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# Defining Boundaries: How a City and County Addressed Legalized Recreational Marijuana

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Defining Boundaries:  
How a City and County Addressed Legalized Recreational Marijuana

by  
Tera Kathleen Hinkley-Bressi

A research paper submitted in partial fulfillment of the  
requirements for the degree of

Master of Science  
in  
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Portland State University  
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## ABSTRACT

In 2012 Washington state voters legalized recreational marijuana; local jurisdictions retained the option to ban recreational marijuana production, processing, and/or retail sales. Licenses for marijuana business could be distributed by the state to licensees in areas where local laws prohibited the business. This disconnect prompted legal battles between local governments and would-be business owners, as exemplified in the central Washington county of Yakima and the county seat, the city of Yakima. After a series of state policy changes and local community outcry, the city of Yakima reversed its initial ban, while the county continued prohibition. This paper explores issues underlying the decision to prohibit marijuana businesses in Yakima County and city, the consequences of outlawing recreational marijuana, and the incremental reversal of prohibition by the city of Yakima. I conclude that prohibition leads to increased local spending on code enforcement and courtroom battles, while reversing prohibition reduces legal battles and confusion by citizens, and allows the government to quickly reap benefits from a new and lucrative tax revenue.

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## INTRODUCTION

Marijuana's history in the United States (U.S.) is contentious. "Marijuana" commonly refers to *Cannabis sativa* subspecies (ssp.) *indica*, which includes a host of hybrids with psychoactive properties, and *C. sativa* ssp. *sativa*, or hemp, which lacks psychoactive properties and prized instead for its fibers but often regulated with its psychoactive relatives (Chandra, Lata, and ElSohly 2017). *C. sativa* ssp. *indica* has a long history of use in medicine (Mikuriya 1969), and religious ceremonies (Warf 2014), and as a recreational drug; the strong fibers of *C. sativa* ssp. *sativa* has been used to make sails, rope, and clothing (Warf 2014). As of 2018 U.S. federal law, under the Controlled Substance Act, considers all marijuana including hemp an illicit drug with no authorized medical use. Marijuana cannot be legally grown in the U.S. under federal law regardless of the species or its intended use, except for highly regulated research purposes (U.S. Food and Drug Administration 2019).

A product of this prohibition is a thriving black market. In the mid-1960s, public land managers began recording incidences of marijuana cultivation sites on public lands (Boehm 2013). Sites at this time were generally small and contained a moderate quantity of plants; however, by the mid-1980s, larger and more organized cultivation operations were being discovered by land managers, the public, and state and local law enforcement (Boehm 2013). In response to this increasing problem, in 1979 the Drug Enforcement Agency (DEA) began the Domestic Cannabis Eradication/Suppression Program (DCE/SP) in California and Hawaii, with a goal of eliminating drug trafficking organizations involved in marijuana cultivation (Drug Enforcement Agency n.d.).



In 1982, the General Accounting Office issued the report “*Illegal and unauthorized activities on public lands – A problem with serious implications*”; the report cites evidence of crimes, including marijuana cultivation, were widespread on Bureau of Land Management and U.S. Forest Service managed lands, influenced by the inherent remoteness of these areas and limited agency resources to enforce law and regulations (General Accounting Office 1982). As the issue of marijuana cultivation continued to grow in size and geographic extent, the DEA expanded its DCE/SP to include 25 states in 1982 and all 50 states by 1985 (Drug Enforcement Agency n.d.). In 1988, the DCE/SP boasted an estimated \$9.8 million in seized assets, and in 1991 the program had made 8,717 arrests, seized 128 million marijuana plants, and \$48 million in assets (Drug Enforcement Agency n.d.). Despite these enforcement successes, the need for the DCE/SP did not decrease over time; instead there was a need to increase its operating budget. The DEA requested \$13.8 million in funding for the DCE/SP for fiscal year 1993 (The White House 1992).

As much as 67% of the marijuana seized by law enforcement nationally is found on public land, with more than \$1.45 billion in seized marijuana grown on public lands in seven western states (Bricker et al. 2014). The cultivation of marijuana on public lands has many negative environmental consequences, including: indiscriminate clearing of endemic vegetation (Mallery 2011), unregulated use of water contributed to a dramatic reduction in streamflow (Bauer et al. 2015), wildlife poaching (Bricker et al. 2014), wildlife poisoning from pest-detering chemicals (Thompson et al. 2014), unregulated use of pesticides and fertilizers (Bricker et al. 2014), the accumulation of trash ranging from human waste to chemical containers

(Harkinson 2014), and risks to public safety (Foster et al. 2009). The environmental damage from illicit cannabis cultivation may be one of a number of factors that helped initiate the trend toward legalization, manifest so far in a growing number of states and territories that have taken action to legalize this drug.

Beginning in 1996, a number of U.S. states and territories chose to override federal prohibition and instituted state laws allowing the use of marijuana for medical purposes. By the midterm elections of 2018, thirty U.S. states, the District of Columbia (D.C.), Puerto Rico, and Guam had decriminalized medical marijuana to some degree under state law, while another sixteen states had enacted medical limited-access laws (Table 1). Beginning in 2012, a growing number of states across the U.S. also began to legalize recreational marijuana for use by adults. The result is a geographic patchwork of legal and illegal medical and recreational marijuana use across U.S. states and territories.

States that have passed marijuana laws have approached regulation in a variety of ways. Chapman et al. (2016) found that medical marijuana regulation varied widely in 23 states and D.C., especially in the matter of the quantity of marijuana allowed. Regulation of recreational marijuana has been approached differently as well. The state of Washington, one of the first states to legalize recreational marijuana, placed the cultivation and sale of recreational marijuana under the control of the state's Liquor Control Board, which issues state licenses that allow a business to produce, process, or sell recreational marijuana. Individuals in the state may not grow recreational marijuana at home; it must be purchased from state-licensed retail stores. Colorado, also one of the first states to allow recreational marijuana, placed rule-making and regulation of

Table 1. U.S. states and territories with medical or recreational marijuana laws.

Year	Marijuana Regulation Type	
	Medical	Recreational
1996	California	
1998	Alaska, Oregon, Washington	
1999	Maine	
2000	Nevada, Colorado, Hawaii	
2004	Montana, Vermont	
2006	Rhode Island	
2007	New Mexico	
2008	Michigan	
2010	Arizona, D.C., New Jersey	
2011	Delaware	
2012	Connecticut, Massachusetts	Colorado, Washington
2013	Illinois, New Hampshire, Wisconsin*	
2014	Alabama*, Guam, Iowa*, Kentucky*, Maryland, Minnesota, Mississippi*, Missouri*, North Carolina*, New York, South Carolina*, Tennessee*	Alaska, D.C., Oregon
2015	Georgia*, Indiana*, Louisiana*, Oklahoma*, Puerto Rico, Texas*, Virginia*, Wyoming*	
2016	Arkansas, Florida, Louisiana, North Dakota, Ohio, Pennsylvania	California, Maine, Massachusetts, Nevada
2017	West Virginia	Vermont

\* State marijuana law is for limited access for research and/or patient medicine rather than a comprehensive medical marijuana program. Data source: National Conference of State Legislatures (2018); ProCon (2018)

commercial marijuana under the state Department of Revenue (Colorado Department of Revenue - Marijuana Division 2013), while allowing citizens to grow up to six marijuana plants at home for personal use and consumption (State of Colorado n.d.). In 2014, Oregon passed a recreational marijuana law that meshed pieces of the Washington and Colorado laws. It is similar to Colorado for home growers, in that up to 4 plants can be grown by residents, but models Washington in placing recreational marijuana's

regulation under the control of the state's liquor control department, in this case, Oregon Liquor Control Commission.

While many states have instituted state-control over recreational and medical marijuana cultivation and distribution, there are also states such as Wisconsin that permit limited access to medical marijuana, rather than creating comprehensive medical marijuana legislation. In this case, qualified patients suffering from seizures may only acquire medical cannabidiol (CBD), a marijuana compound, from a physician or pharmacy with an investigational drug permit from the Federal Drug Administration, or from an out-of-state dispensary that allows out-of-state patients to purchase from its dispensaries and take marijuana out-of-state (National Conference of State Legislatures 2018). Neighboring states Illinois, Iowa, Minnesota, and Michigan have medical marijuana programs that include patient ID cards or registry programs, and distribute medical marijuana from dispensaries. Although Wisconsin allows out-of-state purchase, no neighboring state allows non-residents to buy medical marijuana, though Michigan protects out-of-state patients from prosecution for possession (National Conference of State Legislatures 2018). Wisconsin's approach to limited legalized medical marijuana, one example of ways in which states are beginning to turn away from prohibition, does not dovetail with neighboring states laws—a consequence of the state-initiated regulatory patchwork.

Warf (2014, p.414) suggests that drug use has increased since the 17<sup>th</sup> century due to the “socially and spatially uneven nature of drug use, how it is invariably deeply tied to cultural proceptions and misperceptions, and the politics of moral regulation.” Research on marijuana increasingly challenges the blanket prohibition resulting from these

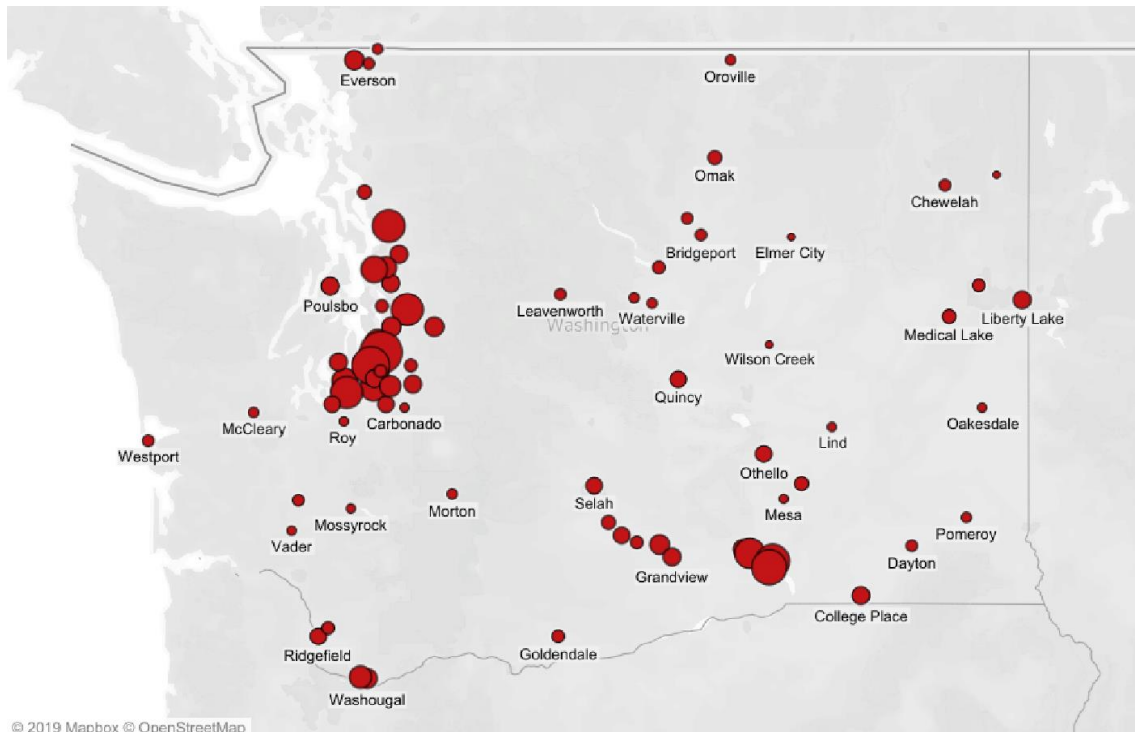


Figure 1. Map of cities with local ordinances that prohibit marijuana businesses (Municipal Research and Services Center 2019). Size of symbols correlate to size of city's population.

“politics of moral regulation.” Though the science around cannabis use remains limited because of federal restrictions, there is an increasing body of research documenting the benefits of medical marijuana (Grant et al. 2012; Koppel et al. 2014). Other evidence indicates that legalized recreational marijuana reduces the alcohol consumed by youth and young adults, as well as alcohol related traffic fatalities (Anderson and Rees 2014); legalizing marijuana also reduces law enforcement burden (Crick, Hasee, and Bewley-Taylor 2013); legalization can eliminate the black market and create a new tax revenue source for government (Gettman and Kennedy 2014); and further, the legal framework that allows the creation of a regulated list of approved pesticides for marijuana production ultimately makes a safer product for consumers (Stone 2014).

