

COMMERCIAL WIND GENERATOR REGULATIONS

DEFINITIONS

Decommission: shall mean to take down, and transport off of the current property, and transport out of Thayer County every piece and portion that has been above ground, and any portion under ground to a depth of 5 feet, and remove any debris from the act of decommissioning, and restore all property rutted or damaged in any way, during the decommissioning and transportation.

Non-participating: shall mean anyone who has not signed a contract with the wind company leading the wind project, or has not agreed to have, or not agree to, or not embraced, commercial wind generators.

Setback: shall mean straight-line linear distance measured.

Shadow/Flicker: Shall mean alternating shadow and sunlight or any repeated change in light intensity caused by the rotating blades interrupting the path of sunshine.

Town/Village: shall be in reference to the 11 that are currently established in Thayer County.

Wind Generator: shall mean any item, or machine, or tower, that uses the power of wind to generate electricity that has a height of over 60 feet.

RULES

Airport: No Wind Generator shall be located in an Airport Hazard Area District.

Height: No Wind Generator may be installed to exceed a total height of 600 feet to the tip of a rotating blade.

Lease: Annual lease payments shall be paid to the county for ongoing Wind Generator expenses. The amount shall be set by the county.

Liability Insurance: Each Wind Generator shall have liability insurance on it of one million dollars minimum.

Lighting: All Wind Generators shall use Aircraft Detection Lighting Systems.

Noise: No Wind Generator shall cause noise or sound to exceed 35 decibels at any dwelling.

Setback from Town/Village: No Wind Generator may be installed closer than 4 miles from any Town/Village in Thayer County.

Setback from other property: No Wind Generator may be installed closer than 3 miles from a non-participating property line.

Setback from road: No Wind Generator may be installed closer than 1.5 times the highest blade tip height from road rights-of-way, or the Little Blue River.

Setback from other: No Wind Generator may be installed closer than 3 miles to; residences, churches, schools, historical areas, Oregon Trail, Pony Express Trail, recreation areas, public conservation lands which includes Wildlife Management Areas, State Recreation Areas, and wetlands.

Shadow/Flicker: No Wind Generator shall cause shadow/flicker on any dwelling, church, school, commercial building open to the public, or public roads.

Decommission Fund: Each and every Wind Generator shall have a cash escrow account deposited in a Thayer County fund designated with the exact location of the Wind Generator. The amount shall be 120% of estimated costs as determined by a third party, licensed, insured company experienced in decommissioning that guarantees to take down and dispose of the wind generator for that cost. Twenty percent of the estimated cost shall be deposited before construction begins, and twenty percent annually, for each of the next 4 years. The decommissioning plan must be updated every 5 years and the financial resources must be updated to the account for any increased decommissioning cost.

Shut down: Any breach of these rules shall cause the Wind Generator to be shut down. **If the wind generator is shut down for more than 6 months, it shall be Decommissioned.** Upon decommissioning, an amount equal to 5% of the costs shall go to the County for monitoring and ensuring the decommissioning is carried out as required.