

LAKE COUNTY DENSITY MAP AND REGULATIONS

I. Purpose

The purpose of the Lake County Density Map and Regulations is to lessen congestion in the streets; to secure from fire, panic, and other dangers; to promote public health and general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Further, the Lake County Density Map and Regulations have been designed to encourage more intensive future development close to cities and towns and sparser development farther from population centers. The Density Map and Regulations are intended to direct growth where public services such as fire and police protection, school bus transportation and road maintenance can be provided in a cost effective manner, thereby reducing public expenditures. The Density Map and Regulations have also been designed to help maintain the rural character of agricultural and timber production areas and to protect important wildlife habitat, water quality and natural resources in Lake County. Finally, the Density Map and Regulations have been developed to provide clear guidelines to developers, citizens and elected and appointed officials regarding the future growth of Lake County and the immediate development potential of specific geographic areas.

The Density Map and Regulations are only intended to influence the density of new parcels created under Lake County's jurisdiction and are not intended to prescribe land use. Any future attempt to add provisions that dictate specific land uses on a countywide basis shall result in the Density Map and Regulations becoming null and void.

II. Authority

These regulations and the attached map are made in accordance with the *Lake County Growth Policy* and the adoption process follows the provisions of 76-2-205, MCA, which describes the procedure for adopting zoning regulations and district boundaries. These regulations in no way inhibit the complete use, development or recovery of any mineral, forest, or agricultural resources by the owner thereof.

III. Applicability

These regulations and the attached map apply to the creation of parcels of land that did not exist at the time of the adoption of the Lake County Density Map and Regulations that fall under the jurisdiction of Lake County, Montana. These rules in no way prohibit the use of existing parcels of land, whether conforming or not conforming to the terms contained herein.

IV. Rationale and Methodology for the Creation of Boundaries and Regulations

In order to develop the Density Map itself, Lake County Planning Department and Geographic Information Systems staff first reviewed the applicable goals and objectives of the *Lake County Growth Policy*. They then compiled maps showing population

density, parcel size, wildlife habitat, land use, prime soils, wetlands, vegetation, irrigated lands, zoning districts and municipal and water and sewer district boundaries. Staff then took into consideration population growth projections and provided substantial build-out and transition areas abutting existing population centers. Once a draft map was complete, staff drove the roads of Lake County and reviewed visible criteria such as road infrastructure, land uses, distances from service centers and a host of other factors and modified the map accordingly.

Planning Department staff developed the text of the proposed regulations by combining goals and objectives from the *Lake County Growth Policy* with models from other jurisdictions around the western United States. The text also incorporates current subdivision review policies and addresses specific conditions and issues that have emerged over time. The Lake County Planning Board, Board of County Commissioners and interested parties have provided ideas and guidance and all of the sections of the regulations were modified based on comments received through a lengthy and substantial public information and hearing process.

Throughout the map and regulation development process Lake County has weighed the goals of the *Growth Policy* with economic issues, natural resource values, the character and development potential of various areas of Lake County and property rights concerns. Private property rights go both ways: Both persons seeking to develop land and nearby landowners who may be impacted economically or socially have a stake in coordinated development. As stated in 76-3-625(3), MCA, virtually any party may appeal a subdivision approval by the governing body.

The Density Map and Zoning Regulations are intended to find a balance between the rights of individuals, sound public fiscal policy and good long-range community planning based on the *Growth Policy*. The Density Map and Regulations do not dictate specific areas for specific land uses. Instead, the most appropriate use of land in unzoned areas is based on the wishes of the landowners and any other rules and regulations that are in effect.

V. Definitions

Agriculture

The historic or current use of land for the production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops, grains and seed crops, dairy animals and products, livestock of all kinds, bees and apiary products, trees and forest products and fruits of all kinds. This does not include land used for mineral extraction.

Board of adjustment

A board of five citizens appointed by the Board of Lake County Commissioners who may, subject to the conditions and safeguards established in this document, make special exceptions to the terms of these regulations in harmony with their general purposes and intent and in accordance with the rules of Title 76, Part 2, Montana Code Annotated.

