

3pg

**PARK COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS  
Resolution No. 2018 16**

**A RESOLUTION MAKING FINDINGS OF FACT, CONCLUSIONS AND ENTERING AN ORDER CONDITIONALLY GRANTING THE APPLICATION OF HOLISTICAL LLC FOR PARK COUNTY RETAIL MARIJUANA PRODUCTS MANUFACTURING FACILITY, MEDICAL MARIJUANA PRODUCTS MANUFACTURING AND MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION LICENSES.**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF PARK (the "Board") that the following findings of fact, conclusions and order are hereby adopted.

**FINDINGS OF FACT, CONCLUSIONS AND ORDER**

**FINDINGS**

1. This matter comes on for hearing upon the application of Holistical LLC dba South Park Farma ("Applicant") for Park County Retail Marijuana Products Manufacturing Facility, Medical Marijuana Products Manufacturing, and Medical Marijuana Optional Premises Cultivation licenses at the subject site.

2. The application is complete and contains all the information required by Park County Ordinance Nos. 2016-1 and 2016-3 as amended. The Board further finds that the Applicant, its officers and shareholders are of good moral character and that they have operated a marijuana facility in Park County for several years with no violations of County or State regulations.

3. Notice of a public hearing on the application was given in the manner prescribed by Ordinance.

4. A public hearing was held on the application on April 19, 2018, at which the Applicant and all interested parties were given an opportunity to present testimony and evidence regarding the application and particularly the criteria for issuance of a license set forth in Ordinance Nos. 2016-1 and 2016-3.

5. At the commencement of the hearing the Chair read an opening statement and gave all interested persons the opportunity to object to the jurisdiction of the Board and to the procedure to be followed during the hearing. No objection to the Board's jurisdiction or to the procedure was made by anyone, including the Applicant.

6. The Applicant's representative presented testimony regarding the proposed retail and medical marijuana establishments.

7. No persons in interest appeared to testify against the application.

8. Prior to the hearing, canvassing of the adult inhabitants of the designated neighborhood was conducted pursuant to Subsection 7(h) of Ordinance No. 2016-1. 6 requests for response were mailed to the owners of real property in the neighborhood designated by the Board as shown in the records of the Park County Assessor. The result of that canvassing was as follows:

NO RESONSE	5
NEUTRAL	1

CONCLUSIONS

1. Based on the evidence adduced at the public hearing the Board concludes that there is sufficient evidence to allow it to conclude that the reasonable requirements of the neighborhood are not currently being met by existing marijuana establishments. Ordinance No. 16-01 § 7(h) and Ordinance No. 16-03 § 7(j).

2. The Board further concludes that the desires of the adult inhabitants of the neighborhood do not oppose issuance of the license. *Id.*

3. The Board concludes that, considered as a whole, the requirements for the issuance of Park County Retail Marijuana Products Manufacturing Facility, Medical Marijuana Products Manufacturing, and Medical Marijuana Optional Premises Cultivation licenses at the subject site are met. Ordinance Nos. 16-01 § 7(h) and 16-03 §7 (j).

ORDER

Based on the Findings and Conclusions set forth above, the application is GRANTED subject to the following conditions.

1. Applicant shall work with the Building Department to insure that all building code requirements are met;
2. Applicant shall work with the North West Fire Protection District to ensure that all fire code and related requirements are met;
3. Applicant shall ensure all requirements of the Park County Land Use Regulations are met (e.g. sign code requirements, lighting, etc.)
4. Applicant shall abide by all State of Colorado licensing requirements.
5. Applicant shall work with the Park County Environmental Health Department to ensure all related requirements are met.

- 6. The Medical Marijuana Center, Optional Premises Cultivation and Infused Products Manufacturing operations shall not emit any detectable odor of marijuana beyond the lot lines; and
- 7. No signage identifying the property as a Marijuana Facility or depicting a marijuana leaf or plant or green cross shall be displayed.

All operations permitted under these licenses shall be conducted in strict compliance with Park County Ordinance No. 2013-01, Ordinance No. 2016-03, and all applicable laws and regulations of the State of Colorado.

By accepting these licenses, the licensee waives and releases the County, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of retail marijuana establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

By accepting this license, all licensees, jointly and severally if more than one (1), agree to indemnify, defend and hold harmless the County, its officers, elected officials, employees, attorneys, agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana establishment that is the subject of the license.

Licensee acknowledges that the activities authorized by this license are violations of current federal law.

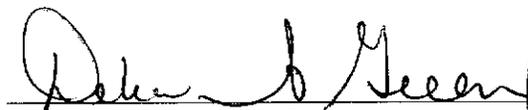
Moved, seconded, and approved this 26<sup>th</sup> day of April, 2018.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**



Mike Brazell, Chairman

ATTEST:



County Clerk

