



White Salmon CityLAB Board
A G E N D A
August 23, 2022 – 6:00 PM
100 N. Main and Via Zoom Teleconference
Meeting ID: 812 9726 2324 Passcode: 619422
Call in Numbers:
669-900-6833 929-205-6099 301-715-8592
346-248-7799 253-215-8782 312-626-6799

The committee will meet both in person and via Zoom Teleconference. The majority of individuals will meet via Zoom. However, if you wish to attend in person that option is being provided at City Hall at 100 N. Main.

Call to Order

Public Comment

Discussion and Action Items

1. Status Updates
 - A. Klickitat PUD - Schedule Next Meeting
 - B. Reach Code
 - C. Green Building Checklist
2. Draft White Salmon Park System Plan
3. Proposed Washington Cannabis Regulations - Feedback
4. Water System Plan - Schedule Presentation

Adjournment

File Attachments for Item:

1. Status Updates
 - A. Klickitat PUD - Schedule Next Meeting
 - B. Reach Code
 - C. Green Building Checklist



Jim Ransier <jimr@ci.white-salmon.wa.us>

CityLab Website and Reach Code follow-up

H. Peter Fink <hpeterfink@gmail.com>

Wed, Jun 29, 2022 at 9:24 PM

To: Jan Brending <janb@ci.white-salmon.wa.us>, Jim Ransier <jimr@ci.white-salmon.wa.us>, kb1043@gmail.com, Kalama Reuter <kalama@embarqmail.com>, downtoearth1000 <rsolin@gorge.net>

Cc: City Administrator <administrator@ci.white-salmon.wa.us>, Erika Castro-Guzman <ErikaC@ci.white-salmon.wa.us>

Hi All,

Follow up from last evening's CityLab Meeting. Here is the website. <https://www.white-salmon.net/bc/page/citylab-board> If there is a glaring error please let me know so I can correct it.

The other thing I mentioned was "reach code" as a potential mechanism to offer optional and more extensive climate-friendly building guidelines for developers or homeowners. I was inspired by HB 1770 which I made an Instagram post for this past year <https://www.instagram.com/p/CaQxseilDLo/>. Here's more info about the bill. <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bill%20Reports/House/1770%20HBR%20LG%202022.pdf?q=20220629205332> Essentially, reach code is "a set of statewide optional construction standards for energy efficiency that exceed the requirements of the state's mandatory codes."

Apparently cities can sometimes adopt reach codes (at least in California). Here is a really interesting article from San Luis Obispo <https://www.nrdc.org/experts/pierre-delforge/san-joses-proposed-building-reach-code-explained> about a proposal in San Jose. Jan, I defer to your expertise on the applicability or legality of reach codes for WS but it was one thought of follow up. This article helped me understand better what reach codes mean <https://bcapcodes.org/beyond-code-portal/stretch-and-reach-codes/>.

Also, I believe this is what Kalama was mentioning from the Hood River Website <https://cityofhoodriver.gov/public-works/storm-drainage-system/low-impact-development/>

Looking forward to talking with the PUD soon. See you all then,

Peter Fink

Green Building Checklist, White Salmon WA

For Developers & City Staff involved with city lands and buildings

1. Sustainable Sites

Buildings place a substantial burden on the surrounding environment. The measures listed are to protect the ecosystem.

- **Site Selection** - ~~lower than five feet above elevation of 100-year flood event, on habitat for species on endangered or threatened list, within 100 feet of wetlands~~ (check [WS site/flood/riparian requirements](#))
- **Community Connectivity** - Building constructed on previously developed site and close to services is preferable - with pedestrian access is great.
- **Brownfield Site** - build and restore a previously contaminated site.
- **Preserve/restore greenfield** areas on as much of the site as possible. A "greenfield" is area that has not been graded, compacted, cleared, or disturbed and that supports (or could support) open space, habitat, or natural hydrology.
- **Protect /restore habitat** - At undeveloped sites, limit disturbance to outlined distances from site structures. On previously developed or graded sites, restore or protect portions of open site area.
- **Stormwater Quantity Control** - reduce runoff and improve water quality. Rain gardens, vegetated roofs and permeable pavement are all good strategies. Employ Green Stormwater Infrastructure ([provide link to more info](#))
- **Stormwater Quality Control** - Implement stormwater management plan that reduces impervious cover, promotes infiltration, eliminates source of contaminants and removes pollutants.
- **Heat Island Reduction Roof** - Minimize heat island effects from new construction. Vegetated roof, undercover parking, solar PV on roof and use of reflective roof coatings such as white paint are good strategies.
- **Heat Island Effect non-roof** - Shade one-half of site or use materials that reflect, rather than absorb, solar rays.
- **Public Transportation Access** - locate development close to bus lines.
- **Bicycle Storage** - Provide secure bicycle racks and or storage within 200 yards of building entrance
- Provide **EV charging** stations. Provide preferred parking for EVs and hybrids.
- **Parking Capacity** - provide preferred parking for programs that facilitate shared vehicle usage. Do not exceed minimum zoning requirements for parking capacity and
- **Maximize open space** - provide vegetated open space equal to building footprint
- **Light Pollution Reduction** - direct interior lighting sources away from windows and illuminate only areas required for safety and comfort. See Dark Sky Lighting section 6.