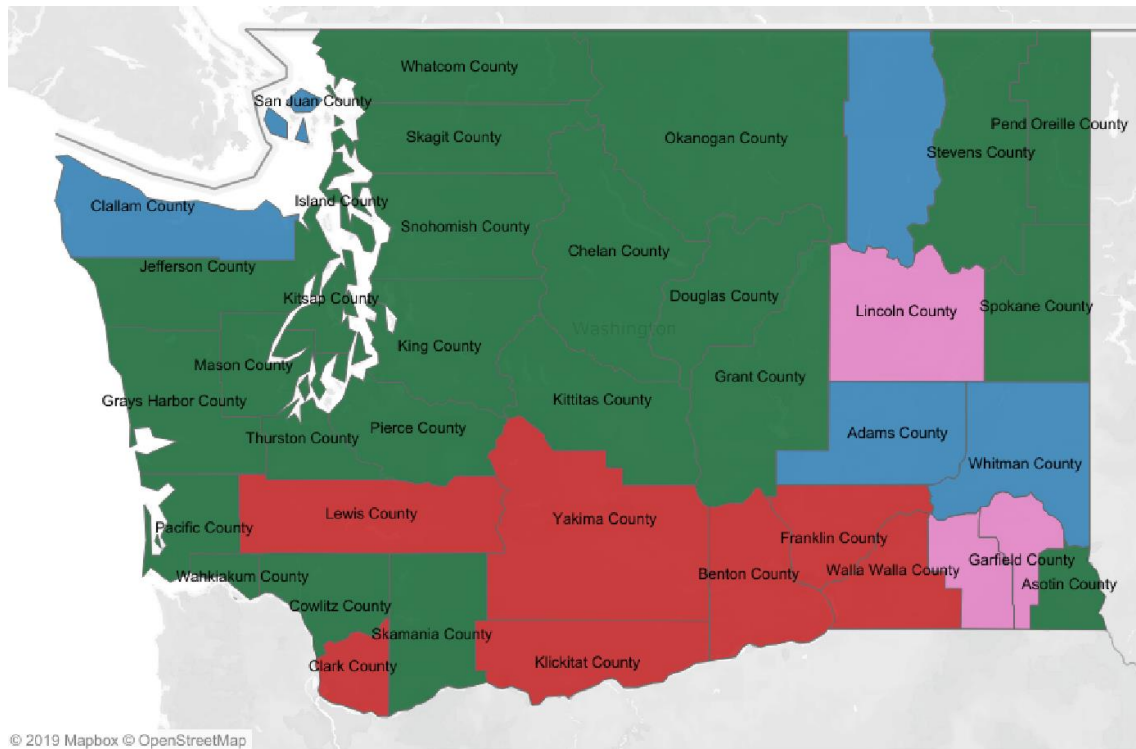


Figure 2. Map of counties with local ordinances that have implemented permanent zoning rules that allow marijuana businesses (green), allow the businesses under existing zoning rules (blue), have taken no action against marijuana businesses (pink), and implemented zoning rules to prohibit marijuana businesses (red) (Municipal Research and Services Center 2019).

Despite the documentation of societal benefits of legalization, there are still states, and even jurisdictions within states, that are choosing to continue prohibition. Heddlestone (2013) found inconsistent regulation of medical marijuana dispensaries among the three largest metropolitan areas in California, San Francisco, Los Angeles, and San Diego; each taking either pro-regulation, laissez faire, or outright prohibition approach, respectively. Other research has found that land use policies are commonly used to limit the location of businesses such as medical marijuana dispensaries (Morrison et al. 2014; Németh and Ross 2014), despite the fact that there appears to be no association between medical marijuana dispensaries and increased crime in the surrounding area (Kepple and Freisthler 2012; Freisthler et al. 2013; Boggess et al. 2014). In Washington state, most

jurisdictions are using zone restrictions to regulate the location of marijuana retail stores but few if any focus directly on the location of recreational marijuana producers and processors (Hollenhorst 2014). Those jurisdictions that allow medical marijuana businesses in Colorado tend to allow recreational marijuana businesses and vice versa, those that do not allow medical tend to not allow recreational (Shoemate 2015).

The State of Washington illustrates this internal inconsistency. More than six years after Washington first voted to legalize recreational marijuana, seven counties (Figure 1) and 79 cities (Figure 2) had zoning policies that prohibited marijuana businesses. Two jurisdictions quick to adopt prohibition were Yakima County and the city of Yakima, in central Washington. These jurisdictions voted against legalization in the state's 2012 election (Reed 2012). As the date for legalization approached, this city and county issued moratoria and eventually outright bans on recreational marijuana businesses, despite the state's legal infrastructure to regulate it.

This research paper explores the question, how can the prohibition of marijuana businesses in Yakima County be explained? In search of answers, I compiled all municipal and county ordinances and land use rule-making documents related to recreational marijuana businesses from November 2012 to December 31, 2017 for the city of Yakima and for Yakima County. I reviewed commission meeting notes and stories published in local newspapers, such as *The Yakima Herald*, to track the narrative that developed as the community and local government responded to the challenges associated with implementing the state's laws. These texts showed that the important characters in the recreational marijuana story in both the city and county are the decision makers, specifically the city and county commissioners, and local marijuana business

owners and their representatives. I will start this paper by first briefly exploring the history of marijuana in the U.S. and Washington state's experience of legalization, before turning to the case study represented in the city and county of Yakima.



## HISTORY OF MARIJUANA REGULATION IN THE U.S.

Marijuana was not always an illicit substance under U.S. federal law; incremental prohibitions limited the use of marijuana for medicine, recreation, and fiber before it was prohibited for all uses. Early in U.S. history, hemp was used to produce paper, composite wood products, cordage used to make rope and textiles used to make sails, sacks, clothing, and nets (Ehrensing 1998; Warf 2014). In Virginia, farmers in colonial Jamestown, including on the estates of George Washington and Thomas Jefferson, were required to grow hemp (Warf 2014). After the American Revolution, Congress levied steep tariffs on imported hemp, causing the expansion of domestic hemp production (Warf 2014). Hemp was produced in Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, North Dakota, South Dakota, Iowa, Kansas, and California, with Kentucky as the major hemp production center from the Civil War until 1912 (Ehrensing 1998).

Though hemp was a useful fiber, it was a competitor to the booming American cotton industry (Ehrensing 1998). The hemp market began to falter after the Civil War when imported hemp from Russia threatened the domestic market. Fiber competition between hemp and cotton became fiercer after the introduction of the cotton gin. This new tool reduced the amount of labor needed to process cotton, which contributed to the expansion of cotton production in the south (Ehrensing 1998) and the lowering of the price of cotton (Warf 2014). The importance of cotton production to U.S. southern states and the improved efficiency to produce it contributes to stifling hemp production in the U.S.

The beginning of federal regulation of psychoactive marijuana in the U.S. came first for medicinal marijuana extracts. It was recognized by the western world for its

medicinal properties in 1839 by W.B. O'Shaughnessy, a British physician working in India (Mikuriya 1969). Use of cannabis derivatives in western medicine quickly spread because physicians appreciated that unlike opiates, its overdoses were not deadly, it was not physically addictive, and it did not negatively impact the nervous system, appetite, digestion, or sleep, making its analgesic and sedative properties far superior to opiates (Mikuriya 1969). By 1850 the scientific community came to consensus and extractum cannabis, an alcohol infusion of dried tops of *Cannabis sativa* ssp. *indica*, was officially recognized as a medicinal substance in the 3<sup>rd</sup> edition of medical reference book *The Pharmacopoeia of the United States of America* (Mikuriya 1969).

Beginning in 1879, bills began to be introduced to Congress to regulate food and drugs (U.S. Food and Drug Administration 2017). The Federal Pure Food and Drugs Act of 1906, or the Wiley Act, was of early significance as it set policy to prevent the sale, manufacture, and transport of food and drugs that were adulterated, misbranded, poisonous, or deleterious (Federal Food and Drugs Act 1906). The Wiley Act required the amount of substances like heroin, morphine, cocaine and marijuana to be listed on a product's label. Following this Act, in 1914 the first regulation to curb marijuana's use recreationally by taxation was introduced with the Harrison Narcotic Act (Wheeler and Hagemann 2018).

The political atmosphere surrounding marijuana and other illicit substances moved towards prohibition under the guidance of the first Commissioner of the U.S. Treasury Department Federal Bureau of Narcotics, Harry Anslinger. Anslinger, like many agents in Bureau of Narcotics, was a former alcohol prohibition agent who had previously worked to ensure alcohol was not produced or distributed during prohibition,

and was a supporter of the temperance movement that provided political pressure to restrict alcohol and drug use (Warf 2014). In 1932, Anslinger lobbied for the Uniform State Narcotics Act; after it passed, all laws related to the sale and use of narcotic drugs became uniform in all states and effectively gave the federal government oversight over sale and use over narcotic drugs. Though not previously known as a dangerous drug, anti-marijuana rhetoric also began to ramp up by Anslinger. He was associated with the production of a number of marijuana propaganda films that appeared in 1936, including *Assassin of Youth*; *Marihuana, the Weed with Roots in Hell*; and *Tell Your Children* (later named *Reefer Madness*) (Stringer and Maggard 2016).

Anslinger further targeted marijuana and drafted what would become the 1937 Marihuana Tax Act, which effectively criminalized marijuana by only allowing possession of marijuana for authorized industrial and medical uses after an excise tax was paid. Notable supporters of the Tax Act were those in the fibers industry including Andrew Mellon (timber), to whom Anslinger was also related by marriage, Randolph Hearst (timber), and the Du Pont family (nylon) (French and Manzanárez 2004). At this time, hemp was a more economical alternative to paper pulp used for newsprint, while nylon was a new synthetic fiber whose promoters were trying to sell its utility in a market dominated by hemp (French and Manzanárez 2004). Most prominent on the opposing side of the Marihuana Tax Act was the American Medical Association, who objected to the tax implications for physicians prescribing marijuana, retail pharmacists selling marijuana, and those cultivating and manufacturing medical marijuana. After its passage, medical use quickly declined because possession of marijuana required a federal tax stamp that was effectively unattainable (Stringer and Maggard 2016). This strategy was

so effective at discouraging use of cannabis in medicine that the U.S. Pharmacopoeia and National Formulary ended up dropping the listing of marijuana in 1941 (Mikuriya 1969).

Marijuana regulation continued on a path towards prohibition with the Boggs Act of 1951 and the Narcotics Control Act of 1956. Both Acts contributed to increasingly strict penalties on marijuana and grouped its suppliers and users with that of cocaine and heroin. Marijuana prohibition became complete in 1970 under the Comprehensive Drug Abuse Prevention and Control Act, which listed use, procession, cultivation, and sale of marijuana illegal under federal law. Marijuana was listed as a Schedule I drug, meaning cultivation and distribution of marijuana became felonies and when such violation occurs, the Controlled Substance Act may authorize asset seizure. Schedule I classification also meant that marijuana, along with heroin and peyote, was determined by the federal government to have a high potential for abuse and no medicinal value. In comparison, drugs like cocaine, methamphetamine, methadone, and fentanyl are classified as a Schedule II, meaning they have a high potential for abuse leading to severe psychological or physical dependence but no specific implications on medicinal use.

After the scheduling of illicit drugs, the National Commission on Marihuana and Drug Abuse issued a report in 1972 stating that though it rejects legalizing marijuana, it recommended that, similar to alcohol, marijuana use should be discouraged and it not be necessary to jail someone found in possession of personal quantities of marijuana (Schaefer and Sonnenreich 1972). Additionally, the commission recommended that casual non-profit sale of marijuana in private and the use of marijuana in private should not be criminalized, while the cultivation, possession with intent to sell, trafficking, and use or possession in public remain criminal acts (Schaefer and Sonnenreich 1972). In

response to the Commission's report, Nahas and Greenwood (1974) in their paper *The first report of the National Commission on marihuana (1972): Signal of misunderstanding or exercise in ambiguity* quoted an editorial posted in the New England Journal of Medicine that "in the long run marihuana legalization appears to hold the greatest promise for effective and intelligent control of marihuana use." U.S. President Nixon ultimately rejected the Commission's recommendations for marijuana leniency and so the war on marijuana continued. Currently, two federal agencies, the Drug Enforcement Administration and the Food and Drug Administration, determine which substances are added to or removed from the various schedules, though Congress created the original listing used in the statute and Congress also occasionally schedules other substances through legislation.

Challenges by states to federal law for marijuana began to emerge in 1996, when California became the first state to legalize medical marijuana. Table 1 shows the states that have passed their own medical marijuana laws. A number of court rulings have resulted from these state laws due to local, county, state and federal law enforcement and the courts work to figure out the actions that are legally binding under the conflicting state and federal policies. In 2005, an important Supreme Court decision, *Gonzales v. Raich*, challenged the constitutionality of the federal Controlled Substance Act as it applies to individuals who grow marijuana for personal use under California's Compassionate Act. In this case, the Drug Enforcement Agency (DEA) seized and destroyed six marijuana plants being grown lawfully under California State medical marijuana law. The Supreme Court held that under the Commerce Clause of the U.S. Constitution, the federal government could prohibit the production, distribution, and use

of marijuana even if state law allows it (Justia U.S. Supreme Court 2005). This important ruling cleared the DEA to arrest those growing medical marijuana across the U.S., including in the ten states that had already passed state medical marijuana laws at that time.

