



## Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC  
Borough Clerk

### **MARIJUANA LICENSE LOCAL REVIEW STANDARDS**

10/28/2020

Purgatory Cannabis  
toby@alaskacannabis.com

RE: *Purgatory Cannabis – Application for Marijuana Product Manufacturing Facility  
(License Number: 27520)*

We received your public notice for application for Marijuana Establishment License on 10/26/2020. Once your complete application is received by the Borough Clerk's office from the Alcohol & Marijuana Control Office (AMCO) it will be forwarded to the Kenai Peninsula Borough (Borough) Planning and Finance Departments for review. The borough has 60 days from receipt of your complete application from AMCO to make recommendations to the Marijuana Control Board (MCB). A staff report will be prepared based upon standards set out in KPB 7.30. The Planning Commission will hold a public hearing on the application and forward its recommendation to the Borough Assembly. The Assembly is the borough's commenting authority to the MCB. The Assembly will also hold a public hearing regarding the license application prior to making its recommendation to the MCB.

In order for the Borough to determine compliance with standards set out in KPB 7.30.020(C)(1), you will need to provide a site development plan with adequate detail to accurately depict the following:

If your parcel is accessed from a borough road:

- The width and location of the entrance and exit;
- a clear route for delivery vehicles which shall allow vehicles to turn safely;
- the location of on-site parking and loading areas designed to preclude vehicles from backing out into the roadway;

If your parcel is accessed from a state road:

- a clear route for delivery vehicles which shall allow vehicles to turn safely;
- the location of on-site parking and loading areas designed to preclude vehicles from backing out into the roadway; and

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10/28/2020

*Purgatory Cannabis – Application for Marijuana Product Manufacturing Facility (License Number: 27520)*

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The Kenai Peninsula Borough's standards and process are more completely set forth in the enclosed copy of KPB Chapter 7.30 "Marijuana License Protests." If you have any questions regarding the boroughs role in the state's processing of marijuana license applications please contact the Borough Clerk's office at 714-2160. Please return your completed acknowledge form and site development plan within the next two (2) weeks in order to facilitate the process.

Included with this packet please find the following documents:

- KPB 7.30
- Acknowledgement Form

Thank you,

A handwritten signature in blue ink that reads "Johni Blankenship". The signature is written in a cursive style with a large, sweeping initial "J".

Johni Blankenship, MMC  
Borough Clerk



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## **MARIJUANA LICENSE LOCAL REVIEW STANDARDS ACKNOWLEDGEMENT FORM**

Please review the statements below and acknowledge your understanding of the conditions and intent to comply by your signature below.

There shall be no parking in borough rights-of-way generated by the marijuana establishment.

If I have a retail marijuana license, I will not conduct any business on, or allow any consumer to access, the premises, between the hours of 2:00 a.m. and 8:00 a.m. each day.

I must stay current in obligations owed to the Kenai Peninsula Borough or my license may be subject to a protest by the KPB Assembly.

It is my responsibility to abide by all federal, state, and local laws applicable to my marijuana establishment.

I understand Kenai Peninsula Borough staff will enter my property for purposes of evaluating ongoing compliance with KPB 7.30 and any conditions placed on the license by the State of Alaska Marijuana Control Board.

I have received, read and understand the additional review standards and conditions set out in KPB 7.30.

Purgatory Cannabis  
43280 Kenai Spur Highway, Unit F, Nikiski, AK 99635; T 6N R 12W SEC 14 SEWARD  
MERIDIAN KN PORTION OF GOVT LOT 106 LYING EAST OF NORTH KENAI RD  
Application for Marijuana Product Manufacturing Facility (License Number: 27520)

  
Signature

11/2/20  
Date

Please return completed form along with site development plan to the KPB Clerk's

Office within the next two (2) weeks. The KPB has 60 days to review your application after receipt from AMCO.

## **CHAPTER 7.30. MARIJUANA LICENSE PROTESTS**

7.30.010. - Applications—Renewals—Hearings—Action.

