

Submitted online: Feb. 7, 2024

Senator Tom Brewer, Chair, and Members of the Government, Military and Veterans Affairs Committee State Capitol, Lincoln, NE

RE: LB1375 (Lowe at request of the Governor) – Change powers and duties of county planning commissions and county boards related to conditional use permits and special exceptions

OPPOSE

Dear Senator Brewer and Members of the Government, Military and Veterans Affairs Committee:

The League of Women Voters of Nebraska supports clean drinking water for all Nebraskans. We believe that measures should be in place to protect water from contamination and pollution, both from direct point-source discharges and from indirect nonpoint sources. We support the effort to clarify the regulation, but are concerned about some of the provisions. And we are concerned the language does not address its intended goal to streamline and define the process.

The League appreciates the timeline added to this legislation of a 90-day clock to encourage zoning committees to make a timely decision on an application for a special use permit. An owner of a business should have the right to a timely decision. However, we object to the wording in this bill that would automatically give a “yes” decision/vote if the committee chose to delay its meeting time to 91 days after the application has been received, or if a county has no zoning committee/commission in place. With either of these two outcomes, there is no chance for a review to take place and to adequately assess the proposed application.

The bill leads to confusion and no clear statement that the granting of a special use permit will be evaluated to ensure water quality will be guaranteed after construction. In fact, some provisions appear in direct conflict with later provisions (see attached addendum). For example Section 1(4)(b) lines 24 to 30 seems to contradict Section 1(7). Section 1(7) reads as a contradiction with itself. The bill’s stated intent is to streamline the process but the language being added only further complicates the regulations.

Finally, the LWWNE believes that government bodies must protect a citizen’s right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible before eliminating the option for counties to hold two public hearings for the same permit application.

For these reasons, the LWWNE asks you indefinitely postpone or take no action on LB1375.

Sincerely,

Claudia Stevenson, Director, Natural Resources and Energy, LWWNE
Linda Duckworth, Natural Resources and Energy Action Team, LWWNE
MaryLee Moulton and Janelle Stevenson, Co-Presidents, LWWNE