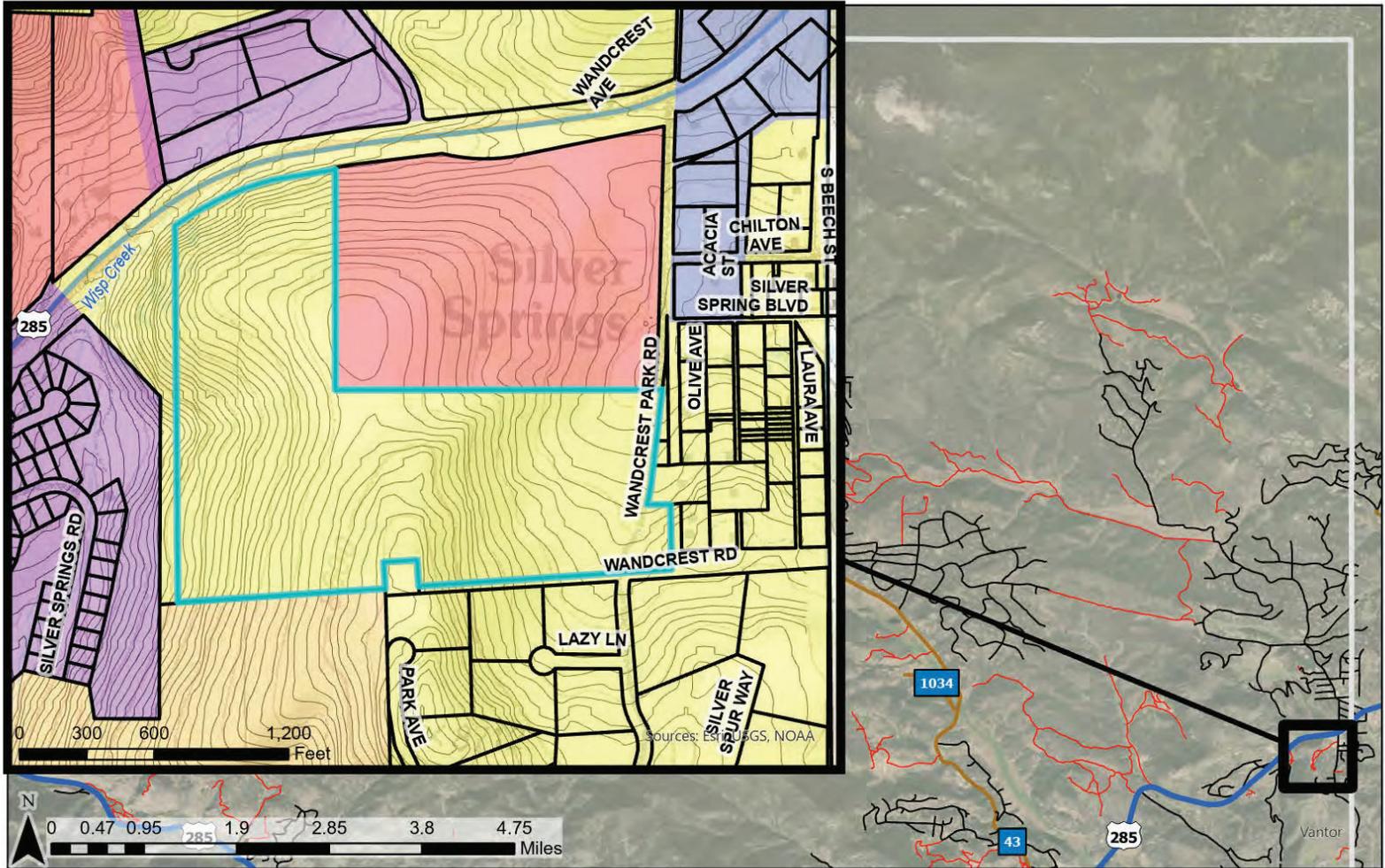
Parcel 44583
Joseph J and Jenney M Sanchez
Po Box 668
Pine, CO 80470