- A. The assembly shall review and make recommendations to the state on applications submitted to the State Marijuana Control Board for marijuana establishment licenses within the borough in the following situations:
  - 1. Applications for a new license; or
  - 2. Applications requesting approval of a relocation of the licensed premises.
- B. Prior to the assembly making a recommendation to the Marijuana Control Board the planning commission shall hold a public hearing and make a recommendation to the assembly on the license application applying the standards set forth in KPB 7.30.020. The planning department shall prepare a staff report for the planning commission addressing items set forth in KPB 7.30.020. Notice of the public hearing shall be given in accord with the provisions of KPB 21.11.
- C. After assembly public hearing, review and action as provided in KPB 7.30.010(A) and 7.30.020, the borough clerk shall provide a letter to the State of Alaska Marijuana Control Board informing it of the assembly's non-objection, protest, or recommended conditional approval as appropriate.
- D. Applications requesting renewal of a license or transfer of ownership shall be reviewed by the finance department and planning department for continued compliance. If the facility, licensee and licensee's affiliates are in compliance with KPB 17.30.020 the borough clerk shall provide a letter of non-objection to the State of Alaska Marijuana Control Board. If the facility, licensee or affiliate is non-compliant with KPB 7.30.020, the process in KPB 7.30.010(B) and (C) shall be followed.

7.30.020. - Assembly review—Standards.

- A. The assembly shall cause a protest to be filed with the State of Alaska Marijuana Control Board on any application submitted for a new marijuana license, or any application requesting approval of a relocation of the licensed premises, or any application requesting approval of a transfer of a license to another person, or the application for renewal of a license, within the borough, in the following situations:
  - 1. Where borough records indicate that the applicant, applicant's affiliates and/or transferor is in violation of the borough sales, and/or personal and real property tax ordinances and regulations, has any unpaid balance due on tax accounts for

which the applicant and/or transferor is liable or has failed to comply with any of the filing, reporting or payment provisions of the borough ordinances or regulations. A protest shall not be filed for balances due secured by a payment agreement authorized by borough ordinances, as long as:

- a. The applicant, applicant's affiliates or transferor is in compliance with the payment agreement; and
- b. The payment agreement requires payment in full by the end of the next license year; and
- c. The applicant, applicant's affiliates or transferor is involved in no more than two payment agreements within the prior five (5) years.
- d. Notwithstanding the provisions of this subsection, the borough is not required to file a protest if the transferor and/or applicant or applicant's affiliates have made satisfactory arrangements with the borough for the discharge of a tax obligation from the proceeds of the transfer or by payment from the person to whom the license is to be transferred. Further, if the proposed transferee holds a security interest in the license or licensed premises and seeks the transfer as part of an action foreclosing or protecting that security interest the borough will not protest a transfer to the holder of the security interest so long as satisfactory arrangements have been made by the transferee to pay the delinquent taxes in accordance with this chapter and other provisions of the borough code and no other provisions of this chapter would cause or allow a protest to be made.

B. Marijuana establishments shall not:

1. Be located within 1,000 feet of any school. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer parcel boundaries of the school.
2. Be located within 500 feet of a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the recreation or youth center, or the main public entrance of the building in which religious services are regularly conducted, or the correctional facility.
3. Be located within a local option zoning district.

C. Marijuana establishments shall:

1. Be located where there is sufficient ingress and egress for traffic to the parcel including:
  - a. Except for limited cultivation facilities the approach shall be constructed to a minimum of 24 feet in width where it accesses a borough right-of-way;
  - b. There shall be no parking in borough rights-of-way generated by the marijuana establishment;
  - c. The site development shall delineate a clear route for delivery vehicles which shall allow vehicles to turn safely;
  - d. On-site parking and loading areas shall be designed to preclude vehicles from backing out into the roadway; and
2. Not conduct any business on, or allow any consumer to access, the retail marijuana store's licensed premises, between the hours of 2:00 a.m. and 8:00 a.m. each day; and
3. Be current in all Kenai Peninsula Borough obligations consistent with KPB 7.30.020(A); and
4. Maintain a state license issued pursuant to AS 17.38 and 3 AAC 306.