After this ruling, medical marijuana plants growing lawfully under state law were at risk of being raided and confiscated at any moment by DEA agents. To clarify the stance on federal prosecution, President Barack Obama appointed Deputy Attorney General David Ogden issued a memorandum on October 19, 2009 titled *Investigations and prosecutions in states that authorizing the medical use of marijuana*. In it, Ogden states that the Department of Justice will focus its enforcement on production and distribution of marijuana in an effort to curb trafficking and it will not devote significant resources to marijuana possession and use in compliance with state law that allow it for medicinal purposes (Ogden 2009). A few years later on June 29, 2011, Obama appointed Deputy Attorney General James M. Cole, Ogden's successor, issued a memorandum titled *Guidance Regarding the Ogden Memo in Jurisdictions Seeking to Authorize Marijuana for Medical Use*. This memo clarifies the Department of Justice enforcement policies, stating that under federal law marijuana possession, cultivation and distribution of marijuana remains illegal and that state laws or local ordinances are not a viable defense in federal civil or criminal enforcement of the Controlled Substance Act (Cole 2011).

After the first states began passing legislation that legalized recreational marijuana, U.S. Attorney General Eric Holder issued a letter on August 23, 2013 to Colorado Governor John Hickenlooper and Washington Governor Jay Inslee regarding

federal enforcement. The letter assured the governors that the Department of Justice does not intend to challenge state marijuana laws and that Holder has encouraged the U.S. Attorneys in each state to meet with the governors and state and local law enforcement to ensure federal priorities are understood (Holder 2013). Enclosed along with the letter was a copy of a memorandum issued by Deputy U.S. Attorney General Cole to all U.S. Attorneys. Cole's memo, *Guidance Regarding Marijuana Enforcement*, outlines the priorities of the U.S. Attorneys as related to enforcement of the Controlled Substance Act; to prevent the following: distribution to minors, marijuana revenue from funding criminal enterprises, cartels, and gangs, marijuana from being transported from states that allow to states that prohibit, public health impacts and intoxicated driving, possession on federal property or growth of marijuana on public land, and state-authorized marijuana businesses from being a cover for drug trafficking operations (Cole 2013).

Less than a year later, states with medical marijuana policies received some protection from legislation passed in the House. House Amendment 748 to House Resolution (HR) 4660 was passed under a simple majority by U.S. Representatives on May 30, 2014. This amendment was sponsored by Dana Rohrabacher (R-CA) and prohibited the taking of funds to be used as a method to prevent states from implementing laws that authorize the use, distribution, possession, or cultivation of medical marijuana (Gov Track n.d.). This new legislation meant that the federal government could no longer pressure states to revise or rescind medical marijuana policies via withholding federal funds.

Times began to change for hemp with the passage of the 2014 Federal Farm Bill. This farm bill included legislation that allowed states to legalize industrial hemp

cultivation for research purposes (Bureau of Justice Assistance 2015). As of April 2015, twenty states had legalized hemp cultivation for research (Bureau of Justice Assistance 2015) and thirteen states went as far to legalize commercial production of hemp; however, given that commercialized hemp production remains illegal under federal law, these states have not allowed commercial production to begin (Bureau of Justice Assistance 2015). In the Spring of 2018, reintroduction of industrial hemp was added to the 2018 Farm Bill in the Senate and on June 28, 2018 the bill passed with a bipartisan vote. Virginia Democratic Senators Mark R. Warner and Tim Kaine sponsored the bill; after its passage stated that “the bipartisan bill would finally end an outdated ban that held farmers back from participating in the industrial hemp market, allow states to decide the best way to regulate this emerging industry, and give farmers access to critical federal support to protect their investment” (Warner 2018).

Though the federal stance on hemp has been reversed, there has been no official movement by the federal government to date to lift the ban on marijuana for medical or recreational use. A first step to lifting the ban is for the DEA to amend the Controlled Substance Act and reschedule of marijuana. In 2016, Acting Administrator for the DEA, Chuck Rosenberg responded to petitions filed by Rhode Island Governor Gina Raimondo, Washington State Governor Jay Inslee, and a New Mexican psychiatric nurse practitioner to repeal the rules and regulations that place marijuana as a schedule I drug, stating that rescheduling can only occur if and when the FDA, in consultation with the National Institute of Drug Abuse, find that there is sufficient clinical trial data and scientific literature to support its use medically (Rosenberg 2016). As the number of states that have legalized marijuana has increased, so has the number of CBD products on



the market. Since the 2016 official stance on rescheduling marijuana, the DEA has only issued clarifications on how to determine if a CBD product falls under CSA classification (21 CFR Part 1308) and that cannabis products are allowed in animal feed that is not consumed by humans (21 U.S.C. §§ 951-971).

## RECREATIONAL MARIJUANA IN WASHINGTON STATE

On Election Day in 2012, Washington Initiative 502 (I-502), which legalized the use of recreational marijuana for adults, passed with 55.7% of the vote. Public support of I-502 legislation was driven by three main public safety assumptions: Marijuana prohibition creates and enriches the black market and creation of a legal market will increase market access to marijuana for the ordinary citizen; state regulation, similar to that for regular agricultural crops, will increase marijuana quality and reduce unwarranted health and environmental impacts from its production; police resources could be reallocated from marijuana prohibition enforcement to other crimes (Reed 2011). Additional support for I-502 derived from the potential financial gains in licensing fees and marijuana sales tax. Marijuana tax funds would go to state departments and programs such as the Social and Health Services for Healthy Youth, Washington Alcohol and Drug Abuse Institute, the Washington State Liquor and Cannabis Board (WSLCB), Social and Health Services Behavioral Health and Recovery for treatment and reduction in substance abuse, Health Department for marijuana education and public health programs, University of Washington for online educational materials and research, Washington State University for research, a state Marijuana Fund, a Basic Health Plan Trust Fund, the State Health Authority, and the State's General Fund (Washington State Office of Financial Management 2012).

In the years leading up to legalization, Washington state had been no stranger to illegally grown marijuana. Table 2 details the number of plants seized from outdoor marijuana grow sites and the number of plots by county leading up to and after I-502 was passed and implemented (Washington State Patrol 2015). A number of these eradication

efforts were interagency collaborations with local, county, state, and federal agencies including the Washington State Police, DEA, and U.S. Department of Justice (Washington State Office of Financial Management 2012). These law enforcement efforts, and the prosecution of criminals, came at a significant cost. The American Civil Liberties Union (ACLU) estimates that between 2000 and 2010 \$211,451,996 was spent on marijuana enforcement across the state (Cooke 2012). Enforcement of marijuana prohibition had a significant price and took considerable law enforcement effort.

Washington sought to eliminate the black market by pushing retail sales of recreational marijuana through marijuana retail locations overseen by the state. Only growers with a recreational marijuana production license issued by the WSLCB could grow it, while home cultivation of recreational marijuana remained illegal. After I-502 passed, the WSLCB had until December 13, 2013 to establish rules for recreational marijuana implementation and regulation in preparation for legal sales to adults 21 and older beginning on July 8, 2014.

Three types of recreational marijuana licenses were offered by the WSLCB. Producers grow marijuana and sell that product at wholesale to processors and other producers; processors process marijuana into useable and marijuana-infused products, package and label products, and sell those products to wholesale marijuana retailers; retailers sell the useable marijuana and marijuana-infused products at retail locations (Reed 2011). When it came to the initial round of licensing, the WSLCB initially placed no limit on the number of recreational marijuana producer or processor licenses available statewide, while marijuana retail licenses were limited to a total of 334 across the state.

Table 2. Marijuana seized by county (2009 – 2014).

	2009		2010		2011		2012		2013		2014	
County	Plants	Plots	Plants	Plots	Plants	Plots	Plants	Plots	Plants	Plots	Plants	Plots
Adams	201	1	245	1	500	1	2,412	0	0	0	194	1
Asotin	416	1	107	1	0	0	0	0	0	0	10	1
Benton	6,377	15	12,518	20	4,686	16	6,365	10	2,327	5	675	2
Chelan	20,369	14	3,584	7	23,297	7	73	1	154	2	0	0
Clallam	485	3	37	1	0	0	0	0	0	0	0	0
Clark	2,331	9	872	7	11,934	66	383	4	507	3	270	1
Columbia	0		5,703	1	47,751	6	3,027	1	0	0	2,200	1
Cowlitz	1,320	3	2,977	5	470	8	52	2	0	0	0	0
Douglas	440	10	87	2	9,587	3	273	3	2,888	3	0	0
Ferry	26,097	6	116	1	44,900	2	0	0	0	0	0	0
Franklin	41,200	24	10,247	17	23,509	24	35,651	11	3,641	13	3,437	12
Garfield	4,672	1	73	1	0	0	45	1	0	0	0	0
Grant	13,687	25	21,318	16	22,597	15	49,678	19	10,751	19	46	3
Grays Harbor	407	14	2,162	16	515	5	113	3	108	4	0	0
Jefferson	0		79	2	0	0	0	0	0	0	0	0
Island	80	1	0	0	0	0	0	0	0	0	0	0
King	33,906	38	12,742	37	5,270	12	2,652	6	2,677	8	4,463	7
Kitsap	1,731	33	1,497	27	969	15	86	2	92	5	268	5
Kittitas	21,612	3	0	0	0	0	40,574	5	4,450	1	30	1
Klickitat	90,955	10	105,488	15	331	3	12,688	2	0	0	0	0
Lewis	2,162	13	19,020	6	72	4	0	0	0	0	292	2
Lincoln	2,008	4	0	0	285	4	0	0	63	2	0	0
Mason	795	16	867	19	672	10	0	0	0	0	0	0

(continued)	2009		2010		2011		2012		2013		2014	
County	Plants	Plots	Plants	Plots	Plants	Plots	Plants	Plots	Plants	Plots	Plants	Plots
Okanogan	54,406	9	39,982	17	40,329	4	193	2	338	3	0	0
Pacific	20,290	7	478	5	60	1	0	0	164	3	0	0
Pend Oreille	130	5	2	1	7	1	0	0	17	1	0	0
Pierce	4,556	26	2,351	23	8,978	18	0	0	1,393	5	0	0
San Juan	0	0	54	10	4	1	0	0	0	0	0	0
Skagit	577	8	1,109	12	765	11	759	5	15	1	221	3
Skamania	14,516	16	14,145	8	1,244	3	0	0	54	4	108	4
Snohomish	3,116	11	3,301	25	2,957	17	1,503	12	707	2	135	1
Spokane	1,594	27	1,563	22	3,070	32	530	8	204	31	348	2
Stevens	1,012	35	613	12	0	0	0	0	1,553	4	0	0
Thurston	4,308	19	1,707	23	1,101	12	2,009	11	54	1	904	0
Walla Walla	134,231	16	1,157	6	11,193	1	0	0	105	5	3,740	7
Whatcom	2,078	15	1,609	22	1,753	16	1,233	10	2,474	3	395	1
Whitman	48	1	15	1	32	1	170	2	44	1	0	0
Yakima	97,020	48	54,485	41	77,769	45	55,541	11	5,953	28	39,527	28
State Total	609,133	487	322,310	430	346,607	364	216,010	131	40,733	157	57,263	82

\*Note, a record of 0 or blank value for marijuana plants and plots seized is not necessarily an indication that no seizures happened in a given county for a given year; rather, the county may have failed to report seizure information to Washington State Patrol for that year. Data source: Washington State Patrol (2015).

I-502 included some clear geographical restrictions. A recreational marijuana business cannot be within a 1000ft radius of an elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library or game arcade whose admission is not restricted to those 21 years and older (RCW 69.50.331(8)). However, a city, county or town could modify these boundaries by enacting an ordinance to reduce the 1000ft buffer from any of the restricted locations except for elementary or secondary schools and playgrounds (RCW 69.50.331(8)). Additionally, I-502 allowed location restrictions by the local government to also include areas zoned for residential use (RCW 69.50.331(8)).

As licenses were being issued by the state, a growing number of cities and counties in the state placed moratoriums on the establishment of recreational marijuana businesses in their jurisdiction. Moratoriums were issued to pause any local business permits for a specified period. Since it was unclear if it was lawful to ban the businesses under the new law, State Attorney General Bob Ferguson wrote an official opinion on January 16, 2014 to help clarify. Ferguson stated that I-502 does not contain verbiage specifying preemption of local authority; thus the cities and counties could lawfully ban the recreational marijuana businesses (Ferguson 2014). Following this opinion, many Washington cities (Figure 1) and counties (Figure 2) across the state moved from moratorium to prohibition; enacting zoning restrictions that excluded recreational marijuana businesses from the entire jurisdiction (Hollenhorst 2014).

A few months after the Attorney General's opinion, the Washington Court of Appeals ruled in *Cannabis Action Coalition v. City of Kent* 322 P.3d 1246 (2014) that municipalities may use zoning rules to exercise their police powers as long as they do not

conflict with state law. The court found that the city of Kent was lawful when it passed an ordinance that prohibited medical collective gardens, where up to 10 medical patients can have their supply of medical marijuana grown, up to 45 plants total, by a single patient or grower, in city limits. This ruling was another blow to marijuana business hopefuls.

Almost a year later, the Washington State Supreme Court affirmed the Court of Appeals ruling on May 21, 2015 that the city of Kent appropriately used zoning to prohibit collective gardens. This court case gave an effective “in” for prohibition to continue under the guise of zoning rules.

