

2026 POLICY GUIDES

Agricultural Planning and Zoning

Issue

Nebraska Farm Bureau (NEFB) has long supported the principle of local control in county-level project approvals. As communities evaluate new opportunities, this principle must be paired with accountability, informed decision-making and a commitment to agricultural growth. Planning and zoning committee members, county commissioners, and other local leaders responsible for economic development should recognize the significant benefits that new agricultural investments can bring to their communities, including increased tax revenue, quality employment opportunities, infrastructure improvements and long-term economic vitality. By embracing responsible growth, counties can strengthen their local economies while preserving Nebraska's agricultural heritage for future generations.

NEFB worked diligently during the 2025 and 2026 legislative sessions to develop a planning and zoning application process that ensures a timely and accountable timeline for permit approval. However, while timely review of permit applications is important, timeliness alone is insufficient to ensure that compliant projects receive fair consideration. Too often, projects that fully satisfy county regulations and established approval criteria are delayed, denied or subjected to unnecessary uncertainty despite meeting all objective requirements.

County Officials will now be statutorily obligated to base permitting decisions on the facts and merits of an application, not on subjective opinions or generalized opposition expressed during public hearings. Yet, in practice, applications continue to be denied due to impassioned testimony rooted in speculation, personal preference or other arbitrary concerns unrelated to the standards established in county regulations. This undermines the integrity and predictability of the planning and zoning process, discourages investment and creates barriers to responsible economic growth.

To preserve local control while ensuring fairness and consistency, Nebraska should strengthen safeguards that require permitting decisions to be based exclusively on objective, evidence-based criteria. Applicants who have met all applicable requirements should be able to rely on a transparent process that provides certainty, accountability and protection from arbitrary decision-making.

Compounding these challenges, an increasing number of counties are considering or implementing moratoriums on the acceptance and review of special exception and conditional use permit applications. In some cases, these moratoriums remain in place for a year or longer, effectively halting investment and development opportunities within a county. For agricultural and energy-related projects that require substantial planning and capital investment, prolonged regulatory uncertainty can discourage development altogether or redirect investment to neighboring states with more predictable permitting environments. While local governments often justify moratoriums as necessary to evaluate or revise zoning regulations, these actions create significant uncertainty for agricultural producers, landowners and businesses seeking to invest in Nebraska communities.

Moratoriums suspend the very processes established to evaluate projects on their individual merits and deny applicants the opportunity to have their proposals considered under existing regulations. The result is delayed economic activity, postponed job creation, reduced tax revenue potential and missed opportunities for rural growth.

Nebraska's planning and zoning framework should prioritize the continued review of applications, ensure regulatory certainty for applicants and prevent indefinite delays that impede responsible agricultural and economic development. Addressing the growing use of moratoriums is essential to maintaining a fair, transparent, and growth-oriented permitting process.

Background

The future growth of Nebraska's agricultural and energy sectors increasingly depends on the ability to secure local approvals for critical infrastructure projects, including livestock facilities, wind farms, solar developments and emerging technologies such as nuclear energy. These projects often represent significant investments in rural communities, generating tax revenue, creating jobs, and supporting long-term economic development. Yet the individuals charged with reviewing and approving these projects — planning and zoning committee members and county board officials — are frequently tasked with making complex decisions that require both a thorough understanding of local regulations and an appreciation of the broader economic and community benefits these projects can provide.

Legislative reforms supported by Nebraska Farm Bureau have improved the process by requiring counties to evaluate applications objectively and within defined timelines. These changes will help reduce unnecessary delays and reinforce the principle that decisions should be based on facts and established standards rather than subjective considerations.

While NEFB policy has helped advance meaningful improvements to the planning and zoning process, additional reforms are necessary to provide greater predictability, consistency and accountability. As competition for agricultural and energy investments continues to grow, Nebraska must ensure its permitting framework remains fair, transparent, and focused on encouraging responsible development that benefits rural communities and the state's economy.

Farm Bureau Policy

STATE POLICY:

WIND AND SOLAR ENERGY (2024). Nebraska Farm Bureau should protect the interests of Nebraskans while supporting wind and solar development opportunities for domestic use and export. We support wind and solar development and the additional income opportunities they could provide for farmers and ranchers as long as the reliability and low rates of public power are preserved, and landowners are made fully aware of the opportunities and risks associated with wind and solar farm leases on their property. We support state and local oversight but believe such regulations should not stand as a barrier to development. We support efforts to update and expand electricity transmission lines used to transport wind and solar generated electricity across the state and nation.

LIVESTOCK SITING (2024). Nebraska Farm Bureau works to advance objective policies that support Nebraska livestock producers and oppose subjective policies that allow for arbitrary and capricious decisions to be made that adversely impact producers, while also focusing on efforts to enhance opportunities to grow Nebraska's livestock sector and related value-added businesses.

NEFB should hold elected officials accountable for subjective decisions made that negatively impact a livestock producer's ability to develop their land or business in a way in which the producers deem beneficial to the economic sustainability of their enterprise.

ZONING (2026). We support local control and encourage counties to zone for orderly placement of livestock facilities as part of a comprehensive county land use plan. Since most county zoning boards and county board of supervisors/commissioners do not possess scientific expertise, the requirements for environmental standards and regulations should remain with the Nebraska Department of Water, Energy, and Environment (DWEE). We encourage the Nebraska Legislature to clearly define the roles of DWEE and county zoning authority in this issue. We encourage county zoning boards to reevaluate regulations that may hinder development of livestock facilities. Public notice and hearing requirements should be increased for the process of establishing new county zoning regulations.

We support the research and development of science-based tools to help assess odor and particulate movement from livestock operations. We strongly encourage county officials to utilize and adopt the livestock siting assessment matrix developed by the Nebraska Department of Agriculture to bring sound science and expertise to the locally controlled livestock siting process. We further encourage County Farm Bureaus to collaborate with county officials and work to utilize the assessment matrix in their respective counties. We believe the odor offset tool being developed by the University of Nebraska has tremendous potential for assisting producers in evaluating locations for livestock facilities. We believe the tool should be peer reviewed and a pilot program developed to test the application of this tool before counties incorporate the model into zoning regulations.

We oppose agriculture zoning ordinance authority for townships and support reform of state law to limit township authorities in this area. We are opposed to permanent or temporary moratoriums placed on the permitting of livestock facilities by county boards.

We support creating an appeals board for existing livestock operations who, due to the adoption and/or changes to zoning laws or encroachment of neighbors, are denied opportunities to grow their operations.

We support limiting how close landowners can plant trees or shrubs next to ag land property lines.

Questions

- While local control principles have been front and center for NEFB policy in the recent past, how can NEFB shape the way local officials make decisions? What policies are needed to ensure there are guardrails against decision-making based upon subjective considerations?
- What level of accountability should exist when local decisions deviate from established regulations or the objectivity now required under statute? Should there be a dedicated state agency or other entity that monitors and addresses appeals for local decisions?
- Are planning commission members and county board officials receiving adequate training on planning and zoning laws, regulatory requirements, and economic development impacts?
- Is Nebraska losing agricultural, livestock, renewable energy, or other infrastructure investments to neighboring states because of permitting uncertainty? If so, how does NEFB prevent this?
- Beyond LB 663, what specific statutory or regulatory changes should NEFB pursue to improve predictability and transparency in local permitting decisions?
- Should counties have the ability to implement moratoriums on special exceptions and conditional use permit applications? If so, should there be a maximum timeframe allowed (i.e. three months, six months)? What other limitations, if any, should there be?