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Debra A Green
Park County Clerk

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**PARK COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS
Resolution No. 2015- 7**

**A RESOLUTION MAKING FINDINGS OF FACT, CONCLUSIONS
AND ENTERING AN ORDER CONDITIONALLY APPROVING
THE APPLICATION OF TOTANKA LLC FOR A PARK COUNTY
RETAIL MARIJUANA CULTIVATION FACILITY LICENSES.**

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
THE COUNTY OF PARK 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 Totanka LLC ("Applicant" or "Licensee") for a Park County retail marijuana cultivation facility licenses at the subject site.
2. The application is complete and contains all the information required by Park County Ordinance No. 2013-1. The Board further finds that the Applicant, 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 Section 7(f) of Ordinance No. 2013-1.
4. A public hearing was held on the application on January 29, 2015 at which the Applicant and all interested parties were allowed to present testimony and evidence regarding the application and particularly the criteria for issuance of a license set forth in Ordinance No 2013-1.
5. The Applicant presented testimony regarding the reasonable requirements of the neighborhood and the desires of the adult inhabitants of the neighborhood.
6. Several persons appeared to testify against the application.

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 being met by existing retail marijuana establishments since no other licensed retail marijuana establishments exist in the pertinent portion of unincorporated Park County.

2. The Board further concludes that there was persuasive evidence that the desires of the adult inhabitants of the neighborhood favor issuance of the license and that the other requirements for the issuance of a retail marijuana store license and a retail marijuana cultivation license for this location have been met.

ORDER

Based on the Findings and Conclusions set forth above, the application for a retail marijuana cultivation license is GRANTED subject to the following conditions:

1. No fugitive light shall be emitted from the interior of the structures used for marijuana cultivation.
2. Hydroponics shall not be employed for marijuana cultivation and 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 premises as a marijuana establishment shall be displayed.

All operations permitted under these licenses shall be conducted in strict compliance with Park County Ordinance No. 2013-1 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,

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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 12th day of February, 2015.



ATTEST:

County Clerk

**PARK COUNTY BOARD OF COUNTY
COMMISSIONERS**

Mark Dowaliby, Chairman