Though the city of Kent case was medical marijuana specific, it had broader implications once legislators decided to address the difference in regulations between medical and recreational marijuana. Recreational marijuana at this time was regulated by the WSLCB, while medical marijuana by the state Department of Health. Each department had its own set of rules, mandated by law, for licensing, tracking, production, and purchase. To address the disconnect, Washington Senate Bill (SB) 5052, or the Cannabis Patient Protection Act, was signed into law by the Governor Inslee on April 2015. Under SB 5052, the state would consolidate the medical and recreational markets for production, processing, and procurement, while the Department of Health would better define the meaning of applicable use of medical marijuana, improve regulation of medical marijuana products in terms of product safety and availability, and the state would give tax breaks to medical patients when purchasing medical marijuana from retail locations and protect medical patients from arrest and prosecution from growing, possession, and use of their medicine.

With the consolidation of the medical and recreational markets, retailers could sell both recreational and medical marijuana, however, this also meant medical dispensaries now needed a retail license from the WSLCB. The WSLCB previous cap of 334 retail licenses was increased to a total of 556 licenses (Washington State Liquor and Cannabis Board 2015). Those 222 additional licenses were set to replace the more than 1500 medical dispensaries, a change that was not without its own controversy when it came to issuing licenses (Coughlin-Bogue 2016). Additionally, SB 5052 still allowed collective gardens for up to four medical patients to band together and have a grower produce the number of plants allowed for each patient (Washington State Liquor and Cannabis Board n.d.), while production of recreational marijuana remained limited to licensed producers. Much like the first time around, licenses were issued despite possible local prohibition.

After passage of SB 5052, the state enacted additional regulations to address redundancies between the regulations of medical and recreational marijuana. SB 5131 was signed by Governor Inslee into law on May 16, 2017. It required the WSLCB to create a structure for marijuana research licenses, expanded local authority notifications to ports and tribes that new licenses that were issued, similar to what the WSLCB already does for towns, cities and counties, eliminated the competitive merit-based retail license application process, revised licensing agreements and contracts, and added additional specifications on advertising (Washington State SB 5131 2017-18). For medical marijuana, the bill allowed medical patients to purchase plants, seeds and clones from state licensed producers and allowed the State Agriculture Department to regulate certified organic marijuana producers and processors.



In the first three years, recreational marijuana generated almost \$2.9 billion dollars in sales; more than \$850 million dollars was paid to the state (Camden 2017). The state and WSLCB continue to amend and modify rules, and attempt to educate the business owners and the public on how this new industry is being regulated. A number of counties and cities have continued prohibition and the state has made no effort to force these jurisdictions to allow marijuana businesses in spite of confusion it may cause to business owners and potential patrons.

## CASE STUDY: YAKIMA COUNTY, WASHINGTON

Yakima County is located in south central Washington state, on the east side of the Cascade Mountain Range. This landscape includes mostly treeless valleys with soils rich in potash, magnesium, lime, and phosphoric and sulphuric acids (Otis Smith 1901), making it a prime agriculture region. The winters are generally short, summers hot and dry, and severe weather is relatively rare. With almost 300 days of sunshine per year, Yakima County has ideal growing conditions for many agricultural crops (Otis Smith 1901). These prime growing conditions have contributed to the county's status as a major producer of crops important to the state's economy.

Two of the most important crops to Yakima County include wine grapes and hops, in production in the area since 1869 and 1872, respectively (Meseck 2014). Yakima County is home to Washington state's first American Viticulture Area (AVA), Yakima Valley. Within the Yakima Valley AVA, are sub-AVAs, the most sought-after land for wine grape production is the Red Mountains in the southeast corner of the county. The county has over 8,000 acres producing wine grapes from over 120 wineries, the third highest in acreage devoted to wine production by county in the state (U.S. Department of Agriculture 2017).

In addition to grapes, Yakima County is an important source of some of the world's most prized hops. Hops from this county account for about 78% of the U.S. hops production and in 2015 and 2016, no place else in the world produced as many hops as Yakima Valley (Glover 2016). As might be expected for an area that grows a substantial amount of wine grapes and hops, the Yakima Valley is not an area devoid of places to enjoy local alcoholic libations. There are 10 breweries, 1 cideries, 2 distilleries, and 29

wine tasting locations in the Yakima County (Yakima Valley Tourism 2018). Other crops of importance include apples, pears, cherries, forage, such as hay and grasses, corn for silage, and wheat for grain (Meseck 2017). Forestry and livestock are also important to the county's economy (Meseck 2017).

Though agriculture contributes a large portion to the economy, 985,299 acres or 35% of the county is managed by city, county, state, and federal agencies (Figure 3). The U.S. Forest Service and U.S. Army Yakima Training Center manage the largest portions at 503,726 acres and 165,787 acres, respectively (Meseck 2017). Other significant land managers in the county are the Bureau of Land Management, U.S. Fish and Wildlife Service, National Park Service, and Washington State Department of Natural Resources

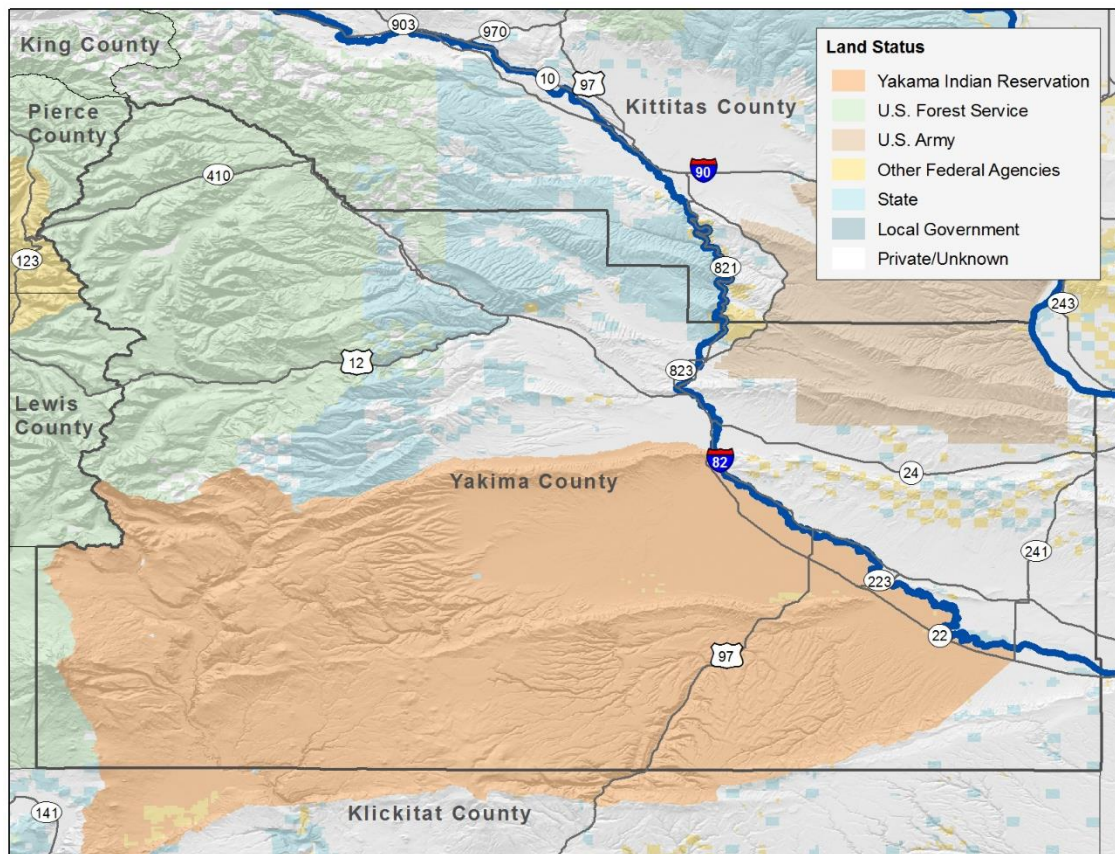


Figure 3. Map of land status in Yakima County.

(University of Washington School of Environmental and Forest Sciences et al. n.d.).

Additionally, 1,074,174 acres of the county is dedicated to the Yakama Nation (Meseck 2014). Only about a quarter of the county is owned privately, with much of it, and most of the population, in the north-central and eastern portion of the county.

The Yakima River Basin supplies water to the county's multibillion-dollar agricultural industry, with most farmers having either waters rights administered by the state's Department of Ecology or contracts with the Bureau of Reclamation (McLain, Hancock, and Drennan 2017). During warmer years when rain rather than snow falls in the Cascade Mountains, droughts that negatively impact crops can occur in the summer months (McLain, Hancock, and Drennan 2017). Between 1992 and 2015, there were six low water years where those holding water rights received far less than their allocation (McLain, Hancock, and Drennan 2017). Water availability not only impacts agriculture but also the viability of fish such as salmon and trout, which are important to the cultural values of the Yakama Nation (Hatten, Waste, and Maule 2014).

Though it is the second largest county in the state by landmass, the county includes 56.6 people per square mile (Meseck 2014), whereas the more heavily populated Clark County (much of which is part of the Portland, Oregon metropolitan area) includes 676 people per square mile (Bailey 2016). Much of the population of Yakima County is found along the Yakima River, in and around 12 cities and a small number of towns and census-designated places (Figure 4). In 2016, the population of Yakima County was 249,636 (Meseck 2017), with about 93,667 people located within the city of Yakima (U.S. Census Bureau 2017a). The growth rate is not particularly high in the county, at 0.7%, which is slightly slower than the state at large at 1.1% (Meseck 2017).

The population of Yakima County includes a higher than the state average number of young people, both in terms of children under age 5 and also under age 18 (Meseck 2017). As might be expected from a county producing and processing a lot of agricultural crops, the county has a higher percentage of Hispanics and Latinos compared to both the state and national averages. Since the Yakama Reservation resides in the county, there is also a higher percentage of American Indians than the statewide average (Table 3). Of the population aged 25 years or older, 72.5% has a high school diploma or higher and 15.3% of the same population has a Bachelor's Degree or higher, compared to state numbers of 90.6% and 33.6% (U.S. Census Bureau 2017b). Given the importance of agriculture crops in the county, it should be no surprise that the largest portion of jobs in

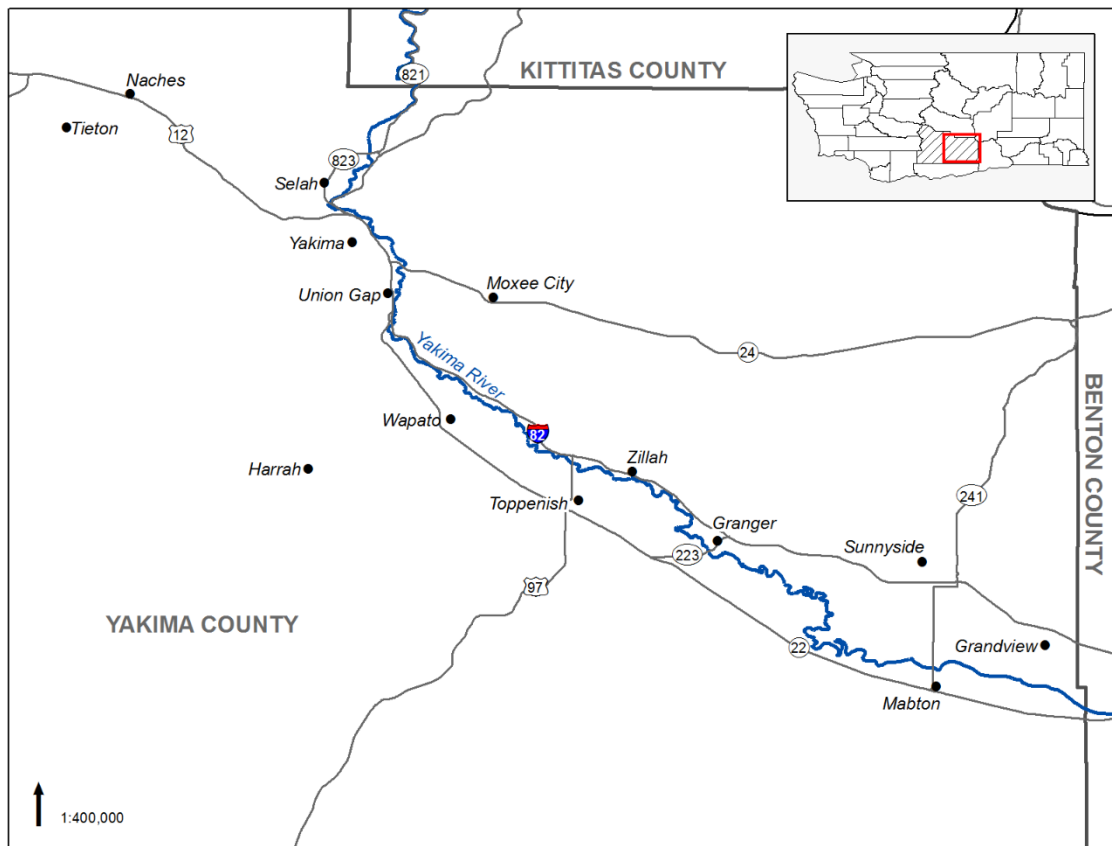


Figure 4. Map of cities, towns, and census-designated places in Yakima County.