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

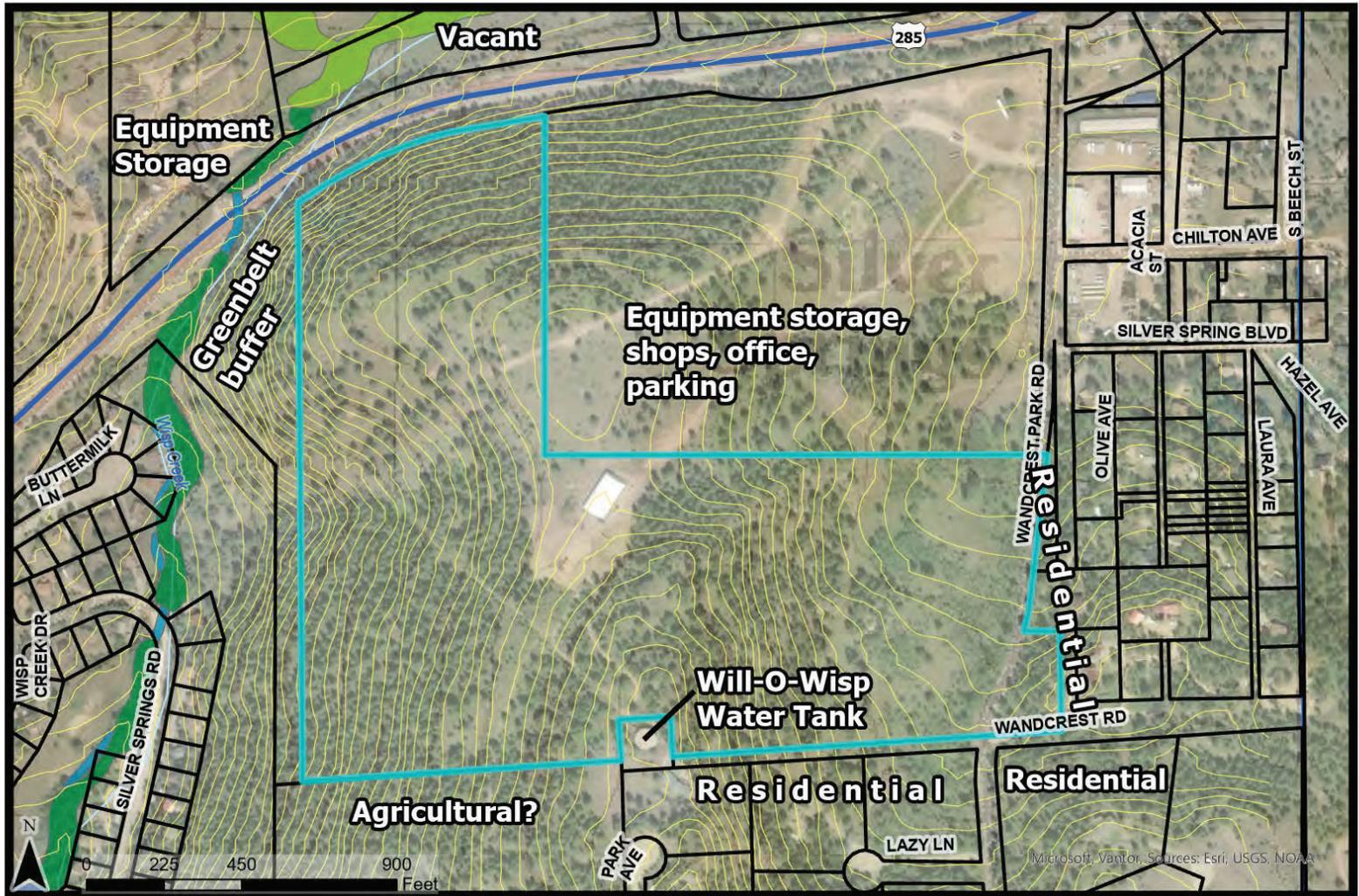
Parcel 20654
Mountain View Waste LLC
Att: Tax Dept
3 Waterway Square Pl Ste 110
The Woodlands, TX 77380



- | | | | |
|--------------|--------------|-------|----------------|
| — CountyLine | — Private Rd | — A | — R |
| — County Rd | — State Hwy | — C | — 10ftContour |
| — 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 | — Private Rd | — 10ft Contour | ■ Freshwater Forested/ Shrub Wetland |
| — County Rd | — State Hwy | — Flood Hazard | ■ Freshwater Pond |
| — Local Rd | — US Hwy | ■ Freshwater Emergent Wetland | ■ Riverine |

