

OFFICE OF THE COUNTY ATTORNEY
STILLWATER COUNTY, MONTANA

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January 23, 2018

Mr. David K.W. Wilson, Jr.
Morrison, Sherwood, Wilson & Deola, PLLP
P.O. Box 557
Helena, MT 59624-0557

Re: Beartooth Front Part 1 Zoning

Dear Kim:

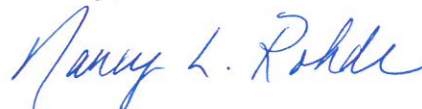
I am writing in response to your January 16th correspondence wherein you ask for Stillwater County to provide you with a timeframe for the Commission to take action upon the petition submitted by your clients for the proposed Beartooth Front District.

As you know, the question arose regarding mineral interests and if those interests should be considered in the global number of affected "real property owners" within the proposed zoning district. Even though the Attorney General's Office declined to provide an opinion on the question, it remains my opinion that the mineral interests must be considered as part of the global number of affected real property owners and persons holding such interests must be provided an opportunity to participate in the petitioning process. Thus, based upon my legal review, I will be advising the Stillwater County Clerk and Recorder to notify the County Commission that the petition submitted by the Beartooth Front District does not meet the threshold requirement of 60% of signatures, to include the sub-surface mineral interest holders as an affected real property owner and will be deemed invalid. The Clerk, in turn, will submit correspondence to the Commission advising the Board of such and that correspondence will be on the Tuesday, January 30th, 2018 agenda as a file item.

I'm quite aware this decision will disappoint and upset your clients. However, the County must make the decision it feels is based in law and is in the public's interest.

Thank you.

Sincerely,



Nancy L. Rohde