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PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2021- 14

A RESOLUTION MAKING FINDINGS OF FACT, CONSLUSIONS AND ENTERING AN ORDER CONDITIONALLY GRANTING THE APPLICATION OF TCF – XQUISITE CANNABIS, LLC FOR A PARK COUNTY RETAIL MARIJUANA CULTIVATION LICENSE, AT T08 R75 S29 NW4 SE4NW4, E2SW4, PART OF W2SW4 ALL DESC R496273 29-8-75 ADDRESSED AS 2874 COUNTY ROAD 34, JEFFERSON, COLORADO.

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 AND CONCLUSIONS

1. This matter comes on for hearing upon the application of TCF – Xquisite Cannabis LLC DBA Xquisite Cannabis and the Applicants, Mathew Lopez and Mike Robl have applied for a Park County Retail Marijuana Cultivation License at the subject site.
2. The application is complete and contains all the information required by Park County Ordinance Nos 2016-1, and 2017-1 as amended. The Board further finds that the Applicants, its officers and shareholders are of good moral character.
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 May 4th, 2021 at which the Applicants 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 Ordinances 2016-1, and 2017-1.
5. At the commencement of the hearing the Board gave all interested parties 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. Four (4) 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. Staff received one opposition and no other responses.

CONDITIONS

Based on the Findings and Conclusions set forth above, a license is GRANTED subject to the following conditions:

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1. No fugitive light shall be emitted from the interior of the structures used for marijuana cultivation.
2. No waste water attributable to marijuana cultivation shall leave the structures used for marijuana cultivation.
3. No marijuana-related odors shall be detectable beyond the borders of the licensed premises.
4. No signage identifying the licensed establishment as a retail marijuana establishment or referencing cannabis or marijuana is allowed.
5. All representations regarding the conduct of the licensed retail marijuana establishment made by the Licensee or its representatives, in the application or during the public hearing, are incorporated herein and made a condition of the license. Any failure by the Licensee to perform or comply with such representations or any other condition set forth herein may result in suspension or revocation of the License.
6. The retail marijuana cultivation shall file an excise tax return with Park County each month. If any excise tax payment is due it shall be paid by the twenty-fifth (25th) day of the month following the month reported and with the report shall remit the amount of tax due.

Conditions requested by the Water Commissioner:

7. The applicant must provide a written water plan including a schematic of the proposed water system and estimates of water use.
8. If there is an existing well on the property the applicant must provide the well permit and prove the well is not a supply source without augmentation.
9. If there is an existing well on the property the applicant will have to install a totalizing flow meter and record meter readings.
10. The applicant must be able to show receipts from a commercial hauler.
11. The applicant must keep a water log, produce receipts and provide facility access to the Water Commissioners or their assigns upon demand.

Conditions requested by the Jefferson-Como Fire Department Chief:

12. The facility shall be inspected by fire department prior to operation to ensure the property meets all fire codes as listed in 2012 International Fire Code. To include addressing, access, egress, electrical, fire etc.

Further, the license granted hereby is subject to the following:

All operations permitted under this license shall be conducted in strict compliance with Park County Ordinance 2016-1 and 2017-01, and all applicable laws and regulations of the State of Colorado.

By accepting this license, the licensees waive 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, operations, employees, clients or customers for a violation of state or federal laws, rules, or regulations.

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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 subject of the license.

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

Moved, seconded and approved this 18th day of May, 2021.

PARK COUNTY BOARD OF COUNTY COMMISSIONERS



Richard Elsner, Chairperson

ATTEST:



County Clerk
Deputy



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Debra A Green
Park County Clerk