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Minnesota Large Wind Energy Conversion System Permitting Overview

Minnesota Statutes Chapter 216F covers the permitting and approval requirements for LWECS (that is, large wind energy conversion systems, which are defined as any combination of wind energy conversion systems with a combined nameplate capacity of 5 MW or more).

The Public Utilities Commission (PUC) has authority to permit LWECS projects. A site permit from the PUC is required to construct a Large Wind Energy Conversion System (LWECS). This requirement became law in 1995.

Small WECS or SWECS, those under 5 MW, are not covered by the chapter and local governments are free to establish requirements for siting and construction of those systems (Minnesota Statute [216F.02](#)).

LWECS between five and 25 megawatts can, in lieu of PUC permitting, be permitted according to local ordinances if the applicable counties assume permitting responsibility and provide notice to the PUC (Minnesota Statute [216F.08](#)).

This assumption requires a county board resolution and notice to the PUC. Counties must incorporate PUC-prescribed general permit standards in all permits they issue. Statute provides that "The general permit standards shall apply to permits issued by counties and to permits issued by the commission for LWECS with a combined nameplate capacity of less than 25,000 kilowatts." 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.

Minnesota Statute [216F.081](#) provides that a county may adopt by ordinance standards for LWECS that are more stringent than the PUC's General Permit Standards. The PUC must consider and apply these more stringent standards in its consideration of permit applications for LWECS in that county, unless it finds good cause not to do so. However, a county only has the authority to adopt ordinances covering the siting of LWECS if it assumes responsibility for processing applications for LWECS from 5 to less than 25 MW pursuant to 216F.08.

Minnesota Statute 216F.07 provides that a permit under this chapter is the only site approval required for an LWECS and that this site approval supersedes and preempts local ordinances. Thus, while local governments are free to adopt ordinances for SWECS

with whatever requirements they deem appropriate, the state is not bound by these in its siting of LWECS.

That said, the Office of Energy Security (OES) and PUC invite and encourage local government comment on LWECS applications, including comments on potential conflicts with adopted comprehensive plans and zoning ordinances. The state strives to build as robust a record as possible to insure that all concerns are evaluated and decision-making is sound.

See the [PUC Order Establishing General Permit Standards](#) and below.

PUC General Standards apply to all LWECS. Standards have evolved over time and continue to evolve as the industry changes and new issues arise. They include the following setbacks:

Issue	PUC General Permit Setback Minimums
Wind Access Buffer (setback from lands not in permittee's control)	3 Rotor Diameter (generally 760 – 985 ft) on east-west axis 5 Rotor Diameter (generally 1280 – 1640 ft) on north-south
Homes	500 feet + any additional distance needed to meet state noise standard.
Noise Standard	750 – 1500 ft typically required to meet state noise standard. (Minnesota Rules Chapter 7030).
Public Roads	250 ft from edge of public road ROW.
Wetlands	No turbines in wetlands.

Counties that have assumed permitting responsibility for wind energy conversion systems between five and 25 MW are listed in the PUC docket: **M-07-1102**. You can view this docket electronically through [eDockets](#); search using the Year "7" and Number "1102".

Applications to a county for a permit must include a size determination from the OES. Prospective applicants and wind developers can request a project size determination by completing and submitting a Project Size Determination Information Form. The form is available as PDF document: [Project Size Determination Information Form](#)

Counties seeking assumption of authority pursuant to Minnesota Statute 216F.08 should:

- Review their current ordinances to identify any modifications necessary to incorporate the PUC General Permit Standards
- Identify standards it wishes to impose that are more restrictive than the PUC's general permit standards and adopt them by ordinance, if they are not already included in an adopted ordinance
- Adopt a resolution taking on delegation; it should indicate any more restrictive standards the county has adopted
- File the resolution with the PUC