

AMENDMENTS TO LB106

Introduced by Watermeier, 1.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new section:

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

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

18           (a) Consider matrices already developed by the counties and other  
19 states;

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

25           (c) Assure the matrix is a practical tool for use by persons when  
26 completing permit applications and by county officials when scoring  
27 conditional use permit or special exception applications. To every extent

1 feasible, the matrix shall include criteria that may be readily scored  
2 according to ascertainable data and upon which reasonable persons  
3 familiar with the location of a proposed construction site would not  
4 ordinarily disagree; and

5 (d) Provide for definite point selections for all criteria included  
6 in the matrix and provide for a minimum threshold total score required to  
7 receive approval by county officials.

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

10 (a) Size of operation;

11 (b) Type of operation;

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

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

17 (e) Odor control practices;

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

20 (g) Community support and communication with neighbors and other  
21 community members;

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

23 (i) Traffic;

24 (j) Economic impact to the community; and

25 (k) Landscape and aesthetic appearance.

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

28 (a) Protective of public health or safety;

29 (b) Practical and workable;

30 (c) Cost effective;

31 (d) Objective;

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

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

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

7       (h) Usable by county officials.