Conservation development

A subdivision designed to either concentrate building sites on a specific portion of a larger property in order to reduce capital and maintenance costs for infrastructure development or to create smaller, separated lots located on the least productive or environmentally sensitive areas of a landowner's property. In both cases the productive and environmentally sensitive lands remain undeveloped.

Creation of parcels

The creation of parcels specifically includes lots created through subdivision review (76-3-101, et. seq, MCA), court order (76-3-201[1][a], MCA), condominium declaration (76-3-203, MCA), rent or lease (76-3-208, MCA), agricultural exemption (76-3-207[1][c], MCA), including lots that had been created through the use of agricultural exemptions at the time of adoption of this document whose owners seek to have those exemptions lifted, and lots converted to fee status from Tribal and Individual Trust status. In general terms, for an additional parcel to be created from an existing parcel in conformance with these regulations, a landowner must possess the acreage or development rights amounting to twice the average density, plus or minus 10 percent, shown on the Lake County Density Map.

A parcel or parcels created through the use of an approved family transfer exemption (76-3-207[1][b], MCA) need not comply with the Density Map and Regulations so long as the grantee(s) retains the parcel(s) for a two year period, the created parcel(s) is not transferred back to the grantor for at least two years from the date of filing and notice of such shall appear on the certificate of survey or other filing documents. A variance from these requirements may be granted by the Lake County Board of Adjustment in cases where hardships relating to health, education, property loss or similar circumstances exist.

In the case where a lot or lots exist at the time of adoption of the Density Map and Regulations that do not comply with the standards contained in the Density Map and Regulations, the boundaries may be relocated in non-conformance with the terms of these regulations so long as no additional parcels are created.

Density

The average number of residential, commercial or industrial units allowed per acre. Density is distinct from minimum lot size. A land division may create lots that are smaller than the required density, provided that the overall average density does not exceed the maximum number of units per acre. The maximum allowed density is not a right, but could be approved through subdivision review or other review processes.

Designated agents

The governing body's designated agents for the purposes of implementing these regulations are the Lake County Board of Adjustment and Lake County Planning Department staff.

Developable land

Land which is suitable as a location for structures containing living units or businesses and which can be improved through normal and conventional means, free of development hazards, and without disruption or significant impact on natural resource areas. The following areas contain development hazards and shall not be considered as developable land:

- (1) Land with slope greater than 30 percent.
- (2) Riparian corridors, stream banks, wetlands and areas of riparian vegetation.
- (3) Lakes, marshes, sloughs and areas within a designated 100 year flood plain.
- (4) Land within 50 feet of the adopted highwater elevation of a lake or perennial stream. Where Lake County has not adopted a highwater elevation for a water body, a visual indication evidenced by coloration and debris will be used.

Multiple user wastewater treatment system

A non-public wastewater treatment system that serves or is intended to serve three through 14 units or up to 24 persons daily.

Multiple user water supply system

A non-public potable water system that serves or is intended to serve three through 14 units or commercial businesses or up to 24 persons daily.

Municipal

Pertaining to an incorporated city or town or a Lake County water and/or sewer district.

Open space

Unless other wise indicated in these regulations, any parcel of land essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. This does not include land used for mineral extraction.

Public wastewater system

A system for collection, transportation, treatment or disposal of wastewater that serves 15 or more units or 25 or more persons daily for a period of at least 60 days in a calendar year.

Public water supply system

A potable water system that serves 15 or more units or 25 or more persons daily for a period of at least 60 days in a calendar year

Unit

Any structure, building or portion thereof, including businesses and businesses within a larger structure, which is intended or designed for human occupancy and/or use and is supplied with water by a piped system. A single-family residence and associated outbuildings with one guest house that is not used for rental purposes is an example of a residential unit. A duplex contains two units and a single business enterprise is

considered one unit for the purposes of these regulations. All units shall comply with local and state sanitation requirements.

Variance

Relief afforded to a landowner by the Lake County Board of Adjustment from the standards contained in these regulations in accordance with Title 76, Chapter 2, Montana Code Annotated and as described below.

Viewshed

The view of a property proposed for development from nearby major travel corridors and/or developed areas.

