

A bill for an act

relating to energy; increasing the capacity of wind energy conversion systems over which counties have authority to issue site permits; amending Minnesota Statutes 2008, sections 216F.01, subdivisions 2, 3; 216F.02; 216F.08.

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

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

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

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

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

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

216F.02 EXEMPTIONS.

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

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

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

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

216F.08 PERMIT AUTHORITY; ASSUMPTION BY COUNTIES.

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

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

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

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

Sec. 5. EFFECTIVE DATE.

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