D. Applicant is responsible for complying with all federal, state and local laws applicable to marijuana. By issuing a recommendation to the Marijuana Control Board the borough is not authorizing the violation of local, state, or federal law.

E. The assembly may recommend conditions on a license to meet the following standards: protection against damage to adjacent properties, offsite odors, noise, visual impacts, road damage, and criminal activity, and protection of public safety.

7.30.900. - Definitions.

Unless the context requires otherwise, the following definitions apply:

*Affiliate* means a person that directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, a partnership, limited liability company, or corporation subject to AS 17.38 and 3 AAC 306.

*Marijuana* has the meaning given in Alaska Statute 17.38.900.

*Marijuana cultivation facility* means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

*Marijuana establishment* means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store as defined in AS 17.38.

*Marijuana product manufacturing facility* means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

*Marijuana products* means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

*Marijuana testing facility* means an entity registered to analyze and certify the safety and potency of marijuana.

*Recreation or Youth Center* means a building, structure, athletic playing field, or playground:

- (A) Run or created by a local government or the state to provide athletic, recreational, or leisure activities for minors; or
- (B) Operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

*Registered* means issued a registration or license by the State of Alaska.

*Retail marijuana store* means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.



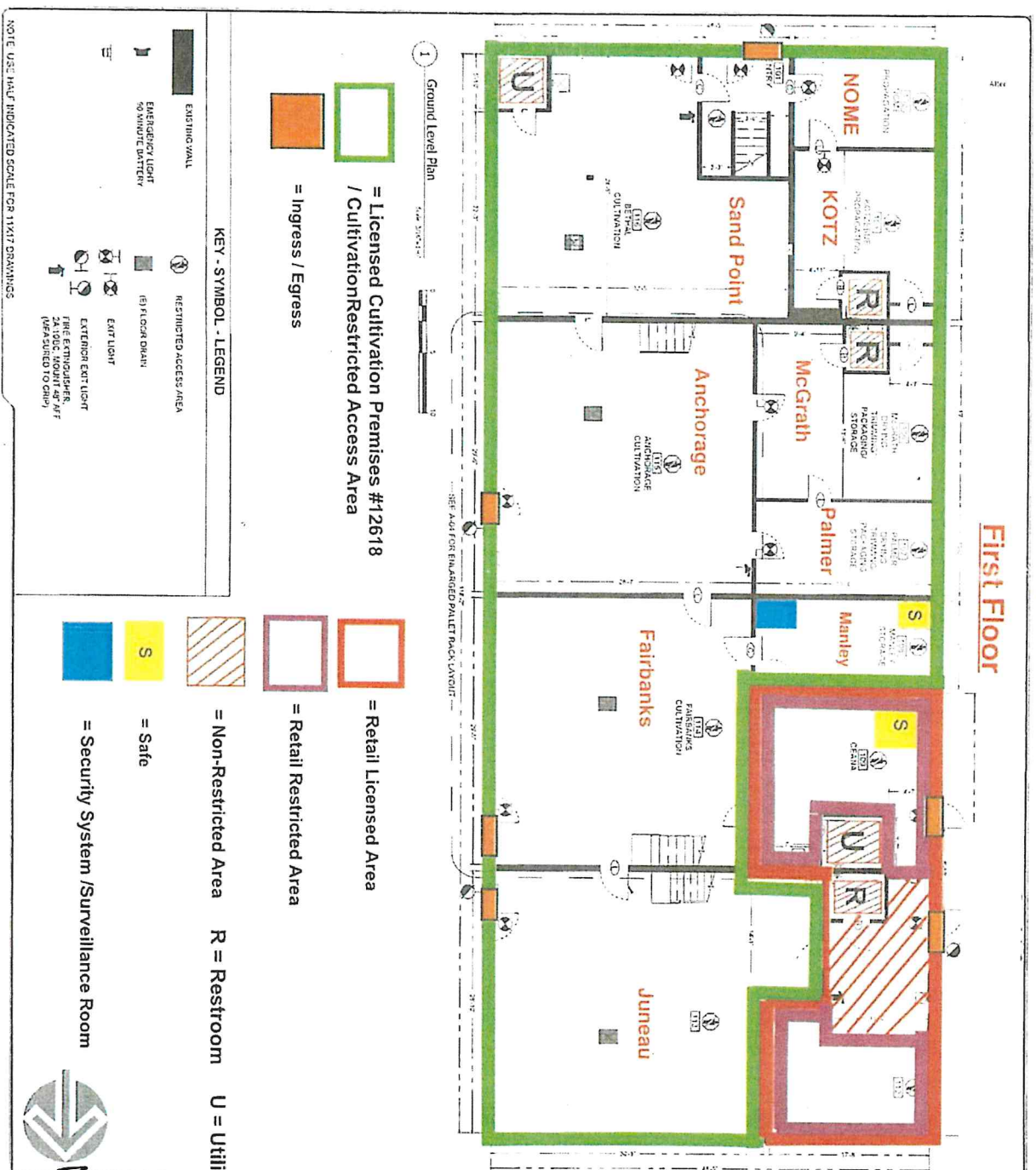


# Diagrams 1.1, 2.1 + S.1 AFTER - NO CHANGES FIRST FLOOR

HempCo, LLC.  
 DBA. Alaska Cannabis Company  
 Standard Marijuana Cultivation License #12618

*Purgatory Cannabis*  
 License # 27520

Seeds & Stems, LLC.  
 DBA. Alaska Cannabis Company  
 Marijuana Retail License #18929



ROOM NUMBER	AREA	USE	OCCUPANT LOAD	WALL TYPE	FLOOR TYPE	WALL/COT	FLOOR BASE	FLOOR SURFACE	EXITS REQUIRED
101	ENTRANCE	ENTRANCE	100	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	1
102	RECEPTION	RECEPTION	100	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	1
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200	OFFICE	OFFICE	100	CONCRETE	CONCRETE	CONCRETE	CONCRETE	CONCRETE	1

**DOOR SCHEDULE**  
 ALL DOORS ARE EXISTING TO REMAIN, UNLESS NOTED OTHERWISE. COMBINE ON OPPOSITE LATCH/HANDSIDE AS NOTED BELOW.

**LATCH TYPE KEY**  
 B. BATHROOM PRIVACY LOCK  
 C. SECURE OFFICE LOCK  
 E. COMMERCIAL ENTRY LOCK

**KEY - SYMBOL - LEGEND**  
 EXISTING WALL  
 RESTRICTED ACCESS AREA  
 EMERGENCY LIGHT / 90 MINUTE BATTERY  
 FLOOR DRAIN  
 EXTERIOR LIGHT  
 EXTERIOR EXTERIOR LIGHT (REASURED TO CHIP?)

**KEY - SYMBOL - LEGEND**  
 = Licensed Cultivation Premises #12618 / Cultivation Restricted Access Area  
 = Ingress / Egress  
 = Retail Licensed Area  
 = Retail Restricted Area  
 = Non-Restricted Area  
 = Safe  
 = Security System / Surveillance Room  
 R = Restroom  
 U = Utility Closet

