

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 106

FINAL READING

Introduced by Watermeier, 1; Johnson, 23; Murante, 49.

Read first time January 08, 2015

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to zoning; to provide for a committee and an
- 2 assessment matrix; and to provide powers and duties.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) The Director of Agriculture shall appoint a
2 committee of experts, not to exceed ten persons, to advise the Department
3 of Agriculture on the development of the assessment matrix described in
4 subsection (2) of this section. Experts shall include representation from
5 county board members, county zoning administrators, livestock production
6 agriculture, the University of Nebraska, and other experts as may be
7 determined by the director. The committee shall review the matrix
8 annually and recommend to the department changes as needed.

9 (2) The Department of Agriculture shall, in consultation with the
10 committee created under subsection (1) of this section, develop an
11 assessment matrix which may be used by county officials to determine
12 whether to approve or disapprove a conditional use permit or special
13 exception application. The matrix shall be developed within one year
14 after the effective date of this act. In the development of the
15 assessment matrix, the department shall:

16 (a) Consider matrices already developed by the counties and other
17 states;

18 (b) Design the matrix to produce quantifiable results based on the
19 scoring of objective criteria according to an established value scale.
20 Each criterion shall be assigned points corresponding to the value scale.
21 The matrix shall consider risks and factors mitigating risks if the
22 livestock operation were constructed according to the application;

23 (c) Assure the matrix is a practical tool for use by persons when
24 completing permit applications and by county officials when scoring
25 conditional use permit or special exception applications. To every extent
26 feasible, the matrix shall include criteria that may be readily scored
27 according to ascertainable data and upon which reasonable persons
28 familiar with the location of a proposed construction site would not
29 ordinarily disagree; and

30 (d) Provide for definite point selections for all criteria included
31 in the matrix and provide for a minimum threshold total score required to

1 receive approval by county officials.

2 (3) The Department of Agriculture may develop criteria in the matrix
3 which include factors referencing the following:

4 (a) Size of operation;

5 (b) Type of operation;

6 (c) Whether the operation has received or is in the process of
7 applying for a permit from the Department of Environmental Quality, if
8 required by law;

9 (d) Environmental practices adopted by the operation operator which
10 may exceed those required by the Department of Environmental Quality;

11 (e) Odor control practices;

12 (f) Consideration of proximity of a livestock operation to
13 neighboring residences, public use areas, and critical public areas;

14 (g) Community support and communication with neighbors and other
15 community members;

16 (h) Manure storage and land application sites and practices;

17 (i) Traffic;

18 (j) Economic impact to the community; and

19 (k) Landscape and aesthetic appearance.

20 (4) In developing the matrix, the Department of Agriculture shall
21 consider whether the proposed criteria are:

22 (a) Protective of public health or safety;

23 (b) Practical and workable;

24 (c) Cost effective;

25 (d) Objective;

26 (e) Based on available scientific information that has been
27 subjected to peer review;

28 (f) Designed to promote the growth and viability of animal
29 agriculture in this state;

30 (g) Designed to balance the economic viability of farm operations
31 with protecting natural resources and other community interests; and

1 (h) Usable by county officials.