Wildlife habitat

Land that provides food and shelter for animals. Of particular importance are wetlands, waterfowl and upland bird production areas, grizzly bear habitat, ungulate winter range and breeding and rearing areas.

Zoning district

An area established under the authority of Title 76, Chapter 2 of Montana Code Annotated that includes regulations governing the use, placement, spacing and size of land and buildings.

VI. Regulations

1. On individual properties, the height and bulk of future buildings, the area of front yards, courts or other open spaces, the future uses of the lands or buildings and setback distances from all lots lines are limited only by the desires of the landowners and/or by all rules, regulations and covenants in effect at the time of local government review of development. Where zoning district-specific regulations are in effect, they take precedent over the Lake County Density Map and Regulations.
2. All parcel creation in Lake County’s jurisdictional area must comply with the development densities and regulations established in this document, on the attached Lake County Density Map, in the established municipal and Lake County zoning districts, subdivision regulations, wastewater treatment systems regulations and other regulations. Where the Density Map shows an area of Lake County with a prescribed density, parcels may not be created with an average density greater than the number shown except as provided herein. Where other regulations exist, or where conflicts between regulations exist, the more stringent shall apply.
3. In the Arlee, Ravalli, St. Ignatius, Charlo, Ronan, Pablo, Big Arm, Elmo, Dayton and Woods Bay community growth areas shown in brown on the Density Map, the allowed development density depends on the types of water supply and sewage disposal facilities as shown on Table 1 (below). In all cases, stricter,

adopted sanitation rules take precedent over the densities shown below when applicable.

The provisions of subsections 4. and 5. below apply to development in community growth areas and around public water supplies and conformance of a proposal with these provisions will be evaluated during the subdivision review process.

4. When new development is proposed in a community growth area, the development shall wherever possible be compatible with the already established pattern of development by continuing existing rights-of-way and travel corridors and providing for municipal or public utilities to be extended either in conjunction with the proposed development or in the future. When development is proposed in the Ronan and St. Ignatius Community Growth Areas but is not annexed into those municipalities, the developers shall waive the right to protest future annexation of the lots, provide for off-street parking, pedestrian travel and snow removal sufficient to serve the homes and businesses and shall design the rights-of-way and building setback distances with sufficient space for future municipal utility installation, walkway and roadway expansion. The placement of living and business units and other improvements on the lots shall also be designed for future land division by locating buildings toward a property edge and shall provide for more intensive land use and annexation in the future.

5. Where new parcels are created within a 1,000-foot radius of a public water supply including the Ronan, Pablo, Charlo, St. Ignatius and Tribal systems, the units shall either connect to a public or municipal sewage disposal system or include at least two barriers to ensure the public water supply is not impacted. The following are considered barriers for the purposes of these regulations:
 - a. Level II (nutrient reduction) or advanced treatment technology for individual or multiple user sewage disposal systems.
 - b. An established operation and maintenance plan with required pumping schedule including annual inspection by an independent qualified party.
 - c. Pressure-dosed distribution systems.
 - d. A soils investigation with soil boring(s) demonstrating a confining unit at least 20 feet in thickness.

Table 1, Development Densities for Community Growth Areas

Water Supply System	Sewage Disposal System			
	Municipal (includes Lake County water and sewer districts)	Public (15+ units or 25+ users)	Multiple User (3-14 units or up to 24 users)	Individual or shared (1-2 units)
Municipal (includes Lake County water and sewer districts)	If annexed, must comply with municipal zoning (if applicable). If not annexed, up to 12 units per acre.	If annexed, must comply with municipal zoning. If not annexed, up to 12 units per acre.	If annexed, must comply with municipal zoning. If not annexed, up to 4 units per acre or the highest allowed by law, whichever is greater.	If annexed, must comply with municipal zoning. If not annexed, up to 2 units per acre or the highest allowed by law, whichever is greater.
Public (15+ units or 25+ users)	If annexed, must comply with municipal zoning (if applicable). If not annexed, up to 12 units per acre.	Up to 4 units per acre or the highest allowed by law, whichever is greater.	Up to 4 units per acre or the highest allowed by law, whichever is greater.	Up to 2 units per acre or the highest allowed by law, whichever is greater.
Multiple User (3-14 units or up to 24 users)	If annexed, must comply with existing zoning (if applicable). If not annexed, up to 4 units per acre.	Up to 4 units per acre or the highest allowed by law, whichever is greater.	Up to 4 units per acre or the highest allowed by law, whichever is greater.	Up to 2 units per acre or the highest allowed by law, whichever is greater.
Individual or shared (1-2 units)	If annexed, must comply with municipal zoning (if applicable). If not annexed, the highest allowed by law.	Up to 2 units per acre or the highest allowed by law, whichever is greater.	Up to 2 units per acre or the highest allowed by law, whichever is greater.	Up to 2 units per acre or the highest allowed by law, whichever is greater.