Table 3. Demographics for Yakima County and Washington state.

<b>Race/Ethnicity</b>	<b>Yakima County</b>	<b>Washington state</b>
Hispanic or Latino, any race	48.8%	12.4%
White, not Hispanic or Latino	44.8%	69.5%
American Indian, Alaskan Native	6.4%	1.9%
Asian, Native Hawaiian, another Pacific Islander	1.8%	9.4%
Black	1.5%	4.1%

Data source: Meseck (2017)

the county are in agriculture (28.1%), followed by health services (13.7%) and local government (12.0%) (Meseck 2017).

As of November 2018, the Secretary of State’s office reports there are 115,926 registered voters in the county, with more than half of the voting population aged 45 or older (Table 4). Washington is a vote-by-mail state, with ballots mailed to voters at least 18 days prior to every election (Washington Secretary of State n.d.). News reports have pointed out that the county often has some of the lowest voter turnout rates in the state (Yakima Herald-Republic Editorial Board 2017). Since at least 1972, the county has voted for the Republican presidential candidate, while the state overall only voted for the Republican candidate in 1972 (Nixon), 1976 (Ford), 1980 (Reagan) and 1984 (Reagan) (Carlsen 2016). Within the county itself, the voting districts in and around the towns and cities often vote for the Democratic candidate, despite the county voting for Republican candidates overall (Bloch et al. 2018). Analysis of the 2018 Senate race, found no correlation between the minority population or age in the way counties voted; Yakima voted for the Republican candidate in this race (Briz et al. 2018).

The structure of the local government for Yakima County includes three partisan County Commissioners that are elected to 4-year terms. To be elected as a commissioner,

Table 4. Number of registered Yakima County voters by age group.

	Age Group						Total voters
	17-24	25-34	35-44	45-54	55-64	65 and over	
Number of voters	12,510	20,325	17,527	16,786	20,279	28,499	115,926
Percent of county voters	10.79%	17.53%	15.12%	14.48%	17.49%	24.58%	

Data source: Washinton Secretary of State (2018)

candidates are first selected in a primary by the district and then successful candidates are elected to commissioner in a general election by all voters in the county. When local measures are brought before voters, and these measures do not include bonds, levies, taxes, or jurisdiction boundaries, they come by way of local advisory votes. Local advisory votes are non-binding questions presented to voters to assist the decision making of the commissioners (Yakima County n.d.).

The city of Yakima has a Council/Manager charter type of local government, with seven members serving on the City Council. The City Manager is appointed by the City Council, while each single district city council member is elected by voters that live in that district. There are seven districts represented by one city council seat.

In 2012, the ACLU of Washington sued the city of Yakima, claiming the geography of the mixed-at-large city council districts unconstitutional because it misrepresented the Latino population (Faulk 2016b). The U.S. district court ruled in 2014 on *Montes v. city of Yakima*; finding the city in violation of section 2 of the federal Voting Rights Act, where voting procedures result in the denial or hindrance of voting based on the race or color of the citizen (American Civil Liberties Union of Washington 2014).

What resulted from the court ruling was the redrawing of district boundaries; and ultimately two new majority Latino districts were created. In the first election using the new district boundaries, the city saw election of three Latina councilwomen in 2015, the first time Latinos had ever served as a councilmember (Faulk 2016b). Additional changes to the City Council included modifying the length of the term for some districts; previously councilmembers from even numbered districts served only two-year terms, while odd numbered districts served four-year terms. The uneven length of term was changed in 2017 and now all council members serve four-year terms.



## RECREATIONAL MARIJUANA IN YAKIMA COUNTY

Yakima County had a complicated relationship with marijuana prior to legalization. The county has a history of some of the largest black-market marijuana busts by law enforcement in the state, both in terms in number of plants and number of outdoor grow sites (Table 5). Since legalization, the amount of marijuana seized in the county has not waned and a number of illegal outdoor grow sites continue to be found by law enforcement. In these prime grape-growing regions, local newspapers have documented incidences of law enforcement finding marijuana growing amongst the grape vines, often unbeknownst to the land owner (Dininny 2008; Lacitis 2008) and a number of vineyard and other crop growing farmers in the county have reportedly been approached by marijuana growers to sell their fertile cropland (Dininny 2008; Bristol 2011).

Prior to the legalization of recreational marijuana by the state in November 2012, Yakima City Council passed policies aimed at medical marijuana. Ordinance 2012-003 banned medical marijuana dispensaries and collective gardens more than 14 years after the passage of Medical Use of Marijuana Act in 1998 by Washington state. Part of the delay in passing this prohibition ordinance was due to E2SSB 5073, passed by the state on April 11, 2011. E2SSB 5073 gave local jurisdictions authority to regulate medical marijuana using comprehensive land use policy and licensing regulation to prohibit the establishment and operation of medical marijuana facilities (City of Yakima, Washington, Municipal Code §2012-003).

When I-502 was placed before Yakima County voters in 2012, 44,297 voted against legalization, while 32,330 people voted in favor (Reed 2012). The turnout for

Table 5. Marijuana seized in Yakima County (2005 – 2015).

Year	Number of plants	Number of plots
2005*	16,206	Unknown
2006*	48,588	37
2007*	40,229	47
2008*	214,317	47
2009**	97,020	48
2010**	54,485	41
2011**	77,769	45
2012**	55,541	11
2013**	5,953	28
2014*	49,405	28
2015*	215	14

Data source: Washington State Patrol (\*2015, \*\*2016a, \*\*2016b)

Yakima County for this 2012 election was 73.67% compared to 78.76% for the state; which was among the lowest voter turnout for this election amongst all counties in the state (Reed 2012). Despite being on the lower end of voter turnout for the state, it is the county voting results for I-502 that fueled the argument in support of prohibition in both Yakima County and the city of Yakima in the years that follow.

In 2015, when the first-round licenses were available, the WSLCB only issued 2 recreational marijuana producer licenses, 2 recreational marijuana processor licenses, and 5 recreational marijuana retail location licenses in Yakima County, far fewer than neighboring counties with smaller populations than Yakima County (Table 6). Kittitas to the north was issued 7 producer, 6 processor, and 1 retail licenses for a county with a total population of 40,915 people; Klickitat to the south, 11 producer, 10 processor, and 3 retail licenses for a population of 20,318 people; Benton to the east, 8 producer, 7 processor and 1 retail licenses for a population of 175,177 (Washington State Office of Financial Management Forecasting Division 2010).

Table 6. Producer, processor, and retail licenses initially issued per county in Washington state.

County	Producer	Processor	Retailer
Adams	0	0	0
Asotin	0	0	0
Benton	8	7	1
Chelan	17	12	3
Clallam	6	6	2
Clark	8	8	5
Columbia	0	0	0
Cowlitz	9	8	5
Douglas	5	5	1
Ferry	4	4	0
Franklin	1	1	0
Garfield	0	0	0
Grant	7	6	2
Grays Harbor	3	2	2
Island	1	0	2
Jefferson	4	4	2
King	24	29	17
Kitsap	5	5	4
Kittitas	7	6	1
Klickitat	11	10	3
Lewis	0	0	0
Lincoln	4	3	0
Mason	13	11	1
Okanogan	26	22	2
Pacific	3	3	1
Pend Oreille	3	2	0

County	Producer	Processor	Retailer
Pierce	6	6	11
San Juan	4	2	1
Skagit	6	6	4
Skamania	0	0	0
Snohomish	28	24	9
Spokane	70	54	12
Stevens	7	6	2
Thurston	25	21	6
Wahkiakum	1	1	0
Walla Walla	2	2	0
Whatcom	28	29	9
Whitman	4	3	1
Yakima	2	2	5

After the 2012 election, both prohibition and legalization policies emerged from the city of Yakima, Yakima County and across the State of Washington. These policies caused confusion among residents and businesses owners where the lines of authority around marijuana prohibition were geographically blurred. Table 7 includes a brief timeline of the recreational marijuana regulations passed by the city of Yakima and the County of Yakima, as well as relevant state regulations.

Resolutions and ordinances were passed with a vote by the committee members after public input at hearings. Two of the three Yakima County Commissioners serving

Table 7. Regulation of recreational marijuana in Yakima County, the city of Yakima, and Washington state.

Date	Regulation	Location
<b>2012</b>		
November 6 <sup>th</sup>	Voters pass I-502 legalizing recreational marijuana.	Statewide
<b>2013</b>		
September 3 <sup>rd</sup>	Resolution 300-2013, a 6-month moratorium on accepting and processing permits for I-502 activities.	Yakima County
October 18 <sup>th</sup>	Ordinance 2013-048, a 6-month moratorium on filing, acceptance, and processing land use and development permits for I-502 activities.	City of Yakima
<b>2014</b>		
January 16 <sup>th</sup>	Washington State Attorney General issues opinion, I-502 cannot overrule local jurisdiction regulations.	Statewide
January 21 <sup>st</sup>	Resolution 31-2014, amends zoning codes to prohibit marijuana production, processing, and sale.	Yakima County
January 21 <sup>st</sup>	Ordinance 2014-001, amends zoning code to prohibit production, processing, and sale. Also prohibits medical marijuana dispensaries and collective gardens.	City of Yakima
February 25 <sup>th</sup>	Resolution 75-2014, extends six-month moratorium imposed by Resolution 300-2013.	Yakima County

(continued)

June 17 <sup>th</sup>	Ordinance 4-2014, prohibits recreational marijuana production, processing, and retail sale in unincorporated areas of the county. Terminates moratorium imposed by Resolution 300-2013.	Yakima County
July 8 <sup>th</sup>	Legal sale of recreational marijuana begins.	Statewide
<b>2015</b>		
April 24 <sup>th</sup>	Senate Bill 5052, Cannabis Patient Protection Act, consolidates medical and recreational marijuana markets.	Statewide
October 12 <sup>th</sup>	WSLCB begins accepting applications for an additional 222 retail licenses.	Statewide
<b>2016</b>		
May 16 <sup>th</sup>	In 4-3 vote, City Council lifts the prohibition ban on producers, processors and retail stores.	City of Yakima
July 1 <sup>st</sup>	SB 5052, implemented making a single system of licensed production, processing and retail sale for medical and recreational marijuana.	Statewide
July 5 <sup>th</sup>	Ordinance 2016-008, allows marijuana producers and processors in industrial districts and retailers in approved business districts. State's prohibition buffers zones are adopted.	City of Yakima
October 4 <sup>th</sup>	Ordinance 2016-017, includes “family home child care centers” to the definition of “child care centers” for prohibition buffering areas.	City of Yakima
October 4 <sup>th</sup>	Ordinance 2016-018, allows marijuana retail businesses to be located in “small convenience centers” zones	City of Yakima
<b>2017</b>		
July 18 <sup>th</sup>	Resolution 263-2017, calls for advisory election to reconsider prohibition in unincorporated Yakima County	Yakima County
November 7 <sup>th</sup>	Proposition 1, a non-binding advisory vote on if the county should lift prohibition. 58.94% vote to not lift ban.	Yakima County

when the advisory vote was presented to voters were the same County Commissioners that passed the original marijuana prohibition policy. For Proposition 1, this advisory vote was presented to Yakima County voters as a way for the county commissioners to test the waters and see if opinions had changed in the 5 years since the first vote to legalize. Though the Proposition 1 results showed that the voters did not want to change county policy, the County Commissioners were well within their authority to do the opposite of what the voters wanted, even though in practice it is very rare for commissioners to vote in this way. The voting results illustrate that over a 5-year period since the original implementation of prohibition policy, opinion of voters countywide did not change nor did the addition of one new County Commissioner impact the narrative surrounding the ban.

The city of Yakima implemented its moratorium for recreational marijuana six months before the County implemented its own prohibition policy. Of the seven Yakima city council members that were part of the 2014 prohibition vote, only three incumbents remained on the council during the 2016 vote when the recreational marijuana ban was overturned. None of the three incumbents changed their vote in 2016 from what they originally voted in 2014, two voted for prohibition, one did not (Faulk 2016a). This new vote also included the three new Latino council members.

Though a change in city council members helped tip the vote to overturn the prohibition policy, other marijuana politics likely had a big impact for the city. Beginning in 2015, a public legal battle erupted between the city and Happy Time LLC, a retail recreational marijuana store that briefly opened up in the city of Yakima in spite of the

city's prohibition ordinance (Faulk 2015b). This case helped spotlight the disconnect between state and local policy and played out promptly in local newspapers.

The city's trouble with Happy Time began after the business owners were issued a recreational marijuana retail license by the state, as it had to other applicants across the state, in spite of any local moratoriums or ordinances banning such businesses (Faulk 2015c). Under I-502, the WSLCB issues licenses but it is the marijuana business owner's responsibility, not the WSLCB, to obtain all necessary local permits to operate lawfully. Given that the city was not permitting marijuana businesses, it refused to issue a business license. Happy Time's owner's stance was that the state license overruled local prohibition.