Commented [1]: Use of solar canopies

2. Water Efficiency

Water use in commercial buildings can be reduced by as much as 30 percent through simple measures relating to landscaping and water fixtures.

- **Indoor Water Use Reduction** - Reduce indoor water consumption. Install low flow faucets, metering faucets, electronic eye faucets, low flow and dual flush toilets, waterless urinals, water efficient washing machines and dishwashers.

Commented [2]: EPA WaterSense fixtures

- **Reduce potable water** use for building sewage conveyance.
- **Outdoor Water Use Reduction** - Reduce outdoor water consumption. Reduce irrigation in the surrounding landscape and reduce the project's water requirements by having water resistant plants and drip irrigation on at times of least evaporation.
- **Reduce Water for Landscaping** – Limit or eliminate use of potable water for landscape irrigation. Collect rainwater for irrigation.
- **Plant native** and drought tolerant plants
- **Avoid turf** - plant mow-no-more lawn alternative and let your lawn go brown in August
- **Water metering** - Track water consumption to identify additional opportunities to save water.

3. Energy and Atmosphere

Buildings consume almost 40 percent of the nation's energy and 70 percent of its electricity. As most domestic electricity results in emission of greenhouse gases, buildings contribute substantially to global warming.

- **Renewable Energy Production** - Provide building's electricity from renewable sources like solar & wind.
- **Optimize Energy Performance** - Invest in energy efficient appliances and create an energy performance target.
- **Energy efficient envelope** for your building using WA Energy Code as a minimum
- **Passive Solar** - Site your building to take advantage of sun and protect from prevailing winds
- **Instant Hot Water** heaters don't store and heat water until it is needed
- **Use timers to keep heat off** when building uninhabited
- **Use timers and motion sensors** for lighting to conserve energy
- **Look for electric alternatives** to natural gas when appliance shopping
- **Commissioning** - confirms your building is performing as it should

Commented [3]: Ground and cool air source heat pumps

Commented [4R3]: Smart thermostats

Commented [5R3]: Bidirectional EV chargers (homeowners & commercial), publicly available EV chargers in lots

Commented [6R3]: Use of solar canopies in lots

Commented [7R3]: High U/R rated doors and windows; insulation meeting certain criteria

Commented [8]: And invest in home energy storage to alleviate peak demand stresses on the grid

Commented [9]: Would love to emphasize this more or spell out electric furnaces, hot water heaters, etc., and/or direct to EnergyStar website

4. Materials and Resources

Construction waste amounts to as much as 40 percent to the total waste stream in the United States. These are measures to reduce waste and limit extraction from the planet. When choosing materials, think about the life-cycle of the product, for example, Steel is 100% recycle-able, but concrete can only be down-cycled, it can never be concrete again.

- **Reduce Building Life-Cycle Impact** Examples such as historic building reuse, renovation of abandoned buildings or building material reuse all meet the requirements.
- **Divert construction waste** - If you are doing demolition, re-use all that you can from the existing site. Take good used materials to Gorge Rebuild-it Center Hood River, or other re-use store. Try to keep existing buildings in service.
- Use Salvaged, refurbished or **reused materials**
- Use materials with **Recycled Content**
- Choose **Regional Materials** of building materials or products must be extracted, harvested or recovered and manufactured within 500 miles of project site. The Closer the better.
- Use **rapidly Renewable Materials** ~~use materials must be constructed from rapidly renewing materials~~ like cork, straw and bamboo
- **Sourcing of Raw Materials** - Use products that are sustainably sourced.

