WSR 26-19-057
NOTICE OF APPEAL
OFFICE OF THE GOVERNOR
[Filed September 14, 2026, 10:36 a.m.]

NOTICE OF APPEAL

RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On July 29, 2026, the Governor's Office received an appeal from Jessica Straight and Kenny Ingebrigtson, relating to the Liquor and Cannabis Board's denial of a petition to amend or repeal WAC 314-55-075 (*Cannabis producer license - Privileges, requirements, and fees*). On September 14, 2026, the Governor denied the petition.

DATE: September 14, 2026

Kristin Beneski
Chief Legal Counsel to the Governor

September 14, 2026

Jessica Straight and Kenny Ingebrigtson:
Via email: jesse@eagletrees.com

Re: APA Appeal - Washington Administrative Code (WAC) 314-55-075.

Dear Jessica Straight and Kenny Ingebrigtson:

On July 29, 2026, the Governor's Office received the appeal you filed in response to the Liquor and Cannabis Board's (LCB) decision to deny your petition to amend WAC 314-55-075. The existing rule describes what a cannabis producer can do and allows the LCB to regulate producer licenses, including license issuance, fees, inspections, and canopy limits. Under RCW 34.05.330(3), I may consider appeals of an agency's denial of a petition to amend an existing rule.

The current rule allows the LCB to issue producer licenses and regulate fees and canopy limits, among other things. Currently, cannabis producers are allowed a maximum amount of space for cannabis production. Tier 2 cannabis producers are allowed four thousand square feet, with up to ten thousand square feet of plant canopy. Your proposed amendment would allow Tier 2 cannabis producers to access a canopy allowance of up to thirty thousand square feet—equivalent to the current Tier 3 ceiling—if producers can demonstrate an outdoor sun-grown production method and single-harvest annual cycle. Your petition argues that this amendment would be an incentive for producers to move towards sustainable production and that outdoor sun-growing rewards the lowest carbon.

The Board denied your petition on July 1, 2026. At its meeting, the Board stated that the Joint Legislative Audit and Review Committee (JLARC) report shows cannabis growers are producing two to three times as much cannabis as is being sold, which has caused a decrease in price, and that limiting supply is therefore critical to market stability. The Board acknowledged that although you are not requesting this change so that you can produce more cannabis, other licensees could take advantage of newly enlarged tier parameters.

Additionally, the Board stated that Title 314 WAC does not distinguish between indoor and outdoor growers, and that creating different sets of rules for the two types of growers would create a risk of non-compliance and confusion among licensees.

After careful consideration, the Board denied your petition, and I am not persuaded that it erred in doing so. As a result, I affirm LCB's decision to maintain its current rule and deny your petition to amend WAC 314-55-075.

Sincerely,
Bob Ferguson
Governor of Washington