In direct challenge to local zoning rules, Happy Time opened its doors for business on June 19<sup>th</sup>, 2015 (Faulk 2015c) and simultaneously filed a Motion for Mandamus and Temporary Restraining Order with the Superior Court of Washington against the city of Yakima in attempt to block the city from forcing it to close its doors (Faulk 2015b). Prior to Happy Time's opening, the city's Senior Assistant Attorney warned that the city was prepared to take "any and all appropriate action to enforce its ban on production, processing and retailing of marijuana within the city of Yakima" and that it could fine, ticket or arrest the owners if the shop was opened (Faulk 2015a). Ultimately, a Yakima County Superior Court Judge denied Happy Time's request for a Temporary Restraining Order, which would have allowed the business to temporarily operate while avoiding any fines or penalties from the city, and the city was permitted to close the marijuana retail store (Bui 2015). A few weeks later on July 17, 2015, the court

awarded \$1,235 to the city to be paid by the Happy Time owners to cover the city's legal fees (Faulk 2015a).

After the initial ruling, an owner of a different marijuana retail store stated to local news outlets that "the citizens of Washington voted for marijuana, whether you like it or you don't like it. It passed a vote. And it's up to the citizen to decide, not up to city council, not up to some judge. A vote is a vote" (Bui 2015). This comment illustrated that marijuana businesses want the city to follow the state majority and allow marijuana businesses, while the city instituted prohibition based on the voting results when I-502 was first passed by the state at large.

Despite Happy Time's loss in court, the case helped garner public awareness of the disconnect between the county and the state. Many locals shared the sentiment of the marijuana retail store owners and began to attend city council meetings. Six months later on February 9<sup>th</sup>, 2016 one council member made a motion to challenge the ban and the council agreed to hear the issue the following week (KNDO Local News 2016). The next week, the council heard from only one citizen who was against lifting the ban, while 11 people spoke in favor, five of whom were Yakima city residents and the other six were not (Yakima City Council 2016a). The City Council agreed on a 5-2 vote to review the ban on both medical and recreational marijuana businesses at the regular city council meeting on May 17<sup>th</sup> (Yakima City Council 2016a).

When the May 17<sup>th</sup> meeting arrived, one council member motioned and another seconded a vote on lifting the ban. The motion passed with a vote of 4-3 to repeal the ban on medical and recreational marijuana production, processing, and retailing within city limits (Yakima City Council 2016b). Following the meeting, the voting results were



scrutinized by some in the community after it was discovered that two of the city councilmembers that voted to lift the ban had contributions to their 2015 campaigns from people connected to marijuana businesses in the neighboring town of Union Gap (Faulk 2016a). This information caused some citizens to call for the recusal of these council members from the vote to lift the ban, however, one councilmember came forth and stated that they would not recuse themselves because their Union Gap contributor actually wanted them to vote against lifting the ban (Faulk 2016a), presumably as an attempt to lessen potential retail competition. Ultimately, it becomes clear that citizen attendance at council hearings helped lift the ban on marijuana businesses.

After the city of Yakima lifted the ban, pressure to remove the marijuana business prohibition boundary for the unincorporated areas of the county began to build (Ferolito 2017b). At the same time a collection of marijuana producers and processors formed an association to become more politically organized (Ferolito 2017a). The association hired an attorney and worked with a consulting firm to begin a campaign to pressure the county to lift the ban (Ferolito 2017a). It took many months of rumbling but on July 18, the County Commissioners decided that “given the mixed messages” from the city of Yakima and other municipalities in the county (Mabton, Moxee, Union Gap, and Zillah) that allow marijuana businesses in their respective jurisdictions, “it is advisable to ask the voters in unincorporated Yakima County whether they want to allow marijuana production, processing and retail sales to operate in their community” (Yakima County, Washington, Resolution 263-2017). County Commissioners promptly passed Resolution 263-2017, which instructed that county voters would again be asked about marijuana prohibition.

During the county-wide election held on November 7, 2017, Proposition Number 1 was presented to voters, asking “Should the Board of Yakima County Commissioners continue to ban marijuana production, processing and retail sales of marijuana in unincorporated Yakima County?” (Yakima County, Washington, Resolution 263-2017). When election day came in November of 2017, the results showed that only 27.77% of registered voters in the county returned ballots and 58.99% of them voted “yes” meaning that county continue the ban on marijuana businesses (Beehler 2017). After the county vote, a consultant working for the county marijuana producers and processors association proclaimed publicly that the language on the ballot misled voters and thus a new vote was needed with clearer language (Ferolito 2017b). The consultant claimed to have almost 100 declarations from voters who said they were confused by the fact that a “yes” vote meant the ban remained in effect, while a “no” vote meant the ban should be repealed (Ferolito 2017b). The consultant planned to canvas other voters in the county and return his results to the County Commissioners in hopes that the issue can be revisited (Ferolito 2017b). From the commissioners standpoint, the county voters had spoken and now was the time that the county get more serious about addressing the more than 20 recreational marijuana businesses that were operating in unincorporated areas of the county (Ferolito 2017a).

Since the county is using land use policy to prohibit these businesses, code enforcement had been the first line of defense. When code enforcement is involved, a violation is issued that gives the business owner 30 days to respond. If the issue was not resolved then the next step would be County Officials taking the violator to the Yakima County Superior Court where the business may be ordered to shut down (Ferolito 2017a).

Code enforcement of the marijuana ban, however, had not been so easy over the past few years because the county was limited to two code enforcement officers who were backlogged with more than 1,300 cases that included everything from marijuana businesses to illegal construction to junk cars (Ferolito 2017a).

Despite the city of Yakima lifting the ban on prohibition and also containing the largest portion of the county population, reversal of marijuana prohibition was unsuccessful in the county. Not long after the November vote to continue prohibition, a County Commissioner proposed to double the budget for code enforcement, which would add \$100,000, allocated to enforce prohibition policy (Ferolito 2017b). Voters were given a chance to weigh in on this budget increase proposal and a week later the increase in spending to \$200,000 on code enforcement was passed by the County Commissioners (Leal 2017).

## DISCUSSION

One of the benefits of legalizing recreational cannabis is the ability for authorities to take control over a problematic black market (Gettman and Kennedy 2014), which allows law enforcement to be freed up to focus on other types of crimes and funnel what was previously criminal funds but now legal funds into the state's economy. Prior to the state's legalization of recreational marijuana, the ACLU estimates between 2000 and 2010, \$2,511,773 was spent in the county on marijuana-related arrest costs, \$893,664 on court costs, \$1,709,753 on prosecution costs, \$1,771,813 on defense costs, \$399,828 on jail costs, and \$532,643 on supervision costs for a total of \$7,819,474 over a ten year period (Cooke 2012). When it comes to code enforcement, although the arrest and jail costs are not typically a factor, the court, prosecution and defense costs that both the county and the state licensed defendants have to incur are still relevant.

Increasing the spending to enforce prohibition in Yakima County comes in spite of the potential tax revenue that could be received had the County Commissioners changed course and allowed marijuana businesses. Marijuana excise tax in Washington is currently 37% of the retail sale. Table 8 illustrates that after the city of Yakima lifted prohibition, beginning in August of 2017, it reaped \$130,854 in distributed tax revenue for fiscal year 18 and has an estimated \$165,522 for fiscal year 19. Table 8 also indicates that despite continuing prohibition, some funds from recreational marijuana sales have also been distributed to the county.

It is documented in academic literature that land use policies have been used to limit the location of businesses, such as liquor stores and medical marijuana dispensaries (Morrison et al. 2014), to areas outside desirable and/or affluent communities

Table 8. Cannabis revenue distributed to local governments within Yakima County.

Local Entity Name	FY16 Distribution	FY17 Distribution	FY18 Distribution	FY19 Estimated Distribution
Grandview	\$ -	\$ -	\$ -	\$ -
Granger	\$ -	\$ -	\$ -	\$ -
Mabton	\$ -	\$ -	\$2,760	\$2,734
Moxee	\$ -	\$ -	\$4,749	\$4,746
Selah	\$ -	\$ -	\$ -	\$ -
Sunnyside	\$14	\$ -	\$ -	\$ -
Tieton	\$ -	\$ -	\$1,541	\$1,535
Toppenish	\$ -	\$ -	\$ -	\$ -
Union Gap	\$93,722	\$85,036	\$56,242	\$36,754
Wapato	\$ -	\$ -	\$ -	\$ -
Yakima	\$86	\$ -	\$130,854	\$165,522
Zillah	\$ -	\$ -	\$ -	\$ -
Yakima County	\$ -	\$ -	\$3,837	\$5,230

Data source: Hanson (2018)

(Németh and Ross 2014). In her review of Washington state ordinances related to marijuana, enacted before April 1, 2014, Hollenhorst (2014) found that most jurisdictions were using zone restrictions to regulate the location of marijuana retail stores but few if any focused directly on the location of producers and processors. In the years since her research, Yakima County and the city of Yakima used zoning restrictions to prohibit recreational marijuana retailers, producers and processors. Shoemate (2015) found that local governments with smaller populations that are primarily rural and Republican were more likely to ban recreational marijuana businesses. Yakima County is one of these counties.

After the passage of I-502, few municipalities in Washington had included monitoring and evaluation plans related to recreational marijuana businesses (Hollenhorst 2014). Yakima County and the city of Yakima addressed I-502 by issuing moratoriums on permits for marijuana businesses; these moratoriums were followed by prohibition

ordinances after the State Attorney General granted this ability under the original language of I-502. A consequence to Yakima County continuing its prohibition policy is the growing backlog of violations for the two county code enforcement officers since the legalization of marijuana businesses by the state made it no longer a strictly law enforcement issue. This means a new county department has taken on the burden to enforce prohibition.

Shoemate (2015) found that no policy can be designed in such a way that there will not be any unintended consequences, suggesting that in spite of municipal, county, state, and federal policymakers' best efforts, new issues will surface related to both I-502 and prohibition policies created in response to I-502. Some unintended consequences in Yakima County is that the continuation of prohibition in the county has caused the need for increased spending on code enforcements to shut down the more than twenty marijuana businesses currently operating in the unincorporated portion of the county, all while missing out on marijuana sales tax revenue that could be allocated to other needs in the county.

In 2013, the City of Yakima began to prohibit recreational marijuana businesses with a moratorium that was followed by an official ordinance to ban the businesses. The ban was overturned by the city council three years later. Between first implementing the ban and its overturning, the city council district boundaries were redrawn under court order to provide better representation of the people that lived in those districts; after which four new city council members were elected. The disconnect between the state and local policies was then highlighted by a highly publicized legal battle between the city and a recreational marijuana retail store. When the council sought to reassess the ban, the

message at the public hearing was that citizens were overwhelming in favor of overturning it and so the council did. The story in Yakima suggests that voting boundaries not only impact who the decisionmakers are but also if an issue, and the vote on that issue, properly represent the desires of the community being represented (Davidson and Korbel 1981; Reed 1991).

## CONCLUSION

The purpose of this research was to gain a better understanding of the process behind regulation of marijuana businesses in Yakima County and city. A list of ordinances and resolutions relating to recreational marijuana was compiled for Yakima County and the city of Yakima. I examined the adoption of marijuana business prohibition policies by the city of Yakima and Yakima County within the context of the timeline when regulations were implemented and local news coverage of issues occurring in response to those regulations. I inferred the reasons for continuing and reversing prohibition in each locality from local news coverage of the issue, including businesses opening for operation in spite of local bans. The research findings showed that the prohibition of marijuana businesses in Yakima County can be explained by who the decisionmakers are, the actions of those decision makers, who were influenced by voting results, including the initial vote of I-502 and a follow up advisory vote, and the attendance of citizens at council and commissioners' meetings. This research also found that decisionmakers were not influenced by additional incurred costs to continue prohibition, which came by way of increasing the code enforcement budget in order to address illegally operating businesses in the county, nor the potential new tax revenue source from recreational marijuana businesses.

Geographically, continuation of prohibition in the unincorporated areas of the county has resulted in a boundary that differs from the state at large as well as a number of cities within the county itself, including the city of Yakima. It is expected that this prohibition boundary will continue to cause confusion between business owners and the average citizen who expect allowance across the state. This confusion will also continue



to lead to courtroom battles as the county works to close marijuana businesses that are not in compliance with zoning rules. Since legalization was approved, there has not been strong indication that the state will revise the language of I-502 to override local zoning rules currently prohibiting these businesses.