- Use wood products certified in accordance **with Forest Stewardship Council's (FSC)** criteria for wood building components. FSC products assure chain of custody sustainability.
- Use materials/products with an **Environmental Product Declaration (EPD)**, which is a transparent, objective report that communicates what a product is made of and how it impacts the environment across its entire life cycle.

5. Indoor Environmental Quality (IAQ)

Americans spend an average of ninety percent of their time indoors, where they are often exposed to air pollutants as much as 100 times higher than outdoor levels. Here are points to assure clean indoor air.

- **Utilize Daylighting** - Reduce use of electrical lighting by creating spaces that utilize natural light. Clerestory windows are more energy efficient than skylights
 - Put lights on a timer or motion control as appropriate
 - Controllability of Lighting – Provide individual lighting controls for occupants. Studies show that natural light and ability to control one's environmental comfort results in less sick days.
- Use **Low emitting materials** such as low VOC (volatile organic compounds)
 - Low-Emitting Adhesives and Solvents – Indoor adhesives and sealants shall comply with published low-emitting requirements, such as Green Seal.
 - Low-Emitting Paints and Coatings – Interior paints and coatings shall comply with published low-emitting requirements.
 - Low-Emitting Carpet Systems – Carpets must meet requirements of Carpet and Rug Institutes Green label plus program.
 - Low-Emitting Composite Wood and Agrifiber – Wood and agrifiber shall have no added urea-formaldehyde resins.
 - Indoor Chemical and Pollutant Source Control – Minimize exposure of building occupants to potentially hazardous particulates and chemical pollutants. Use safe cleaning products pesticides
- **Controllability of Thermal Comfort** – Provide individual comfort controls for building occupants.
- **Employ Indoor Air Quality Strategies:** Naturally vented spaces, improved filtration, carbon dioxide monitoring, etc.
 - Tobacco Smoke Control – Smoking must be prohibited ~~or limited~~ to designated areas.
 - Outdoor Air Delivery Monitoring – Install permanent monitoring systems that provide feedback on ventilation system performance.
 - Increased Ventilation – Provide additional outdoor air ventilation to improve indoor air quality.
 - Construction Indoor Air Quality– Take measures to reduce indoor air pollution during construction/renovation process.
 - Before Occupancy –Flush out building, perform air quality testing or take other measures to assure healthful air quality prior to occupancy.

6. Dark Sky lighting (fill in with highlights from WS code)

Dark Sky lighting - White Salmon's code adheres to International Dark Sky Assoc. standards. Be familiar with the code before purchase.

7. Regional Issues

wildfire, erosion, wildlife urban interface

8. Building Operations Sustainability checklist

- Safe Cleaning supplies
- Alternatives to Pesticides
- Office Recycling
- Composting
- Plastics recycling

DRAFT

File Attachments for Item:

3. Proposed Washington Cannabis Regulations - Feedback

Advocacy

Published on Aug 12, 2022

Feedback needed on proposed cannabis legislation

Contact: [Candice Bock](#), [Jacob Ewing](#)

The Liquor and Cannabis Board is seeking feedback on potential legislation for a proposal that would increase the number of cannabis retailer licenses for social equity purposes. [Feedback is due August 25.](#)

Over the past few years, the state has undertaken a robust stakeholder process to gather input and insights into how to make the state's cannabis retail landscape more equitable. The proposed legislation would:

- Increase the number of available retail cannabis licenses available;
- Reduced barriers to licensure for social equity licenses;
- Updates definitions;
- Codifies scoring for social equity applications; and
- Creates new requirements for all cannabis licensees to have a social equity plan beginning in 2024.

The biggest impact to cities would be where newly granted social equity licenses could be located in the state. Per the proposed legislation, all licenses issued under the social equity program may be located in any city or town that permits cannabis business activity, regardless of:

- Whether a license was originally allocated to or issued in

- The maximum number of retail outlets established by the county board.

Cities can review a summary of the proposed legislation [here](#) and read the draft bill language [here](#). Please submit comments on the legislation to [Jacob Ewing](#) by August 25.