VII. Exceptions---Available in one unit per five, 10, and 20-acre density areas only

1. Conservation developments

The purpose of a conservation development is to allow a developer to reduce expenditures related to infrastructure development (e.g., roads, utility extensions, etc.) while preserving important natural resources. If the governing body or its designated agents find a developer’s project will protect any or a combination of the resources described in this section, the developer may qualify for a bonus in the number of allowable units as shown on the Tables 2 and 3 below.

Table 2, Conservation Development Bonus Table for one unit per five-acre area

Percentage of tract preserved (outside of building lots and roadways)	60	70	80	90
Percentage increase in the number of lots units.	30	40	50	60

The shaded area of the above table highlights the following example:

- The developer of a 100-acre subdivision in an area designated on the Density Map as having a density of one unit per 5 acres would normally be permitted 20 living or commercial units (100 acres / 5-acre density = 20 units). If the developer commits 80 percent of the land with natural resource qualities (described below) to perpetual open space or agriculture, the developer could add 10 additional units to the development (20 units x 50% increase in units = 10 additional units¹). Thirty homes would then be permitted on the 20 acres designated for residential use, creating residential parcels averaging 0.66 acres each. In the process, the remaining 80 acres would be preserved as open space or agricultural production and protection lands.

Table 3, Conservation Development Bonus Table for one unit per 10 and 20-acre areas

Percentage of tract preserved (outside of building lots and roadways)	60	70	80	90
Percentage increase in the number of units.	60	70	80	90

The shaded area of the above table highlights the following example:

¹ Numbers ending with a decimal of .5 and greater shall be rounded up, .49 and less shall be rounded down to the nearest whole number.

- The developer of a 100-acre subdivision in an area designated on the Density Map as having a density of one unit per 20-acres would normally be permitted five living or commercial units (100 acres / 20-acre density = 5 units). If the developer commits 80 percent of the land with natural resource qualities (described below) to perpetual open space or agriculture, the developer could add four additional units to the development (5 units x 80% increase in units = 4 additional units). Nine homes would then be permitted on the 20 acres designated for residential use, creating residential parcels averaging 2.22 acres each. In the process, the remaining 80 acres would be preserved as open space or agricultural production and protection lands.

In order to qualify for a conservation bonus at least 60 percent of the land must be set aside for agriculture and natural resource conservation purposes. The developer shall demonstrate and the governing body or its designated agents must determine that the land to be set aside contains irrigated farmland, good- or prime-if-irrigated soils or other soils of special significance, important wildlife habitat, stream corridors, wetlands, significant viewsheds (such as hill tops and ridgelines as viewed from travel corridors and/or developed areas) and other important features. Developed recreational areas such as golf courses, equestrian facilities or other areas will be judged on a case-by-case basis depending on the natural features proposed for conservation. Whenever possible, the land shall abut other open space and agricultural lands or occur along irrigation canals and waterways in order to establish a network of open space and resource segments.

In order to qualify for a conservation bonus, the parcels to be developed must be no greater than three acres in size each. No more than 20 lots are permitted per grouping, although a subdivision may have more than one grouping. The minimum size for the area to be preserved is equal to the allowed development density in the area. For example, in a one unit per five-acre area, the minimum preserved area is five acres. In the one unit per 10-acre area, the minimum preserved area is 10 acres. The preserved area in the one unit per 10 and 20-acre areas may contain one homesite. Subdivisions created through this provision are exempt from the parkland dedication requirement of the Lake County Subdivision Regulations. Additionally, more than one parcel of land may be used under this provision, but the parcels shall not be more than three miles apart and, preferably, will be visible from the developed parcel(s).