## REFERENCES

- American Civil Liberties Union of Washington. 2014. Ruling will provide meaningful voice for Latinos in Yakima City Council elections. *Press Release* 25 August:n.p. <https://www.aclu.org/press-releases/federal-court-rules-yakimas-voting-system-violates-voting-rights-act?redirect=news/federal-court-rules-yakimas-voting-system-violates-voting-rights-act> (last accessed 13 June 2019).
- Anderson, D. M., and D. I. Rees. 2014. The legalization of recreational marijuana: How likely is the worst-case scenario? *Journal of Policy Analysis and Management* 33 (1):221–232.
- Bailey, S. 2016. Clark County profile. *Labor Market Info* :n.p. <https://esd.wa.gov/labormarketinfo/county-profiles/clark> (last accessed 27 January 2017).
- Bauer, S., J. Olson, A. Cockrill, M. van Hattem, L. Miller, M. Tauzer, and G. Leppig. 2015. Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds. *PLoS ONE* 10 (3):e0120016.
- Beehler, R. 2017. 2017 General election returns. *City Yakima News Release* 9 November:1. <https://www.yakimawa.gov/media/wp-content/blogs.dir/6/files/sites/6/2017-General-Election-Results-News-Release.pdf> (last accessed 9 June 2019).
- Bloch, M., L. Buchanan, J. Katz, and K. Quealy. 2018. An extremely detailed map of the 2016 election. *The New York Times* 25 July:n.p. <https://www.nytimes.com/interactive/2018/upshot/election-2016-voting-precinct->

- maps.html#8.02/46.555/-120.782 (last accessed 13 June 2019).
- Boehm, C. 2013. Marijuana cultivation and the environmental impacts on public lands. *United States Sentencing Commission* :1–9.  
[http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140313/Testimony\\_Boehm.pdf](http://www.ussc.gov/sites/default/files/pdf/amendment-process/public-hearings-and-meetings/20140313/Testimony_Boehm.pdf) (last accessed 2 March 2015).
- Boggess, L. N., D. M. Pérez, K. Cope, C. Root, and P. B. Stretesky. 2014. Do medical marijuana centers behave like locally undesirable land uses? Implications for the geography of health and environmental justice. *Urban Geography* 35 (3):315–336.
- Bricker, K. S., M. T. J. Brownlee, and J. R. Rose. 2014. *Illegal marijuana cultivation on public lands: Management perspectives*. Salt Lake City, UT.
- Bristol, C. 2011. 11 arraigned in Yakima Valley vineyard pot grows. *Yakima Herald-Republic* 17 July. <http://www.tri-cityherald.com/news/local/article32021736.html> (last accessed 9 June 2019).
- Briz, A., T. Fisher, B. Jin, J. McClure, and L. Mihalik. 2018. Washington election results 2018. *Politico* :n.p. <https://www.politico.com/election-results/2018/washington/> (last accessed 12 June 2019).
- Bui, C. 2015. Court rules in favor of city: Yakima pot shop, Happy Time, remains closed. *KIMA-TV* 26 June:n.p. <https://kimatv.com/news/local/court-rules-in-favor-of-city-yakima-pot-shop-happy-time-remains-closed> (last accessed 9 June 2019).
- Bureau of Justice Assistance. 2015. *State Legislative Activity Re Marijuana: Results of the November 2014 Elections and Proposed Bills for 2015*. Washington, DC.
- Camden, J. 2017. State regulators offer three options for home grown recreational pot,

- and none of them will make smokers happy. *Spokane Spokesman-Review* 30 November. [https://www.yakimaherald.com/news/state\\_news/state-regulators-offer-three-options-for-home-grown-recreational-pot/article\\_c777635a-d562-11e7-a59a-e3d5f732dbab.html](https://www.yakimaherald.com/news/state_news/state-regulators-offer-three-options-for-home-grown-recreational-pot/article_c777635a-d562-11e7-a59a-e3d5f732dbab.html) (last accessed 20 May 2018).
- Carlsen, A. 2016. Red state, blue state: Watch 40 years of political change in Washington. *Seattle Times* 1 September:n.p.  
<https://www.seattletimes.com/seattle-news/politics/red-state-blue-state-watch-40-years-of-political-change-in-washington/> (last accessed 9 June 2019).
- Chandra, S., H. Lata, and M. A. ElSohly. 2017. *Cannabis sativa L.-botany and biotechnology*. Springer International Publishing, Cham.
- Chapman, S. A., J. Spetz, J. Lin, K. Chan, and L. A. Schmidt. 2016. Capturing Heterogeneity in Medical Marijuana Policies: A Taxonomy of Regulatory Regimes Across the United States. *Substance Use & Misuse* 51 (9):1174–1184.
- Cole, J. M. 2011. *Guidance regarding the Ogden Memo in jurisdictions seeking to authorize marijuana for medical use*. Washington, D.C.  
<https://www.justice.gov/sites/default/files/oip/legacy/2014/07/23/dag-guidance-2011-for-medical-marijuana-use.pdf> (last accessed 9 June 2019).
- . 2013. *Guidance regarding marijuana enforcement*. Washington, D.C.  
<https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.
- Colorado Department of Revenue - Marijuana Division. 2013. *Permanent Rules Related to the Colorado Medical Marijuana Code*.
- Cooke, M. 2012. Interactive Map: What Is Your County Spending On Marijuana Law Enforcement? | ACLU of Washington. *American Civil Liberties Union* -

- Washington* :n.p. <https://www.aclu-wa.org/blog/interactive-map-what-your-county-spending-marijuana-law-enforcement> (last accessed 7 July 2018).
- Coughlin-Bogue, T. 2016. How Washington State Screwed Over Its Medical Marijuana Dispensaries. *The Stranger* 13 July.  
<https://www.thestranger.com/news/2016/07/13/24332114/how-washington-state-screwed-over-its-medical-marijuana-dispensaries> (last accessed 9 June 2019).
- Crick, E., H. Hasee, and D. Bewley-Taylor. 2013. Legally regulated cannabis markets in the US: Implications and possibilities. *Policy Report I* :1–36.
- Davidson, C., and G. Korbel. 1981. At-Large Elections and Minority-Group Representation: A Re-Examination of Historical and Contemporary Evidence. *The Journal of Politics* 43 (4):982–1005.
- Dinunny, S. 2008. Drug dealers turn Wash. vineyards into pot farms. *Washington Post* 9 August. [http://www.washingtonpost.com/wp-dyn/content/article/2008/08/09/AR2008080900366\\_pf.html?noredirect=on](http://www.washingtonpost.com/wp-dyn/content/article/2008/08/09/AR2008080900366_pf.html?noredirect=on) (last accessed 9 June 2019).
- Drug Enforcement Agency. Domestic Cannabis Eradication / Suppression Program. :n.p. <https://www.dea.gov/ops/cannabis.shtml> (last accessed 4 December 2016).
- Ehrensing, D. T. 1998. Feasibility of industrial hemp production in the United States Pacific Northwest. *OSU Agricultural Experiment Station Bulletin* (May).
- Faulk, M. 2015a. Judge orders pot shop to pay Yakima’s legal tab. *Yakima Herald* 17 July:n.p. [https://www.yakimaherald.com/news/local/judge-orders-pot-shop-to-pay-yakima-s-legal-tab/article\\_734a59be-2cb7-11e5-9cfc-3fe7e18768c4.html](https://www.yakimaherald.com/news/local/judge-orders-pot-shop-to-pay-yakima-s-legal-tab/article_734a59be-2cb7-11e5-9cfc-3fe7e18768c4.html) (last accessed 9 June 2019).

- . 2015b. Yakima closes pot store operating in defiance of city rules. *Yakima Herald* 22 June:n.p. [https://www.yakimaherald.com/news/local/yakima-closes-pot-store-operating-in-defiance-of-city-rules/article\\_65b69282-1924-11e5-8f9d-87f190c25445.html](https://www.yakimaherald.com/news/local/yakima-closes-pot-store-operating-in-defiance-of-city-rules/article_65b69282-1924-11e5-8f9d-87f190c25445.html) (last accessed 9 June 2019).
- . 2015c. Yakima pot shop has license, but won't open. *Yakima Herald* 11 June:n.p. [https://www.yakimaherald.com/blogs/checks\\_and\\_balances/yakima-pot-shop-has-license-but-won-t-open/article\\_8a649fb4-1066-11e5-8aaa-0f250330683b.html](https://www.yakimaherald.com/blogs/checks_and_balances/yakima-pot-shop-has-license-but-won-t-open/article_8a649fb4-1066-11e5-8aaa-0f250330683b.html) (last accessed 8 October 2018).
- . 2016a. Yakima City Council lifts ban on recreational marijuana businesses. *Yakima Herald* 17 May:n.p. [https://www.yakimaherald.com/news/local/yakima-city-council-lifts-ban-on-recreational-marijuana-businesses/article\\_81a0b876-1caf-11e6-986d-7f88446f87fa.html](https://www.yakimaherald.com/news/local/yakima-city-council-lifts-ban-on-recreational-marijuana-businesses/article_81a0b876-1caf-11e6-986d-7f88446f87fa.html) (last accessed 9 June 2019).
- . 2016b. Yakima City Council moves toward abandoning appeal of ACLU lawsuit over election districts. *Yakima Herald* 15 March:n.p. [https://www.yakimaherald.com/news/local/yakima-city-council-moves-toward-abandoning-appeal-of-aclu-lawsuit/article\\_c1e9d21a-eb1c-11e5-875d-d364cb611a18.html](https://www.yakimaherald.com/news/local/yakima-city-council-moves-toward-abandoning-appeal-of-aclu-lawsuit/article_c1e9d21a-eb1c-11e5-875d-d364cb611a18.html) (last accessed 9 June 2019).

Federal Food and Drugs Act. 1906.

<https://www.fda.gov/RegulatoryInformation/LawsEnforcedbyFDA/ucm148690.htm> (last accessed 9 June 2019).

Ferguson, B. 2014. Whether statewide initiative establishing system for licensing marijuana producers, processors, and retailers preempts local ordinances. *AGO 2014 No. 2*. <http://www.atg.wa.gov/ago-opinions/whether-statewide-initiative->

- establishing-system-licensing-marijuana-producers (last accessed 9 June 2015).
- Ferolito, P. 2017a. Will legal weed come to Yakima County? Issue could end up in court. *Yakima Herald* 7 January:n.p. [https://www.yakimaherald.com/news/will-legal-weed-come-to-yakima-county-issue-could-end/article\\_e5818af4-d56f-11e6-953e-93552ee870cf.html](https://www.yakimaherald.com/news/will-legal-weed-come-to-yakima-county-issue-could-end/article_e5818af4-d56f-11e6-953e-93552ee870cf.html) (last accessed 9 June 2019).
- . 2017b. Yakima County Commissioner seeks to shut down pot businesses in unincorporated areas. *Yakima Herald* 28 November. [https://www.yakimaherald.com/news/local/yakima-county-commissioner-seeks-to-shut-down-pot-businesses-in/article\\_ad0b2648-d470-11e7-9af9-930d8c7cf070.html](https://www.yakimaherald.com/news/local/yakima-county-commissioner-seeks-to-shut-down-pot-businesses-in/article_ad0b2648-d470-11e7-9af9-930d8c7cf070.html) (last accessed 9 June 2019).
- Foster, A., C. Partelow, A. Demetry, S. Shackelton, and B. Alberti. 2009. Science and strategies: Collaboration to combat marijuana cultivation on public lands. In *Natural Resource Research and Management*, 175–178.
- Freisthler, B., N. J. Kepple, R. Sims, and S. E. Martin. 2013. Evaluating medical marijuana dispensary policies: Spatial methods for the study of environmentally-based interventions. *American Journal of Community Psychology* 51:278–288.
- French, L., and M. Manzanárez. 2004. *NAFTA & Neocolonialism: Comparative criminal, human & social justice*. University Press of America.
- General Accounting Office. 1982. *Illegal and Unauthorized Activities on Public Lands--A Problem With Serious Implications*. <http://www.gao.gov/products/CED-82-48> (last accessed 9 June 2019).
- Gettman, J., and M. Kennedy. 2014. Let it grow-the open market solution to marijuana control. *Harm Reduction Journal* 11 (32).

- Glover, J. 2016. Washington tops in hops. *The Spokesman-Review* 25 November.  
<http://www.spokesman.com/stories/2016/nov/25/washington-tops-in-hops/#/0>  
(last accessed 6 May 2018).
- Gov Track. H.Amdt. 748 (Rohrabacher) to H.R. 4660: Amendment prohibits the use of funds to prevent certain States from implementing their own ... -- GovTrack.us.  
*govtrack.us*. <https://www.govtrack.us/congress/votes/113-2014/h258> (last accessed 15 May 2018).
- Grant, I., J. H. Atkinson, B. Gouaux, and B. Wilsey. 2012. Medical marijuana: clearing away the smoke. *The open neurology journal* 6:18–25.
- Hanson, A. 2018. *Distribution of cannabis revenue to local governments*. Olympia, WA.  
<https://lcb.wa.gov/sites/default/files/publications/Marijuana/FY16-FY19-MJ-Distributions.xlsx> (last accessed 14 October 2018).
- Harkinson, J. 2014. The landscape-scarring, energy-sucking, wildlife-killing reality of pot farming. *Mother Jones* :n.p.  
<http://www.motherjones.com/environment/2014/03/marijuana-weed-pot-farming-environmental-impacts> (last accessed 9 June 2019).
- Hatten, J. R., S. M. Waste, and A. G. Maule. 2014. Assessing climate-change risks to cultural and natural resources in the Yakima River Basin, Washington, USA. *Climatic Change* 124 (1):363–370.
- Heddleston, T. 2013. A Tale of Three Cities: Medical Marijuana, Activism, and Local Regulation in California. *Humboldt Journal of Social Relations* 35:123–143.
- Holder, E. H. 2013. *Letter concerning marijuana that passed in Colorado and Washington*. Washington, D.C.