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WSLCB Cannabis Social Equity Draft Provisions 2023 Legislative Session

Proposal and Goal

This proposal is intended to further the State’s interest in social equity in cannabis. It increases the number of available retail cannabis licenses available and reduce barriers to licensure for social equity licenses. It also updates definitions to align with the work of the Social Equity in Cannabis Task Force (SECTF), codifies the third party provider to score social equity applications, and requires all cannabis licensees to have a social equity plan at renewal beginning in 2024.

Increase Social Equity allotments based on Population Increases

Beginning in calendar year 2023, the Board may increase the number of cannabis retailer licenses for social equity based on:

- The most recent census data available at the beginning of calendar year 2023; and
- The annual Office of Financial Management (OFM) population estimates;
- Each subsequent year, the Board will evaluate population estimate information from the OFM to determine whether new retailer licenses should be made available.

Social Equity License Locations

All licenses issued under the social equity program in this section may be located in any city, county, or town in the state that permits the cannabis business activity at the proposed location, regardless of:

- Whether a license was originally allocated to or issued in another county, city, or town; and
- The maximum number of retail outlets established by the Board for each county

Third Party Contractor

Consistent with recommendations with the SECTF, this section codifies the requirement for the Board to select a third-party contractor to identify and score social equity applicants, using a scoring rubric developed by the Board.

License Fees Waived

The annual license fee must be waived through calendar year 2029 for social equity licensees.

Limitations on License Transfers/Ownership Changes

Requires that social equity licenses must be transferred or sold only to social equity applicants for a period of at least 5 years.

Expand Social Equity Plan Requirement for all Licensees

Effective January 1 2024, all cannabis licensees are required to submit a social equity plan at license renewal. New cannabis licensees must submit a social equity plan prior to being issued



Washington State Liquor and Cannabis Board

a license. This creates an opportunity for all licensees to be part of the solution to promote social equity in their communities and combat the impacts of the war on drugs.

Modified Disproportionately Impacted Area Definition

Modified the definition to reflect the formula recommended by the SECTF and the University of Washington.

Modified Social Equity Applicant Definition

Modified the definition to reflect the draft rules developed by the Board with recommendations of the SETF. Currently statutory language provides the LCB with rulemaking authority.

Social Equity in Cannabis LCB Request Legislation DRAFT

Sec. 1. RCW 69.50.331 is amended to read as follows:

(1) For the purpose of considering any application for a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW [69.50.385](#), or sell cannabis, or for the renewal of a license to produce, process, research, transport, or deliver cannabis, useable cannabis, cannabis concentrates, or cannabis-infused products subject to the regulations established under RCW [69.50.385](#), or sell cannabis, the board must conduct a comprehensive, fair, and impartial evaluation of the applications timely received.

(a) The board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. For the purpose of reviewing any application for a license and for considering the denial, suspension, revocation, cancellation, or renewal or denial thereof, of any license, the board may consider any prior criminal arrests or convictions of the applicant, any public safety administrative violation history record with the board, and a criminal history record information check. The board may submit the criminal history record information check to the Washington state patrol and to the identification division of the federal bureau of investigation in order that these agencies may search their records for prior arrests and convictions of the individual or individuals who filled out the forms. The board must require fingerprinting of any applicant whose criminal history record information check is submitted to the federal bureau of investigation. The provisions of RCW [9.95.240](#) and of chapter [9.96A](#) RCW do not apply to these cases. Subject to the provisions of this section, the board may, in its discretion, grant or deny the renewal or license applied for. Denial may be based on, without limitation, the existence of chronic illegal activity documented in objections submitted pursuant to subsections (7)(c) and (10) of this section. Authority to approve an uncontested or unopposed license may be granted by the board to any staff member the board designates in writing. Conditions for granting this authority must be adopted by rule.

(b) No license of any kind may be issued to:

- (i) A person under the age of twenty-one years;
- (ii) A person doing business as a sole proprietor who has not lawfully resided in the state for at least six months prior to applying to receive a license;
- (iii) A partnership, employee cooperative, association, nonprofit corporation, or corporation unless formed under the laws of this state, and unless all of the members thereof are qualified to obtain a license as provided in this section; or
- (iv) A person whose place of business is conducted by a manager or agent, unless the manager or agent possesses the same qualifications required of the licensee.

(2)(a) The board may, in its discretion, subject to RCW [43.05.160](#), [69.50.563](#), [69.50.562](#), [69.50.334](#), and [69.50.342](#)(3) suspend or cancel any license; and all protections of the licensee from criminal or civil sanctions under

state law for producing, processing, researching, or selling cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products thereunder must be suspended or terminated, as the case may be.