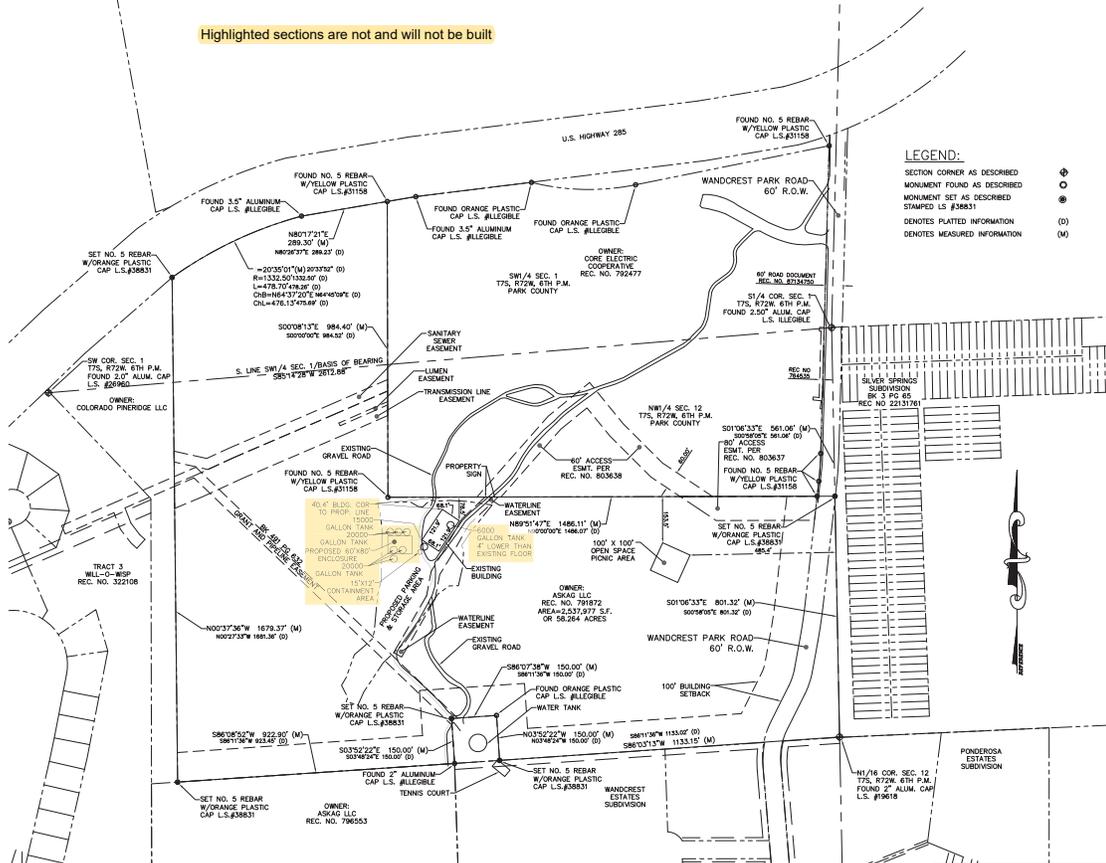
Park County Planning & Zoning

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 L.S.#3831 (⊙)
 (○) DENOTES PLATTED INFORMATION
 (M) DENOTES MEASURED INFORMATION



NO.	DATE	DESCRIPTION	BY	CHKD.	APP. NO.	DATE OF FIELD WORK	SCALE FILE
3	11/20/23	COUNTY COMMENTS	R.M.				
2	11/26/23	CLIENT APPROVALS	R.M.				
1	10/29/23	CLIENT APPROVALS	R.M.				

PRECISION SURVEY & MAPPING
 8025 E. Kenyon Ave., Suite 100, Denver, CO 80237
 Tel: (303) 753-9799
 CHAIRMAN: (S.M.) R.M. J.L. R13506 AUGUST 15, 2023 R13506-SHARLEY L.P.



Fencing

ASKAG
LLC

Wandcrest Drive

OX

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

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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.

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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



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.

(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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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.

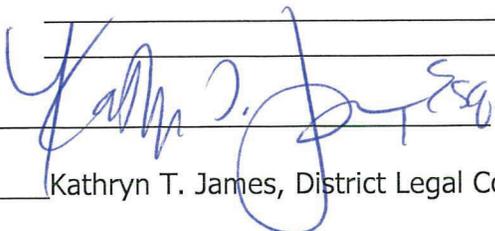
We have reviewed this referral and find that it **does not** comply with our specific organization's concerns for the following reasons:
see attached letter

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

office. 303.688.3045 • fax. 303.688.3189

18 South Wilcox Street, Suite 200

Castle Rock, Colorado 80104-1909

ffcolorado.com

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

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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.

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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