



**Eau Claire County**  
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Planning  
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Land Information  
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Land Conservation  
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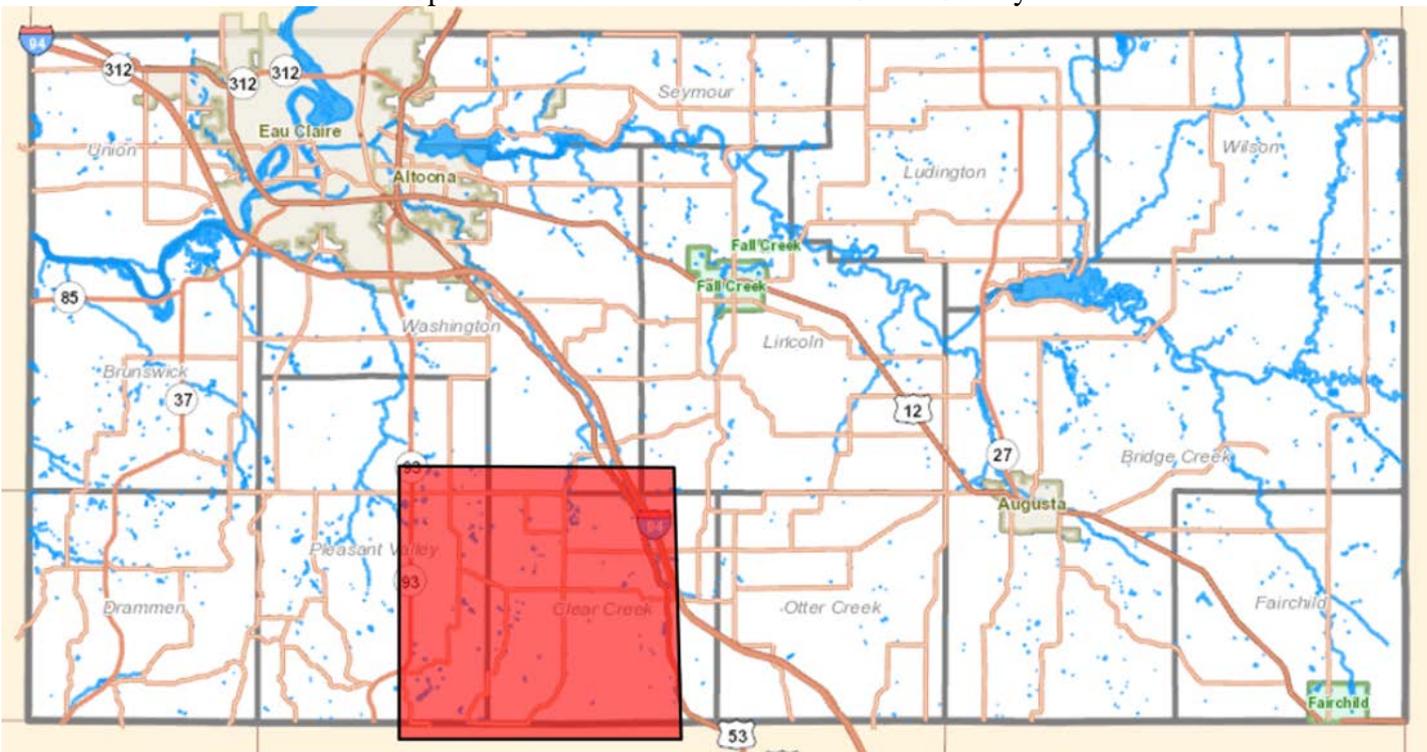
Emergency Management Coordinator  
839-4736

# Memo

To: Honorable Eau Claire County Board of Supervisors  
From: Rodney J. Eslinger, Director of Planning and Development  
Date: 12/13/2019  
Re: Possible Wind Farm in Eau Claire County

I'm writing to update the board regarding a possible wind energy farm in south central Eau Claire County (refer to the map inset below). The proposed company, RWE Renewables Americas, is exploring options to locate a 200-megawatt (MW) wind farm in the towns of Clear Creek and Pleasant Valley. This project may involve 40-70 wind turbines and may be as tall as 500 feet. The project may encompass about 20,000 acres. Company officials have stated that they anticipated construction starting after 2023. RWE Renewables Americas is based in Chicago and is a subsidiary of Essen, Germany-based RWE AG.

Proposed area of Wind Farm in Eau Claire County



## Permitting Authority

In accord with Wis. Stats. 196.491, wind energy systems (wind farms) with an operational capacity of 100 megawatts (MW) or greater are regulated by the Public Service Commission of Wisconsin (PSC). Due to the proposed operational capacity of 200 megawatts, RWE would need to apply to the PSC for Certificate of Public Convenience and Necessity (CPCN). Note: Wis. Stats. 196.491 (3)(i), states: "If installation or utilization of a

facility for which a certificate of convenience and necessity (CPCN) has been granted is precluded or inhibited by a local ordinance, the installation and utilization of the facility may nevertheless proceed.” This statute restricts the ability of local governments to block a project through a local ordinance if the project has received a CPCN.

#### Local Permitting Authority

RWE officials have consulted with staff regarding constructing a MET tower. Before a MET tower can be constructed it requires the approval of a conditional use permit by the committee on planning and development, with input from the town.

County code defines a MET Tower as: including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a wind energy system.

At this time RWE officials have not filed for a conditional use permit application to install a MET tower.

#### Other local safety ordinances/approvals/permits that fall outside of the PSC approval scope may include:

- Road limits (road use agreements)
- Utility, Crossing and driveway access permits (state, county, town)
- Noise abatement ordinances (could limit when construction occurs)
- Building permits (commercial)
- Culvert approvals
- Erosion and stormwater

#### Town of Clear Creek Moratorium

The Town of Clear Creek Town Board approved an ordinance on November 11, 2019 imposing a one-year moratorium on construction of wind turbines within the town to allow time to study the environmental, financial, health and safety issues. The Town of Clear Creek also requested that the county enact a similar moratorium on the construction on wind farms. The committee on planning and development considered this request at their November 19<sup>th</sup> regularly scheduled meeting. In a memo dated November 13, 2019, Corporation Counsel Tim Sullivan concluded that Eau Claire County does not have the authority to adopt a development moratorium for a wind energy farm. Based on Corporation Counsel’s memo the committee recommended that the Town of Clear Creek moratorium be forwarded to the board as information. The town’s ordinance and Corporation Counsel’s opinion are included as correspondences to the board.

#### County Code Update

Section 18.30.260 of the Eau Claire County Code is the wind energy system chapter containing the county’s regulations for wind energy systems. These standards apply to wind energy systems that are smaller than 100 megawatts. It is acknowledged that these standards were adopted prior to Wis. Stats. 66.0401 and Chapter PSC 128 Wis. Admin. Code (Wind Energy System) and this wind energy chapter must be rewritten to bring the code up to date with state law. Staff is working with the MSA Professional Services, who is the county’s consultant that was hired for the comprehensive zoning rewrite on how best to approach rewriting section 18.30.260.