(b) The board must immediately suspend the license of a person who has been certified pursuant to RCW [74.20A.320](#) by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the board's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

(c) The board may request the appointment of administrative law judges under chapter [34.12](#) RCW who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, and consider mitigating and aggravating circumstances in any case and deviate from any prescribed penalty, under rules the board may adopt.

(d) Witnesses must be allowed fees and mileage each way to and from any inquiry, investigation, hearing, or proceeding at the rate authorized by RCW [34.05.446](#). Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

(e) In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or administrative law judges, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or administrative law judge, compels obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(3) Upon receipt of notice of the suspension or cancellation of a license, the licensee must forthwith deliver up the license to the board. Where the license has been suspended only, the board must return the license to the licensee at the expiration or termination of the period of suspension. The board must notify all other licensees in the county where the subject licensee has its premises of the suspension or cancellation of the license; and no other licensee or employee of another licensee may allow or cause any cannabis, cannabis concentrates, useable cannabis, or cannabis-infused products to be delivered to or for any person at the premises of the subject licensee.

(4) Every license issued under this chapter is subject to all conditions and restrictions imposed by this chapter or by rules adopted by the board to implement and enforce this chapter. All conditions and restrictions imposed by the board in the issuance of an individual license must be listed on the face of the individual license along with the trade name, address, and expiration date.

(5) Every licensee must post and keep posted its license, or licenses, in a conspicuous place on the premises.

(6) No licensee may employ any person under the age of twenty-one years.

(7)(a) Before the board issues a new or renewed license to an applicant it must give notice of the application to the chief executive officer of the incorporated city or town, if the application is for a license within an incorporated city or town, or to the

county legislative authority, if the application is for a license outside the boundaries of incorporated cities or towns, or to the tribal government if the application is for a license within Indian country, or to the port authority if the application for a license is located on property owned by a port authority.

(b) The incorporated city or town through the official or employee selected by it, the county legislative authority or the official or employee selected by it, the tribal government, or port authority has the right to file with the board within twenty days after the date of transmittal of the notice for applications, or at least thirty days prior to the expiration date for renewals, written objections against the applicant or against the premises for which the new or renewed license is asked. The board may extend the time period for submitting written objections upon request from the authority notified by the board.

(c) The written objections must include a statement of all facts upon which the objections are based, and in case written objections are filed, the city or town or county legislative authority may request, and the board may in its discretion hold, a hearing subject to the applicable provisions of Title [34](#) RCW. If the board makes an initial decision to deny a license or renewal based on the written objections of an incorporated city or town or county legislative authority, the applicant may request a hearing subject to the applicable provisions of Title [34](#) RCW. If a hearing is held at the request of the applicant, board representatives must present and defend the board's initial decision to deny a license or renewal.

(d) Upon the granting of a license under this title the board must send written notification to the chief executive officer of the incorporated city or town in which the license is granted, or to the county legislative authority if the license is granted outside the boundaries of incorporated cities or towns.

(8)(a) Except as provided in (b) through (e) of this subsection, the board may not issue a license for any premises within one thousand feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

(b) A city, county, or town may permit the licensing of premises within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection, except elementary schools, secondary schools, and playgrounds, by enacting an ordinance authorizing such distance reduction, provided that such distance reduction will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.

(c) A city, county, or town may permit the licensing of research premises allowed under RCW [69.50.372](#) within one thousand feet but not less than one hundred feet of the facilities described in (a) of this subsection by enacting an ordinance authorizing such distance reduction, provided that the ordinance will not negatively impact the jurisdiction's civil regulatory enforcement, criminal law enforcement, public safety, or public health.

(d) The board may license premises located in compliance with the distance requirements set in an ordinance adopted under (b) or (c) of this subsection. Before issuing or renewing a research license for premises within one thousand feet but not less than one hundred feet of an elementary school, secondary school, or playground in

compliance with an ordinance passed pursuant to (c) of this subsection, the board must ensure that the facility:

(i) Meets a security standard exceeding that which applies to cannabis producer, processor, or retailer licensees;

(ii) Is inaccessible to the public and no part of the operation of the facility is in view of the general public; and

(iii) Bears no advertising or signage indicating that it is a cannabis research facility.

