

Letcher Township establishes one-mile wind tower setback

By [Evan Hendershot](#) on Jun 9, 2016 at 10:30 a.m.



Letcher Township Board of Supervisors Chairman Clay Amick, second from left, asks a crowd of township residents if they have any questions about an wind tower ordinance adopted Monday. Amick is joined by Supervisor Murray VanLaecken, left, Supervisor Wes Stekl, second from right, and Treasurer Ken Stach at Wednesday's meeting at the Letcher Community Center. (Evan Hendershot/Republic)

LETCHER—Letcher Township residents are hoping a recent turbine proposal in their town will be gone with the wind.

The township's Board of Supervisors approved an ordinance to establish substantial setbacks for wind towers, as part of a united front against a nine- to 11-turbine project being considered in the area.

The three supervisors approved the ordinance at the Letcher Community Center on Wednesday night.

The township adopted an ordinance to establish a 1-mile setback for any turbine larger than 75 feet tall. Under the approved ordinance, no large wind energy system could be built within 5,280 feet of the nearest residence of a non-participating homeowner, or within 1,500 feet of the nearest neighbor's property line.

Despite unanimously passing the ordinance, Board of Supervisors Chairman Clay Amick said he doesn't oppose wind energy outright.

"We're not against wind energy; I think wind energy is great," Amick said before the meeting. "But an overwhelming majority of the township residents have voiced their opinion on this, with signing the petition."

Before receiving unanimous support from the three-person township board, it also earned the approval of Letcher Township residents. Of the 77 registered voters living within township limits, 50 signed a petition stating their opposition to the Juhl Energy project.

With the passage of the ordinance, which supersedes what the township believes to be a non-existent Sanborn County wind tower law, one Letcher Township resident said it would be challenging for Minnesota-based Juhl Energy to find a home for a renewable energy project in his town.

"Without question, it would make it more difficult for them to put in a project here, that's for sure," said Ken Stach, who also serves as the Letcher Township Board of Supervisors' treasurer.

Stach helped craft the proposal, alongside attorney Jay Leibel, after a fellow township resident approached Supervisor Murray VanLaecken asking why Letcher Township hasn't considered establishing its own ordinance regarding wind energy systems.

Before the meeting, Stach thanked Amick, Supervisor Wes Stekl and VanLaecken for supporting the will of Letcher Township residents.

"I'm very proud of the Letcher Township Board of Supervisors, because they have listened to their constituents, and that's what all of our elected officials are supposed to do," Stach said.

Juhl Energy has yet to file a permit application on the project, but attorney Jay Leibel told about 40 people in attendance at Wednesday's meeting that the ordinance is a "proactive" step toward blocking such a project.

But one Sanborn County Commission member wasn't as big a fan of the ordinance as the majority in attendance at Wednesday's meeting.

"For the county, we still don't recognize your ordinance," said Commissioner Gary Blindauer. "But do what you want."

Blindauer had the support of Sanborn County Planning and Zoning board member Myron Sonne. Sonne said his board was told the county already had a wind tower-related ordinance in existence, due to the county's membership in Planning and Development District III, but Sonne could not produce evidence of the ordinance at the meeting Wednesday.

Even if the ordinance did exist, Leibel said the South Dakota Supreme Court has not yet ruled on the matter.

"In other words, the Supreme Court did not rule on whether or not the township could have an ordinance like this without the county having one," Leibel said at the public meeting.

A similar Juhl Energy project was denied by the Davison County Commission in February, after several citizens shared their concerns about potential property value losses. Landowners were also concerned about the noise, obstructive view of the prairie and shadow flicker caused by the proposed towers that would stand taller than 400 feet.

While many opposed the project in Davison County, there were some who supported the \$40 million proposal before it was denied, and Juhl Energy looked north to Letcher. The Davison County project, which Juhl Energy said would be similar to the proposal in Sanborn County, would have generated approximately \$66,000 in annual production taxes that would be applied to local school districts, the county and township where the towers stood.

But Stach said a company like Juhl Energy needs to consider one major point before applying for a permit in Sanborn County.

"Regardless of where such a project goes, they need to take into account the voice of the people," Stach said.