**NOTE:** USE HALF INDICATED SCALE FOR 1/4" = 1'-0" DIMENSIONS

**DATE:** JAN 16 2012

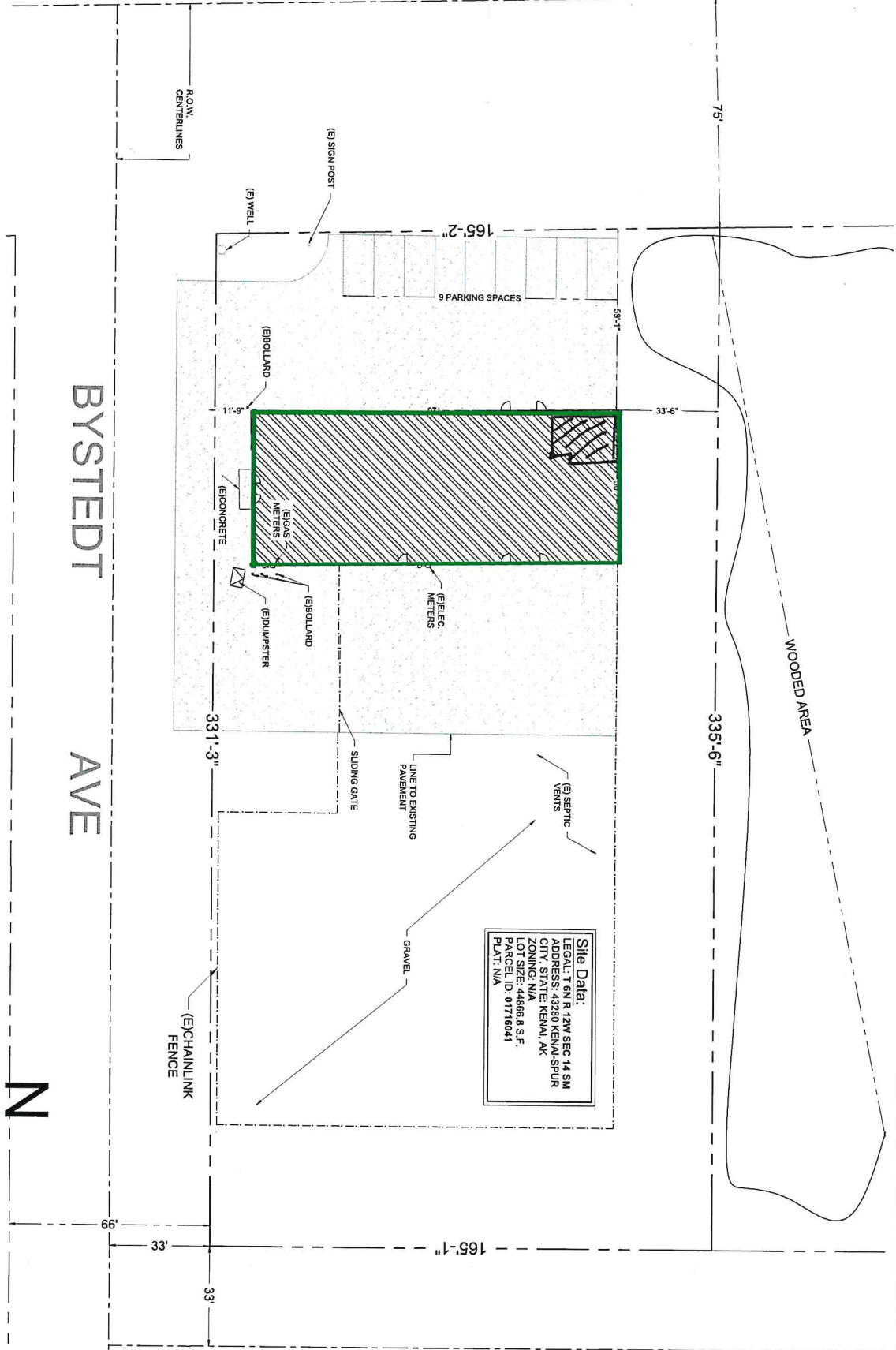
**PROJECT:** A-02

**purgatory Cannabis**  
 # 27520  
 ADDRESS: 43280 Kenai Spur Hwy Kenai, AK 99611

# Diagram 3

## KENAI SPUR HWY

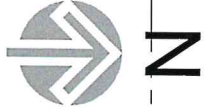
## BYSTEDT AVE



1 Parking Facility Layout, Circulation, & Design Plan  
Scale: 1/8"=1'-0"

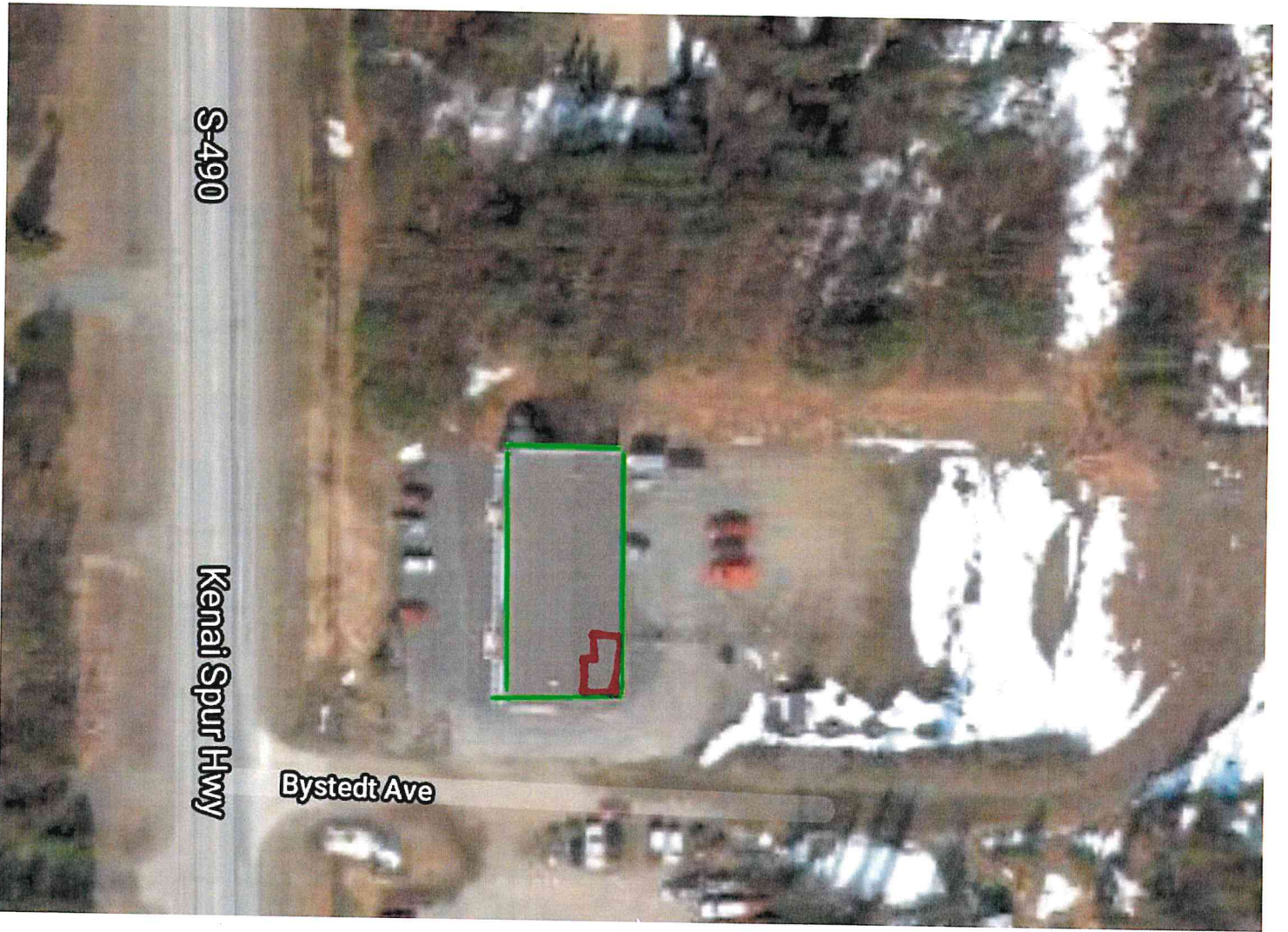


*Proposed & consigned facility by #27520 / right of possession*



**Site Data:**  
 LEGAL: T.6N R. 12W SEC 14 SW  
 ADDRESS: 43280 KENAI SPUR  
 CITY, STATE: KENAI, AK  
 ZONING: N/A  
 LOT SIZE: 44868 S. F.  
 PARCEL ID: 01716041  
 PLAT: N/A

NOTE: USE HALF INDICATED SCALE FOR 11X17 DRAWINGS



Purgatory Cannabis  
License # 27520

Diagram 4

□ - Facility Currently housing  
Licenses 12618 + 18929

□ - proposed licensed premises