(e) The board must issue a certificate of compliance if the premises met the requirements under (a), (b), (c), or (d) of this subsection on the date of the application. The certificate allows the licensee to operate the business at the proposed location notwithstanding a later occurring, otherwise disqualifying factor.

(f) The board may not issue a license for any premises within Indian country, as defined in 18 U.S.C. Sec. 1151, including any fee patent lands within the exterior boundaries of a reservation, without the consent of the federally recognized tribe associated with the reservation or Indian country.

(9) A city, town, or county may adopt an ordinance prohibiting a cannabis producer or cannabis processor from operating or locating a business within areas zoned primarily for residential use or rural use with a minimum lot size of five acres or smaller.

(10) In determining whether to grant or deny a license or renewal of any license, the board must give substantial weight to objections from an incorporated city or town or county legislative authority based upon chronic illegal activity associated with the applicant's operations of the premises proposed to be licensed or the applicant's operation of any other licensed premises, or the conduct of the applicant's patrons inside or outside the licensed premises. "Chronic illegal activity" means (a) a pervasive pattern of activity that threatens the public health, safety, and welfare of the city, town, or county including, but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal law violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency for the city, town, county, or any other municipal corporation or any state agency; or (b) an unreasonably high number of citations for violations of RCW [46.61.502](#) associated with the applicant's or licensee's operation of any licensed premises as indicated by the reported statements given to law enforcement upon arrest.

(11) Effective January 1, 2024, all cannabis licensees are required to submit a social equity plan at the time of license renewal. New cannabis licensees must submit a social equity plan prior to being issued a license.

Sec. 2. RCW 69.50.335 is amended to read as follows:

(1) (a) Beginning December 1, 2020, and until July 1, 2029, cannabis retailer licenses that have been subject to forfeiture, revocation, or cancellation by the board, or cannabis retailer licenses that were not previously issued by the board but could have been issued without exceeding the limit on the statewide number of cannabis retailer

licenses established before January 1, 2020, by the board, may be issued or reissued to an applicant who meets the cannabis retailer license requirements of this chapter.

(b) In addition to the cannabis retailer licenses that may be issued under subsection (1)(a) of this section, beginning January 1, 2023, the board may, in its sole discretion, increase the number of cannabis retailer licenses for the social equity program based on:

(i) The most recent census data available as of January 1, 2023; and

(ii) The annual population estimates published by the office of financial management; and

(iii) Each subsequent year, the board must evaluate population estimates published by the office of financial management to determine, in the board's sole discretion, whether new retailer licenses should be made available.

(c) All licenses issued under the social equity program under this section may be located in any city, town or county in the state that allows cannabis retail business activity at the proposed location, regardless of:

(i) whether a cannabis retailer license was originally allocated to or issued in another city, town or county; and

(ii) The maximum number of retail cannabis licenses established by the board for each county under RCW 69.50.345.

(2)(a) In order to be considered for a retail license under subsection (1) of this section, an applicant must be a social equity applicant and submit a social equity plan along with other cannabis retailer license application requirements to the board. If the application proposes ownership by more than one person, then at least fifty-one percent of the proposed ownership structure must reflect the qualifications of a social equity applicant.

(b) Persons holding an existing cannabis retailer license or title certificate for a cannabis retailer business in a local jurisdiction subject to a ban or moratorium on cannabis retail businesses may apply for a license under this section.

~~(3)(a) In determining the priority for issuance of a license among applicants, the board must select a third party contractor to identify and score social equity applicants, using a scoring rubric developed by the board. The Board must rely on the score provided by the third party contractor in issuing licenses. may prioritize applicants based on the extent to which the application addresses the components of the social equity plan.~~

(b) The board may deny any application submitted under this subsection if

(i) the board determines that:

~~(i) The application does not meet social equity goals or does not meet social equity plan requirements; or~~

~~(ii) , upon the advice of the third part contractor, the ~~The~~ application does not otherwise meet the social equity licensing requirements of this chapter; or~~

~~(ii) the board determines the application does not otherwise meet licensing requirements.~~

(4) The board ~~may~~ must adopt rules to implement this section. ~~Rules may include strategies for receiving~~ Prior to adopting any rule implementing this section, the board must consider advice on the social equity program from individuals the program is intended to benefit. Rules may also require that licenses awarded under this section

only be transferred to or sold assumed by only to individuals or groups of individuals who comply with the requirements for initial licensure as a social equity applicant with a social equity plan under this section. for a period of at least five years from the date of initial licensure.