Prior to filing a subdivision plat the developer must file a notice of deed restriction, covenant subject to the governing body's consent, amendment and revocation, conservation easement or similar device that limits the

protected land to open space and/or agricultural use and one homesite, where applicable, and ensures perpetual maintenance of the parcel. Lake County reserves the right to enforce such provisions and a statement limiting the restricted parcel to agricultural and resource use, including a statement that it shall not be further divided, must be prominently displayed on the final plat. The conservation land must be a contiguous, distinct parcel owned by a single entity such as a person, a homeowners association or a land trust and legal access a minimum of 15 feet wide must be provided to the property. Land already encumbered with a conservation easement or similar restriction does not qualify for the conservation bonus provision.

Undevelopable lands (floodplains, steep slopes, etc.) may be included in the calculation of area used to qualify for the conservation bonus. These lands will be evaluated on a case-by-case basis depending on the qualities of the habitat, view shed and other conservation potential.

2. Transfer of Development Rights

Based on the Density Map and other applicable regulations, each parcel is allowed up to a specific number of potential units. The number of potential units may be considered development rights. These rights may be sold or conveyed to other parties and/or used on other properties within three miles of the subject parcel so long as a notice of deed restriction, covenant subject to the governing body's consent, amendment and revocation or similar encumbrance is filed with the Lake County Clerk and Recorder that limits the development of the subject parcel to agriculture or conservation. Lake County reserves the right to enforce such provisions and/or covenants.

To illustrate, the owner of a 100-acre parcel in an area designated as one unit per 20 acres on the Density Map is allowed up to five potential units or development rights. In conjunction with a subdivision, the developer may transfer any or all of these five development rights from the "sending" parcel to a nearby "receiving" parcel, thereby increasing the number of units available to the receiving parcel.

Development rights may be transferred from areas with a designated lower density to areas with a designated higher density (e.g., a one unit per 20-acre area to a one unit per 5-acre area), or between areas of the same designated density (e.g., a one unit per 20-acre area to a one unit per 20-acre area). Development rights may not be transferred from areas of higher density to areas of lower density (e.g., from a one unit per 5-acre area to a one unit per 20-acre area).

Undevelopable lands (floodplains, steep slopes, etc.) may be included in the calculation of area used to qualify for the conservation bonus. These

lands will be evaluated on a case-by-case basis depending on the qualities of the habitat, viewshed and other conservation potential. However, developer shall demonstrate that the sending parcel contains irrigated farmland, good- or prime-if-irrigated soils or other soils of special significance, important wildlife habitat, stream corridors, wetlands, significant viewsheds (such as hill tops and ridgelines) and other important features. The transfer of development rights provisions may be used in conjunction with the conservation bonus provisions described above. In cases where uncertainty exists regarding the number of development rights available, staff shall make a determination that may be appealed to the Board of County Commissioners.

To utilize this provision, a developer must demonstrate he or she has obtained or will obtain development rights in conjunction with a subdivision. The receiving parcel(s) can accept no more than two times the maximum allowed density on a parcel.

3. Family members or farm/ranch/orchard workers
Up to three units for the landowner's family members, farm, ranch or orchard workers may be erected on a parcel that exceeds the maximum density established on the density map under the following conditions: 1.) The units are served by approved sewage disposal and water supply systems; 2.) The units remain in the same ownership as the parent parcel and may not be sold separately.
4. Clustered communities
The purpose of a clustered community is to allow landowner within three miles of an incorporated city or town and in areas that are mapped with development densities of one unit per five, 10 and 20 acres to create planned communities with critical attention to the viewshed. The minimum size of clustered communities shall not be less than 160 acres and shall have an average density of no greater than one unit per two acres. The clustered community shall include an open space plan consisting of not less than 50 percent of the gross area of the development reserved for open space in perpetuity.

