

Proposed Amendment for SB 405  
 Senate Committee on Agriculture and Natural Resources  
 Separation Distance Requirements from Property Line  
 February 15, 2018  
 Tamera Lawrence  
 Office of Revisor of Statutes

1 certify that no permit is required.

2 (i) (1) If a facility requires a permit pursuant to subsection (g)(3) or  
3 (h)(2), the registrant shall submit an application for such permit not later  
4 than 18 months after the date of receipt of registration or the registration  
5 shall expire.

6 (2) Upon petition by the registrant, the secretary may extend the  
7 application period, by no more than an additional 18 months, if the  
8 secretary believes such an extension is reasonable under the  
9 circumstances.

10 (3) Within 30 days of receipt of an application, the secretary shall  
11 notify the registrant of whether the application is complete or incomplete.  
12 If the application is incomplete, such notice shall state the reasons why  
13 such application is incomplete. Once such registrant submits an  
14 application properly addressing each reason listed as a basis for the  
15 determination that the application is incomplete, the secretary shall issue  
16 an acknowledgment of receipt of the completed application within 30 days  
17 of properly addressing such reasons.

18 (4) Upon expiration of the application period or any extension  
19 thereof, the secretary shall not accept any further registrations pertaining to  
20 the same location for a period of not less than 180 days.

21 (i) (1) Any new construction or new expansion of a confined feeding  
22 facility ~~either than a confined feeding facility for swine, shall meet or~~  
23 ~~exceed the following requirements in separation distances from any~~  
24 ~~habitable structure in existence when the registration is received:~~

25 ~~[(A)] 1,320 feet for facilities with an animal unit capacity of 300 to~~  
26 ~~999; and~~  
27 ~~[(B)] 4,000 feet for facilities with an animal unit capacity of 1,000 or~~  
28 ~~more.~~

29 (2) A confined feeding facility for swine shall meet or exceed the  
30 following requirements in separation distances from any habitable  
31 structure or city, county, state or federal park in existence when the  
32 registration is received:

33 (A) 1,320 feet for facilities with an animal unit capacity of 300 to  
34 999;

35 (B) 4,000 feet for facilities with an animal unit capacity of 1,000 to  
36 3,724;

37 (C) 4,000 feet for expansion of existing facilities to an animal unit  
38 capacity of 3,725 or more if such expansion is within the perimeter from  
39 which separation distances are determined pursuant to subsection (m) for  
40 the existing facility; and

41 (D) 5,000 feet for: (i) Construction of new facilities with an animal  
42 unit capacity of 3,725 or more; or (ii) expansion of existing facilities to an  
43 animal unit capacity of 3,725 or more if such expansion extends outside

(A) At least 200 feet from any property line for facilities  
 with an animal unit capacity of 100 or more; and  
 (B) except as provided in paragraph (2),

1 the perimeter from which separation distances are determined pursuant to  
2 subsection (m) for the existing facility.

3 (3) Any construction of new confined feeding facilities for swine  
4 shall meet or exceed the following requirements in separation distances  
5 from any wildlife refuge:

6 (A) 10,000 feet for facilities with an animal unit capacity of 1,000 to  
7 3,724; and

8 (B) 16,000 feet for facilities with an animal unit capacity of 3,725 or  
9 more.

10 (k) (1) The separation distance requirements of subsections (j)(1) and  
11 (2) shall not apply if the registrant obtains a written agreement from all  
12 owners of habitable structures ~~whenever~~ are within the separation distance  
13 stating such owners are aware of the construction or expansion and have  
14 no objections to such construction or expansion. The written agreement  
15 shall be filed in the register of deeds office of the county in which the  
16 habitable structure is located.

or property

17 (2) (A) The secretary may reduce the separation distance  
18 requirements of subsection (j)(1) if: (i) No substantial objection from  
19 owners of habitable structures within the separation distance is received in  
20 response to public notice; or (ii) the board of county commissioners of the  
21 county where the confined feeding facility is located submits a written  
22 request seeking a reduction of separation distances.

or property

23 (B) The secretary may reduce the separation distance requirements of  
24 subsection (j)(2)(A) or (B) if: (i) No substantial objection from owners of  
25 habitable structures within the separation distance is received in response  
26 to notice given in accordance with subsection (n); (ii) the board of county  
27 commissioners of the county where the confined feeding facility is located  
28 submits a written request seeking a reduction of separation distances; or  
29 (iii) the secretary determines that technology exists that meets or exceeds  
30 the effect of the required separation distance and the facility will be using  
31 such technology.

or property

32 (C) The secretary may reduce the separation distance requirements of  
33 subsection (j)(2)(C) or (D) if: (i) No substantial objection from owners of  
34 habitable structures within the separation distance is received in response  
35 to notice given in accordance with subsection (l); or (ii) the secretary  
36 determines that technology exists that meets or exceeds the effect of the  
37 required separation distance and the facility will be using such technology.

or property

38 (l) (1) The separation distances required pursuant to subsection (j)(1)  
39 shall not apply to:

40 (A) Confined feeding facilities ~~whenever~~ were permitted or certified  
41 by the secretary on July 1, 1994;

42 (B) confined feeding facilities ~~whenever~~ existed on July 1, 1994, and  
43 registered with the secretary before July 1, 1996; or