

# Yakima argues to state AG about marijuana law

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With a proposed ban being drafted for City Council approval, the city of Yakima is already making its case that the state can't force localities to welcome marijuana businesses.

A 17-page letter has been sent by Yakima legal staff to the state Attorney General's Office outlining the city's stance on opting out of the law, which authors of the law say is not an option under Initiative 502.

The law was approved by voters more than a year ago, with elements such as reduced penalties for public consumption and a legal amount an adult can possess having already been implemented. State and local law enforcement already are adhering to those parts of the law, but a fight looms in more conservative parts of the state over whether local jurisdictions must allow the legalized sale of marijuana and products infused with THC, the active ingredient in the drug.

**(An interactive map showing applicants for marijuana-related licenses can be found at the bottom of this article.)**

The Attorney General's Office asked Yakima and other local governments for feedback as it prepares a formal opinion on the question, which was posed by the state Liquor Control Board. The Attorney General's Office intends to hand down the opinion early next year.

In the letter, City Attorney Jeff Cutter said the case for banning marijuana businesses is based in land use regulatory authority given to local jurisdictions by the state constitution. Cutter also says that while the law establishes a maximum number of retail outlets to be assigned to counties, it doesn't specifically apply to cities.

"This section does not, by its terms, limit the ability of a city to impose zoning restrictions on the location of such establishments," Cutter wrote.

The city also points to the state Liquor Control Board's own lack of interest in addressing local ordinances as an example of the state recognizing the city's zoning authority.

"In short, issuance of a license by WSLCB does not constitute approval of a marijuana production,

processing, or retail facility at a location banned by the city,” Cutter wrote.

In late November the Yakima City Council voted 4-3 to have its attorneys draft an ordinance prohibiting the growing, processing and retail of marijuana in city limits. The city is currently under a six-month moratorium for such businesses, although no retail businesses are expected to open in the state until May or June at the earliest.

Council members Micah Cawley, Kathy Coffey and Sara Bristol opposed drafting a ban, but the motion was approved because of a change in position by Councilwoman Maureen Adkison, who had sided with those three on a previous vote in October. Also voting for the ban were council members Rick Ensey, Bill Lover and Dave Ettl. The council argued about the implications for the area’s youth if marijuana could be bought legally, but the dominant question in the debate was what liability the city faces if it does or does not allow marijuana businesses to open.

The City Council could likely approve a ban before the Attorney General’s Office issues its opinion. Regardless of the state’s opinion, it would remain possible for anyone issued a state marijuana license for a business located in the city limits of Yakima to make a legal claim to undo a ban.

The state has capped the number of retail licenses at 334 across Washington. The WSLCB will issue up to 14 in Yakima County: five in Yakima, one each in Selah, Sunnyside and Grandview, and six at large sites. There is no limit on the number of producer and processor licenses that will be issued.

Four entities have applied for marijuana licenses in the city of Yakima so far, and only one application is for a retail location. The license application period closes Dec. 20.

## 66 comments



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[Comment](#)**Tim Bowles** · Tonasket, Washington

The city cant ban it. They will lose. If they let them ban it the law wont work. They need lots of stores to give people legal access now that its legal to possess and smoke it. Otherwise the blackmarket thrives more. Its coming quit fighting it.

[Reply](#) · [Like](#) · December 14 at 12:02pm**Jack Morris** · Top Commenter · Toppenish High School

if city council is worried about city image, Yakima has the worst image of the state with all the gang activity around town, a few pot store in town will not damage the image of Yakima and as I said before Kids can get it off the street easier than getting it out of a store, do we sell kids booze out of a store no not even cigarettes

[Reply](#) · [Like](#) · December 13 at 5:47pm**Dave Ettl** · Top Commenter · Yakima, Washington

we are only worried about doing the right thing on behalf of our youth and our taxpayers and our voters

[Reply](#) · [Like](#) · December 13 at 7:01pm**Jack Morris** · Top Commenter · Toppenish High School

city of Yakima has a hard time taking care of the street with repairs but they can spend money and time on this, maybe everyone should start calling into city hall and letting them know about the street repairs and any other problem that the city is not doing that tax money that they received to do the work maybe they don't need any more tax money. and maybe they can lower taxes on my house,

[Reply](#) · [Like](#) · December 13 at 5:41pm**Dave Ettl** · Top Commenter · Yakima, Washington

we spent five million on street repairs this year and are scheduled for 16 million more over the next couple of years...call in, tell where you think we need the work and we'll get there

[Reply](#) · [Like](#) · December 13 at 7:02pm**Jack Morris** · Top Commenter · Toppenish High School

I do believe that the people of Yakima should vote on this and not let the city council put unnecessary hardship on people with medical needs it was vote in state wide and Yakima likes to make it own rules and not do what's right, the kids have been getting Boozes and pot for years with no problem why would the city council think a ban would stop them now, maybe they should ban boozes in Yakima shut down all sales of it

[Reply](#) · [Like](#) · December 13 at 5:15pm**Dave Ettl** · Top Commenter · Yakima, Washington

Yakima did vote and 58% of our voters don't want it...we are trying to honor their wishes.

[Reply](#) · [Like](#) · December 13 at 7:14pm**Nick Hughes** · Top Commenter · Central Washington University

Dave Ettl -I can see your point there. But I thought Olympia ran the state. Since when did that change? Now? Go for it but my guess is that you will lose the argument.

[Reply](#) · [1](#) · [Like](#) · December 13 at 7:39pm**Lynn Sahlem** · Works at REC Solar

Teens had no trouble getting pot in Yakima way back in the 70s when I grew up there! I doubt that they do now either.