- Hollenhorst, K. F. 2014. Planning effectively for legalized recreational marijuana: An assessment of community land use ordinances in Washington State (Master's Thesis).
- Justia U.S. Supreme Court. 2005. *Gonzales v. Raich*.  
<https://supreme.justia.com/cases/federal/us/545/1/> (last accessed 9 June 2019).
- Kepple, N. J., and B. Freisthler. 2012. Exploring the Ecological Association Between Crime and Medical Marijuana Dispensaries. *Journal of Studies on Alcohol and Drugs* 73 (4):523–530.
- KNDO Local News. 2016. UPDATE: The Yakima City Council discusses removing the ban on marijuana sales. *NBC Right Now* 9 February:n.p.  
<http://www.nbcrighnow.com/story/31134297/the-yakima-city-council-discusses-removing-the-ban-on-marijuana-sales> (last accessed 9 June 2019).
- Koppel, B. S., J. C. M. Brust, T. Fife, J. Bronstein, S. Youssof, G. Gronseth, and D. Gloss. 2014. Systematic review: efficacy and safety of medical marijuana in selected neurologic disorders: report of the Guideline Development Subcommittee of the American Academy of Neurology. *Neurology* 82 (17):1556–1563.
- Lacitis, E. 2008. Yakima Valley pot growers hide grass under grapevines. *The Seattle Times* 22 August. <https://www.seattletimes.com/seattle-news/yakima-valley-pot-growers-hide-grass-under-grapevines/> (last accessed 9 June 2019).
- Leal, M. 2017. Yakima County Commissioners plan to shut down pot businesses in unincorporated areas in 2018. *Yaki-Tri News* 6 December:n.p.  
<https://www.yaktrinews.com/news/yakima-county-commissioners-plan-to-shut-down-pot-businesses-in-unincorporated-areas-in-2018/668855416> (last accessed 9

- June 2019).
- Mallery, M. 2011. Marijuana national forest: Encroachment on California public lands for cannabis cultivation. *Berkeley Undergraduate Journal* 23 (2).
- McLain, K., J. Hancock, and M. Drennan. 2017. *2015 drought and agriculture*. Olympia, WA. <https://agr.wa.gov/getmedia/d814e329-dde6-4034-a878-8b6ba1b3f9b7/495-2015droughtreport.pdf?oldurl=FP/Pubs/docs/495-2015DroughtReport.pdf> (last accessed 9 June 2019).
- Meseck, D. 2014. Yakima County profile. *County Profiles* :n.p. <https://fortress.wa.gov/esd/employmentdata/reports-publications/regional-reports/county-profiles/yakima-county-profile> (last accessed 28 May 2015).
- . 2017. Yakima County profile. :n.p. <https://esd.wa.gov/labormarketinfo/county-profiles/yakima> (last accessed 9 June 2019).
- Mikuriya, T. H. 1969. Marijuana in Medicine. *California Medicine* 110 (1):34–40.
- Morrison, C., P. J. Gruenewald, B. Freisthler, W. R. Ponicki, and L. G. Remer. 2014. The economic geography of medical cannabis dispensaries in California. *International Journal of Drug Policy* 25 (3):508–515.
- Municipal Research and Services Center. 2019. Marijuana Regulation in Washington State. :n.p. <http://mrsc.org/Home/Explore-Topics/Legal/Regulation/Marijuana-Regulation-in-Washington-State.aspx#table> (last accessed 9 June 2019).
- Nahas, G. G., and A. Greenwood. 1974. The first report of the National Commission on marihuana (1972): Signal of misunderstanding or exercise in ambiguity. *Bulletin of the New York Academy of Medicine* 50 (1):55–75.
- National Conference of State Legislatures. 2018. State Medical Marijuana Laws. :n.p.

- <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx> (last accessed 19 March 2018).
- Németh, J., and E. Ross. 2014. Planning for marijuana: The Cannabis conundrum. *Journal of the American Planning Association* 80 (1):6–20.
- Ogden, D. 2009. *Investigations and prosecutions in states authorizing the medical use of marijuana*. Washington, D.C.
- <https://www.justice.gov/sites/default/files/opa/legacy/2009/10/19/medical-marijuana.pdf> (last accessed 9 June 2019).
- Otis Smith, G. 1901. Geology and water resources of a portion of Yakima County, Washington. *Washington Government Printing Office* :1–65.
- ProCon. 2018. 29 Legal Medical Marijuana States and DC - Medical Marijuana - ProCon.org. :n.p.
- <https://medicalmarijuana.procon.org/view.resource.php?resourceID=000881> (last accessed 3 April 2018).
- Reed, J. 1991. Of Boroughs, Boundaries and Bullwinkles: The Limitations of Single-Member Districts in a Multiracial Context. *Fordham Urb. LJ* 19:759.
- Reed, S. 2011. *Proposed Initiative to the Legislature -2011, Initiative 502*. Secretary of State. [https://sos.wa.gov/\\_assets/elections/initiatives/i502.pdf](https://sos.wa.gov/_assets/elections/initiatives/i502.pdf) (last accessed 9 June 2019).
- . 2012. Initiative Measure No. 502 concerns marijuana. *November 06, 2012 General Election Results* :n.p.
- [http://results.vote.wa.gov/results/20121106/Initiative-Measure-No-502-Concerns-marijuana\\_ByCounty.html](http://results.vote.wa.gov/results/20121106/Initiative-Measure-No-502-Concerns-marijuana_ByCounty.html) (last accessed 7 June 2015).

- Rosenberg, C. 2016. *Acting Administrator Rosenberg's Response to Request for Marijuana Rescheduling*. Springfield, VA.  
[https://www.deadiversion.usdoj.gov/schedules/marijuana/Acting\\_Administrator\\_Rosenberg\\_Response\\_to\\_Request\\_Marijuana\\_Rescheduling.pdf](https://www.deadiversion.usdoj.gov/schedules/marijuana/Acting_Administrator_Rosenberg_Response_to_Request_Marijuana_Rescheduling.pdf) (last accessed 9 June 2019).
- Schaefer, R., and M. Sonnenreich. 1972. National Commission on Marihuana and Drug Abuse. *Australian Journal of Forensic Sciences* 4 (4):149–158.
- Shoemate, S. 2015. Public Policy Implementation: Recreational Marijuana in Colorado. *Master Thesis*.  
<https://pdfs.semanticscholar.org/2af6/29ceba459aceb59952f0725ad8d64572cbe0.pdf> (last accessed 9 June 2019).
- State of Colorado. Home grow laws. *Colorado Marijuana*.  
<https://www.colorado.gov/pacific/marijuana/home-grow-laws> (last accessed 22 May 2018).
- Stone, D. 2014. Cannabis, pesticides and conflicting laws: The dilemma for legalized States and implications for public health. *Regulatory Toxicology and Pharmacology* 69 (3):284–288.
- Stringer, R. J., and S. R. Maggard. 2016. Reefer Madness to Marijuana Legalization: Media Exposure and American Attitudes Toward Marijuana (1975-2012). *Journal of Drug Issues* 46 (4):428–445.
- The White House. 1992. *National drug control strategy: A nation responds to drug use*. Washington DC: Government Printing Office.
- Thompson, C., R. Sweitzer, M. Gabriel, K. Purcell, R. Barrett, and R. Poppenga. 2014.

- Impacts of rodenticide and insecticide toxicants from marijuana cultivation sites on fisher survival rates in the Sierra National Forest, California. *Conservation Letters* 7 (April):91–102.
- U.S. Census Bureau. 2017a. U.S. Census Bureau QuickFacts: Yakima city, Washington. *QuickFacts*. <https://www.census.gov/quickfacts/yakimacitywashington> (last accessed 25 November 2018).
- . 2017b. U.S. Census Bureau QuickFacts: Yakima County, Washington. *QuickFacts*. <https://www.census.gov/quickfacts/yakimacountywashington> (last accessed 25 November 2018).
- U.S. Department of Agriculture, N. A. S. S. 2017. *Washington Vineyard Acreage Report, 2017*. Olympia, WA.  
[https://www.nass.usda.gov/Statistics\\_by\\_State/Washington/Publications/Fruit/2017/Vineyard2017.pdf](https://www.nass.usda.gov/Statistics_by_State/Washington/Publications/Fruit/2017/Vineyard2017.pdf) (last accessed 9 June 2019).
- U.S. Food and Drug Administration. 2017. FDA's Origin & Functions - Part I: The 1906 Food and Drugs Act and Its Enforcement:n.p.  
<https://www.fda.gov/AboutFDA/History/FOrgsHistory/EvolvingPowers/ucm054819.htm> (last accessed 10 November 2017).
- . 2019. Marijuana research with human subjects. *Public Health Focus* :n.p.  
<https://www.fda.gov/news-events/public-health-focus/marijuana-research-human-subjects> (last accessed 9 June 2019).
- University of Washington School of Environmental and Forest Sciences, W. S. D. of F. and Wildlife, W. S. D. of N. Resources, W. S. R. and C. Office, and Washington State Parks and Recreation Commission. Washington State Public Lands

- Inventory. <http://publiclandsinventory.wa.gov/#Map> (last accessed 23 November 2015).
- Warf, B. 2014. High points : An historical geography of cannabis. *Geographical Review* 104 (4):414–438.
- Warner, M. R. 2018. Senate Passes Bipartisan Farm Bill to Legalize Industrial Hemp Production - Press Releases - Mark R. Warner. *Press Release* :n.p.  
<https://www.warner.senate.gov/public/index.cfm/2018/6/senate-passes-bipartisan-farm-bill-to-legalize-industrial-hemp-production> (last accessed 8 July 2018).
- Washington Secretary of State. 2018. County Registration Counts. *Elections*.  
<https://www.sos.wa.gov/elections/research/county-registration-counts.aspx> (last accessed 25 November 2018).
- . Frequently Asked Questions on Voting by Mail. *Elections* :n.p.  
[https://www.sos.wa.gov/elections/faq\\_vote\\_by\\_mail.aspx](https://www.sos.wa.gov/elections/faq_vote_by_mail.aspx) (last accessed 25 November 2018).
- Washington State Liquor and Cannabis Board. 2015. Board to increase number of retail marijuana stores following analysis of marketplace. *Press Release* 15 December:n.p. <https://lcb.wa.gov/pressreleases/lcb-to-increase-number-of-retail-mj-stores> (last accessed 9 June 2019).
- . Cannabis Patient Protection Act (SB 5052). *Medical Marijuana FAQ*.  
<https://lcb.wa.gov/mj2015/medical-mj-faqs> (last accessed 3 May 2019).
- Washington State Office of Financial Management. 2012. State Measures - Initiative Measure No. 502 - Financial Impacts. *Voters' Guide 2012 General Election*.  
<https://weiiapplets.sos.wa.gov/MyVoteOLVR/onlinevotersguide/Measures?langua>

ge=en&electionId=46&countyCode=xx&ismyVote=False&electionTitle=2012  
General Election #ososTop (last accessed 29 November 2018).

Washington State Office of Financial Management Forecasting Division. 2010. *2010*

*Census 2-page demographic profiles*. Olympia.

<https://www.ofm.wa.gov/washington-data-research/population-demographics/decennial-census/census-2010/2010-census-2-page-demographic-profiles#county> (last accessed 9 June 2019).

Washington State Patrol. 2015. 2009-2014 County Breakdowns.

———. 2016a. 2005 - 2011 Landsite.Plant total.Plot total.Arrest total.

———. 2016b. Copy of 2014 - 2015 Stats by County.

Wheeler, J. S., and T. M. Hagemann. 2018. Medical marijuana in the United States:

Historical perspectives, legal considerations, and professional obligations of the pharmacist. *Journal of the American College of Clinical Pharmacy* 1 (1):e9–e16.

Yakima City Council. 2016a. Yakima City Council February 16, 2016 business meeting minutes. :6.

<https://cdlfh042.citiesdigital.com/weblink/DocView.aspx?id=97067&searchid=d4bcbdeb-ebef-467a-af41-549cc5bbbed2&dbid=0> (last accessed 9 June 2019).

———. 2016b. Yakima City Council May 17, 2016 business meeting minutes. :5.

<https://cdlfh042.citiesdigital.com/weblink/DocView.aspx?id=99604&searchid=708ec129-2fa1-42fc-8470-300a1461619d&dbid=0> (last accessed 9 June 2019).

Yakima County, W. Local Measures. <http://www.yakimacounty.us/1124/Local-Measures>  
(last accessed 3 June 2018).

Yakima Herald-Republic Editorial Board. 2017. Yakima County at rock bottom in

election participation. *Yakima Herald-Republic* 5 December.

[https://www.yakimaherald.com/opinion/editorials/yakima-county-at-rock-bottom-in-election-participation/article\\_d96b777e-da15-11e7-98b4-9ff382e01740.html](https://www.yakimaherald.com/opinion/editorials/yakima-county-at-rock-bottom-in-election-participation/article_d96b777e-da15-11e7-98b4-9ff382e01740.html)

(last accessed 9 June 2019).

Yakima Valley Tourism. 2018. Yakima Valley craft beverage map. *Yakima Valley Travel*

*Guide* :n.p. <http://www.yakimavalleytourism.com/travel-maps/yakima-valley-wineries-map-web.pdf> (last accessed 13 October 2018).