

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1069

(SENATE AUTHORS: HOWE and Parry)

DATE	D-PG	OFFICIAL STATUS
03/30/2011	1065	Introduction and first reading Referred to Energy, Utilities and Telecommunications

1.1 A bill for an act
1.2 relating to energy; establishing setbacks for certain wind projects; amending
1.3 Minnesota Statutes 2010, section 216F.08.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2010, section 216F.08, is amended to read:

1.6 **216F.08 PERMIT AUTHORITY; ASSUMPTION BY COUNTIES.**

1.7 (a) A county board may, by resolution and upon written notice to the Public Utilities
1.8 Commission, assume responsibility for processing applications for permits required
1.9 under this chapter for LWECs with a combined nameplate capacity of less than 25,000
1.10 kilowatts. The responsibility for permit application processing, if assumed by a county,
1.11 may be delegated by the county board to an appropriate county officer or employee.
1.12 Processing by a county shall be done in accordance with procedures and processes
1.13 established under chapter 394.

1.14 (b) A county board that exercises its option under paragraph (a) may issue, deny,
1.15 modify, impose conditions upon, or revoke permits pursuant to this section. The action
1.16 of the county board about a permit application is final, subject to appeal as provided
1.17 in section 394.27.

1.18 (c) The commission shall, by order, establish general permit standards, including
1.19 appropriate property line set-backs, governing site permits for LWECs under this section.
1.20 The order must consider existing and historic commission standards for wind permits
1.21 issued by the commission. The general permit standards shall apply to permits issued by
1.22 counties and to permits issued by the commission for LWECs with a combined nameplate
1.23 capacity of less than 25,000 kilowatts. The commission or a county may grant a variance
1.24 from a general permit standard if the variance is found to be in the public interest.

S.F. No. 1069, as introduced - 87th Legislative Session (2011-2012) [11-2040]

2.1 (d) The commission and the commissioner of commerce shall provide technical
2.2 assistance to a county with respect to the processing of LWECS site permit applications.

2.3 (e) No site permit may be issued by the commission under section 216F.04 or by a
2.4 county under this section that allows construction of an LWECS within one-half mile of
2.5 the property line of a nonparticipating landowner located in a township whose population
2.6 density exceeds persons per square mile.

2.7 For the purposes of this paragraph, "nonparticipating landowner" means a landowner
2.8 who has not executed an easement agreement to participate in an LWECS.

2.9 **EFFECTIVE DATE.** This section is effective the day following final enactment
2.10 and applies to all LWECS for which permit applications are filed on or after that date.