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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SIXTH
SESSION**

HOUSE FILE No. 2019

March 23, 2009

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The bill was read for the first time and referred to the Energy Finance and Policy Division

1.1 A bill for an act
1.2 relating to energy; increasing the capacity of wind energy conversion systems
1.3 over which counties have authority to issue site permits; amending Minnesota
1.4 Statutes 2008, sections 216F.01, subdivisions 2, 3; 216F.02; 216F.08.

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

1.6 Section 1. Minnesota Statutes 2008, section 216F.01, subdivision 2, is amended to read:

1.7 Subd. 2. **Large wind energy conversion system or LWECS.** "Large wind energy
1.8 conversion system" or "LWECS" means any combination of WECS with a combined
1.9 nameplate capacity of ~~5,000~~ greater than 25,000 kilowatts ~~or more~~.

1.10 Sec. 2. Minnesota Statutes 2008, section 216F.01, subdivision 3, is amended to read:

1.11 Subd. 3. **Small wind energy conversion system or SWECS.** "Small wind energy
1.12 conversion system" or "SWECS" means any combination of WECS with a combined
1.13 nameplate capacity of ~~less than 5,000~~ or equal to 25,000 kilowatts.

1.14 Sec. 3. Minnesota Statutes 2008, section 216F.02, is amended to read:

1.15 **216F.02 EXEMPTIONS.**

1.16 (a) The requirements of chapter 216E do not apply to the siting of ~~LWECS~~ a WECS
1.17 with a combined nameplate greater than 5,000 kilowatts that applies to the commission for
1.18 a site permit, except for sections 216E.01; 216E.03, subdivision 7; 216E.08; 216E.11;
1.19 216E.12; 216E.14; 216E.15; 216E.17; and 216E.18, subdivision 3, which do apply.

1.20 (b) Any person may construct an SWECS with a combined nameplate capacity of
1.21 less than 5,000 kilowatts without complying with chapter 216E or this chapter.

2.1 (c) Nothing in this chapter shall preclude a local governmental unit from establishing
 2.2 requirements for the siting and construction of SWECS.

2.3 Sec. 4. Minnesota Statutes 2008, section 216F.08, is amended to read:

2.4 **216F.08 PERMIT AUTHORITY; ASSUMPTION BY COUNTIES.**

2.5 (a) A county board may, by resolution and upon written notice to the Public Utilities
 2.6 Commission, assume responsibility for processing applications for permits required under
 2.7 this chapter for ~~LWECS with a combined nameplate capacity of less than 25,000 kilowatts~~
 2.8 SWECS. The responsibility for permit application processing, if assumed by a county,
 2.9 may be delegated by the county board to an appropriate county officer or employee.
 2.10 ~~Processing by~~ A county shall ~~be done~~ process applications in accordance with procedures
 2.11 and processes established under chapter 394.

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

2.16 (c) The commission shall, by order, establish general permit standards, ~~including~~
 2.17 ~~appropriate property line set-backs,~~ governing site permits for LWECS and SWECS
 2.18 with a combined nameplate capacity of 25,000 kilowatts under this section. ~~The order~~
 2.19 ~~must consider existing and historic commission standards for wind permits issued by the~~
 2.20 ~~commission.~~ The general permit standards ~~shall~~ may apply to permits issued by counties
 2.21 and shall apply to permits issued by the commission for LWECS and SWECS with a
 2.22 combined nameplate capacity of less than 25,000 kilowatts. The general permit standards
 2.23 must establish a setback for a WECS from a road or property line equal to 1.1 times the
 2.24 maximum tip height of a rotor blade measured from ground level when the blade is in a
 2.25 vertical position. Counties are encouraged to consider an identical setback standard in
 2.26 permits they issue. The commission or a county may grant a variance from a general
 2.27 permit standard if the variance is found to be in the public interest. Permit standards
 2.28 established by a county under this section supersede general permit standards established
 2.29 by the commission.

2.30 (d) Upon request by a county, the commission and the commissioner of commerce
 2.31 shall provide technical assistance to a county with respect to ~~the processing of LWECS~~
 2.32 SWECS site permit applications.

2.33 Sec. 5. **EFFECTIVE DATE.**

2.34 Sections 1 to 4 are effective the day following final enactment.