(5) The annual fee for issuance, reissuance, or renewal for any license under this section must be equal to the fee established in RCW ~~69.50.325~~ waived through December 31, 2029.

(6) For the purposes of this section:

(a) "Disproportionately impacted area" means a census tract within Washington state where community members were more likely to be impacted by the war on drugs. These areas are determined using a standardized statistical equation to identify areas of high unemployment, low income, and demographic indicators consistent with populations most impacted by the war on drugs, including areas with higher rates of arrest for drug charges. These areas will be assessed to account for demographic changes in the composition of the population over time. or comparable geographic area that satisfies the following criteria, which may be further defined in rule by the board after consultation with the commission on African American affairs and other agencies, commissions, and community members as determined by the board:

~~(i) The area has a high poverty rate;~~

~~(ii) The area has a high rate of participation in income-based federal or state programs;~~

~~(iii) The area has a high rate of unemployment; and~~

~~(iv) The area has a high rate of arrest, conviction, or incarceration related to the sale, possession, use, cultivation, manufacture, or transport of cannabis.~~

(b) "Social equity applicant" means an applicant :

~~(i) An applicant who has at least fifty-one percent ownership and control by one or more individuals who meet at least two of the following qualifications: have resided in a disproportionately impacted area for a period of time defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board;~~

~~(ii) An applicant who has at least fifty-one percent ownership and control by at least one individual who has been convicted of a cannabis offense, a drug offense, or is a family member of such an individual; or~~

~~(iii) An applicant who meets criteria defined in rule by the board after consultation with the commission on African American affairs and other commissions, agencies, and community members as determined by the board.~~

(i) Lived in a disproportionately impacted area in Washington state for a minimum of five years between 1980 and 2010;

(ii) Has been arrested or convicted of a cannabis offense or has a family member who has been arrested or convicted of a cannabis offense; and

(iii) Had a household income in the year prior to submitting an application under this section that was less than the median household income within the state of Washington as calculated by the United States census bureau.

(c) "Social equity goals" means:

(i) Increasing the number of cannabis retailer licenses held by social equity applicants from disproportionately impacted areas; and

(ii) Reducing accumulated harm suffered by individuals, families, and local areas subject to severe impacts from the historical application and enforcement of cannabis prohibition laws.

(d) "Social equity plan" means a plan that addresses at least some of the elements outlined in this subsection (6)(d), along with any additional plan components or requirements approved by the board following consultation with the task force created in RCW [69.50.336](#). The plan may include:

~~(i) A statement that indicates how the cannabis licensee will work to promote social equity goals in their community; social equity applicant qualifies as a social equity applicant and intends to own at least fifty-one percent of the proposed cannabis retail business or applicants representing at least fifty-one percent of the ownership of the proposed business qualify as social equity applicants;~~

~~(ii) A description of how issuing a the cannabis retail license to the social equity applicant licensee will meet social equity goals;~~

~~(iii) The social equity applicant's personal or family history with the criminal justice system including any offenses involving cannabis;~~

~~(iv) (iii) The composition of the workforce the social equity applicant licensee has employed or intends to hire;~~

~~(v) Neighborhood characteristics of the location where the social equity applicant intends to operate, focusing especially on disproportionately impacted areas; and~~

~~(vi) (iv) Business plans involving partnerships or assistance to organizations or residents with connection to populations with a history of high rates of enforcement of cannabis prohibition.~~

Sec.3. RCW 69.50.345 is amended to read as follows: (Effective until July 1, 2024.)

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW [69.50.375](#) to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under

RCW **69.50.375** to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW **69.51A.230**;

(2) ~~Determining~~, Except as provided in section 2 of this act, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

- (a) Population distribution;
- (b) Security and safety issues;
- (c) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and
- (d) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW **69.51A.230**;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

- (a) Security and safety issues;
- (b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and
- (c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, establishing accreditation requirements for testing laboratories used by licensees to demonstrate compliance with standards adopted by the board, and prescribing methods of producing, processing, and packaging cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.

Sec. 4. RCW 69.50.345 is amended to read as follows (*Effective July 1, 2024*)

The board, subject to the provisions of this chapter, must adopt rules that establish the procedures and criteria necessary to implement the following:

(1) Licensing of cannabis producers, cannabis processors, and cannabis retailers, including prescribing forms and establishing application, reinstatement, and renewal fees.

