

Farmers Sue Cascade County over Rezoning for Coal-fired Power Plant—Again

For More Information Contact:

Robert Lassila, 406-727-8235

J.C. Kantorowicz, 406-788-0483

Tammie Lynne Smith, 804-387-3300

Anne Hedges, MEIC, 406-443-2520

GREAT FALLS – Today 61 farmers, ranchers, homeowners, and local farm operations, and the Montana Environmental Information Center, filed suit against the Board of County Commissioners of Cascade County over the Commissioners’ decision to rezone agricultural land to heavy industrial to facilitate building of the Highwood Generating Station.

On March 11, 2008 the Commissioners voted 2-1 to approve a rezoning petition to change 668 acres of farmland in Cascade County from Agricultural (A-2) to Heavy Industrial (I-2). The stated purpose of the zone change is to allow the construction of the Highwood Generating Station, a 250-megawatt coal-fired power plant. The rezoning would radically change the agricultural and rural character of the area. The power plant developer, Southern Montana Electric Generation & Transmission Cooperative, will have to condemn the property of many of the plaintiffs in order to build lines for transmission, rail, water and sewer, and roadways.

“The County has done it again. It just doesn’t make sense to allow a coal plant to be built in the middle of some of the most productive farmland in the State. We will fight to protect our community and agricultural operations just as long as SME proposes to build a coal plant next door,” said Robert Lassila, who owns an organic farm adjacent to the rezoned property.

“Over 80% of the landowners for many miles around the proposed site have joined this suit. We don’t want a coal plant for a neighbor. Zoning is supposed to protect our agricultural operations and rural character of our community. Unfortunately, the Commissioners ignored the law and illegally spot zoned the property. Our only recourse is to go back to court,” said Tammie Lynne Smith, a nearby landowner. Landowners prevailed in a similar lawsuit last year.

“By rezoning this land the Commissioners have opened the floodgates for condemnation of private property. SME will condemn my property to build a rail line across my land. They will condemn my neighbors’ property for water and sewer lines, road expansions, and transmission lines. That will have a real impact on our farming operations. The County Commission was supposed to protect our property, not allow it to be taken away,” said J.C. Kantorowicz, a nearby dryland wheat farmer who, together with his wife, own Meadowlark Farms.

“Once again the County has failed to comply with its own regulations and state law. The County allowed the applicant to submit reams of new documents at the last minute. This belated information was full of errors yet the County relied upon it to approve the rezoning. The public never had a chance to review and comment on it. The zoning laws are designed to avoid this type of sandbagging by developers. Unfortunately the County ignored those laws,” said Anne Hedges of the Montana Environmental Information Center, a member-supported nonprofit organization concerned about the health and economic impacts of the proposed coal plant.

The suit was filed in State district court in Cascade County.