

**RESOLUTION NO. 2020-R-3**

**A RESOLUTION TO INITIATE THE PROCESS FOR DECLARING A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF PLANNING APPLICATIONS OR OTHER APPLICATIONS FOR HEMP CULTIVATION OR HEMP PRODUCT MANUFACTURING.**

*WHEREAS*, Carson City Municipal Code Section 18.02.120 (Moratorium) allows the Board of Supervisors by resolution to initiate the process for declaring a moratorium on the acceptance and processing of planning and zoning applications and permits for specific types of applications; and

*WHEREAS*, the 2014 U.S. Farm Bill, P.L. 113-79, section 7606, 7 U.S.C. section 5940, authorized institutions of higher education or state departments of agriculture in states that have legalized hemp cultivation to conduct research and pilot programs; and

*WHEREAS*, the Farm Bill defined hemp as the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis; and

*WHEREAS*, the 2015 Nevada legislature adopted Senate Bill 305 which legalized the cultivation of hemp for research and pilot projects and implemented the regulations from the 2014 Farm Bill; and

*WHEREAS*, on December 20, 2018, the Agriculture Improvement Act of 2018 ("the 2018 Farm Bill") was signed into law allowing hemp cultivation far more broadly than the previously allowed pilot programs under the 2014 Farm Bill. The 2018 Farm Bill also removed hemp from the federal list of controlled substances and directed the U.S. Department of Agriculture to develop standards for commercial hemp production; and

*WHEREAS*, the 2019 Nevada legislature adopted Senate Bill 209 which expanded the legalized cultivation of hemp beyond research and directed the state Department of Health and Human Services to adopt regulations for the testing and labeling of hemp products; and

*WHEREAS*, hemp and cannabis are derivatives of the same plant, *Cannabis Sativa L.*, and the appearance of hemp and cannabis are virtually indistinguishable. Absent a laboratory performed chemical analysis for THC content, the two plants often cannot be distinguished. This would make it difficult for law enforcement to independently distinguish between a hemp plant and a cannabis plant without collecting samples for testing, thereby hampering civil and criminal enforcement of current cannabis cultivation regulations; and

*WHEREAS*, hemp cultivation creates a pungent seasonal odor that is similar in type and intensity to the pungent seasonal odor created by cannabis cultivation. Failure to prohibit hemp or

to regulate the location and size of industrial hemp cultivation sites is likely to result in nuisance odors impacting neighbors and neighborhoods; and

**WHEREAS**, allowing the cultivation of hemp, particularly prior to the adoption of reasonable regulations, if any, may interfere with the City's ability to effectively regulate land use, and may be harmful to the welfare of the City and its residents, create a public nuisance, and threaten existing agricultural and other land uses and nearby property owners.

**NOW, THEREFORE, BE IT RESOLVED** that the Carson City Board of Supervisors hereby initiates the process for declaring a moratorium on the acceptance and processing of planning applications, including land use applications, business license applications, building permit applications or any other application or request for the cultivation of hemp or production manufacturing from hemp in Carson City.


Upon motion by Supervisor Stacey Giomi, seconded by Supervisor Lori Bagwell, the foregoing Resolution was passed and adopted this 20<sup>th</sup> day of February, 2020 by the following vote:

AYES:           Supervisor Stacey Giomi  
                    Supervisor Lori Bagwell  
                    Supervisor Brad Bonkowski  
                    Supervisor John Barrette  
                    Mayor Robert Crowell


NAYS:           None

ABSENT:       None

ABSTAIN:       None

  
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Robert L. Crowell, Mayor  
Carson City, Nevada

ATTEST:

  
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Aubrey Rowlatt, Clerk  
Carson City, Nevada