(a) Application forms for cannabis producers must request the applicant to state whether the applicant intends to produce cannabis for sale by cannabis retailers holding medical cannabis endorsements and the amount of or percentage of canopy the applicant intends to commit to growing plants determined by the department under RCW **69.50.375** to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products sold to qualifying patients.

(b) The board must reconsider and increase limits on the amount of square feet permitted to be in production on July 24, 2015, and increase the percentage of production space for those cannabis producers who intend to grow plants for cannabis retailers holding medical cannabis endorsements if the cannabis producer designates the increased production space to plants determined by the department under RCW **69.50.375** to be of a THC concentration, CBD concentration, or THC to CBD ratio appropriate for cannabis concentrates, useable cannabis, or cannabis-infused products to be sold to qualifying patients. If current cannabis producers do not use all the increased production space, the board may reopen the license period for new cannabis producer license applicants but only to those cannabis producers who agree to grow plants for cannabis retailers holding medical cannabis endorsements. Priority in licensing must be given to cannabis producer license applicants who have an application pending on July 24, 2015, but who are not yet licensed and then to new cannabis producer license applicants. After January 1, 2017, any reconsideration of the limits on the amount of square feet permitted to be in production to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW **69.51A.230**;

(2) ~~Determining~~, Except as provided in section 2 of this act, determining, in consultation with the office of financial management, the maximum number of retail outlets that may be licensed in each county, taking into consideration:

(a) Population distribution;

(b) Security and safety issues;

(c) The provision of adequate access to licensed sources of cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

(d) The number of retail outlets holding medical cannabis endorsements necessary to meet the medical needs of qualifying patients. The board must reconsider and increase the maximum number of retail outlets it established before July 24, 2015, and allow for a new license application period and a greater number of retail outlets to be permitted in order to accommodate the medical needs of qualifying patients and designated providers. After January 1, 2017, any reconsideration of the maximum number of retail outlets needed to meet the medical needs of qualifying patients must consider information contained in the medical cannabis authorization database established in RCW **69.51A.230**;

(3) Determining the maximum quantity of cannabis a cannabis producer may have on the premises of a licensed location at any time without violating Washington state law;

(4) Determining the maximum quantities of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis processor may have on the premises of a licensed location at any time without violating Washington state law;

(5) Determining the maximum quantities of cannabis concentrates, useable cannabis, and cannabis-infused products a cannabis retailer may have on the premises of a retail outlet at any time without violating Washington state law;

(6) In making the determinations required by this section, the board shall take into consideration:

(a) Security and safety issues;

(b) The provision of adequate access to licensed sources of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products to discourage purchases from the illegal market; and

(c) Economies of scale, and their impact on licensees' ability to both comply with regulatory requirements and undercut illegal market prices;

(7) Determining the nature, form, and capacity of all containers to be used by licensees to contain cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products, and their labeling requirements;

(8) In consultation with the department of agriculture and the department, establishing classes of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products according to grade, condition, cannabinoid profile, THC concentration, CBD concentration, or other qualitative measurements deemed appropriate by the board;

(9) Establishing reasonable time, place, and manner restrictions and requirements regarding advertising of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products that are not inconsistent with the provisions of this chapter, taking into consideration:

(a) Federal laws relating to cannabis that are applicable within Washington state;

(b) Minimizing exposure of people under twenty-one years of age to the advertising;

(c) The inclusion of medically and scientifically accurate information about the health and safety risks posed by cannabis use in the advertising; and

(d) Ensuring that retail outlets with medical cannabis endorsements may advertise themselves as medical retail outlets;

(10) Specifying and regulating the time and periods when, and the manner, methods, and means by which, licensees shall transport and deliver cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products within the state;

(11) In consultation with the department and the department of agriculture, prescribing methods of producing, processing, and packaging cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products; conditions of sanitation; and standards of ingredients, quality, and identity of cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged, or sold by licensees;

(12) Specifying procedures for identifying, seizing, confiscating, destroying, and donating to law enforcement for training purposes all cannabis, cannabis concentrates, useable cannabis, and cannabis-infused products produced, processed, packaged,

labeled, or offered for sale in this state that do not conform in all respects to the standards prescribed by this chapter or the rules of the board.