The subdivision within the clustered community shall include design conditions, covenants and restrictions and provisions for the establishment and operation of a homeowners' association that guides the construction of all buildings and appurtenances in the development. The design conditions shall set forth building heights, colors, types, architectural standards, landscaping requirements and similar design criteria that would be used to control and minimize the impact of the development upon the viewshed and natural landscape. The above restrictions shall be subject to review and approval by the governing body. Clustered communities shall also include pedestrian/bicycle pathways that may be required to connect

to existing and planned pathways. The clustered communities shall include parks, landscaped areas, golf courses and similar features within the open space. Homes and other appurtenances within clustered communities shall not be located on hilltops or ridgelines but shall be tucked into the natural terrain to the extent possible.

Clustered communities shall include connection to or the creation of public or municipal water supply and wastewater systems. No portion of a clustered community shall be located further than three miles from an incorporated town or city or a platted townsite within a community growth area and all roadways within and connecting the communities to major transportation corridors (highways 93, 35, 354 or 211) shall be paved or chip-sealed. Subdivisions created through this provision are exempt from the parkland dedication requirement of the Lake County Subdivision Regulations. All such subdivisions shall require a master plan to be submitted to the governing body for review, and the subdivision review and development of clustered communities may be phased over time so long as the provisions of these regulations are carried out. Lake County reserves the right to enforce these provisions.

5. For unique development proposals that do not appear to fall neatly within the terms of these regulations, the Board of Adjustment will hear interpretation and exception requests and determine the potential density with input from the Board of Lake County Commissioners.

VIII. Variance

The Board of Adjustment may grant variances and exceptions from the requirements of these regulations when (1) the granting will not be contrary to the public health and/or welfare, (2) where owing to special conditions a literal enforcement of the provisions of these regulations will result in unnecessary hardship, and (3) where the granting of the variance will observe the purpose of these regulations and the goals and objectives of the *Lake County Growth Policy*.

The term hardship refers to circumstances peculiar to the particular property. Financial or economic difficulties shall not be considered a hardship where reasonable alternatives for development exist. Actions taken by a property owner that are contrary to these regulations and the consequences of those actions shall not be considered a hardship. On land where units are already in existence and on the Montana Department of Revenue tax rolls upon the date of adoption of these regulations, a variance may be granted from the Density Map and Regulations for the creation of new parcels intended to transfer the units and land.

Prior to a subdivision proposal that does not comply with the Density Map and Regulations being reviewed by a Planning Board within Lake County,

a variance must be approved by the Board of Adjustment and filed with the Lake County Clerk and Recorder or a Density Map amendment must be obtained (described below).

IX. Separability

If any section or provision of these regulations is declared unconstitutional or invalid by a court of competent jurisdiction, the decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part declared to be unconstitutional or invalid.

X. Review and Amendments

The Lake County Planning Board and staff shall initiate a review the Density Map and Regulations one year after initial adoption and then during the fifth and tenth year of each decade. The Planning Board shall conduct a public hearing and submit a written finding to the Board of Commissioners which addresses the applicability of the map and regulations to the current land use, parcel sizes, development characteristics, social, economic and environmental circumstances.

Proposals to amend these regulations may be made by any interested party including Lake County, the Lake County Planning Board, or any individual or organization owning, with a contract to own, or responsible for the management of land or resources in Lake County. The amendment procedure shall follow the requirements of 76-2-205, MCA and shall be submitted along with a preliminary subdivision drawing when applicable. The amendment must be officially adopted prior to the complete subdivision application being reviewed by the Lake County Planning Board.

All amendment requests shall include the geographic boundaries of the proposed change, a fee established by the Board of Lake County Commissioners, and a description of how the proposed amendment furthers the goals of and complies with the *Lake County Growth Policy*. Such proposals must also include a description of the current easements and infrastructure in place within and leading to the area from the closest city or town and a description of steps to be taken to improve the infrastructure so that the area under consideration for amendment may be provided service in a cost effective and equitable manner. Infrastructure for this purpose includes current road and bridge conditions, fire department and sheriff response times, school district needs, water availability and other appropriate information.

Amendment proposals for landowners seeking to increase the allowed development density on land that borders an area with a higher density may receive special consideration based on surrounding parcel sizes, existing land uses, neighborhood compatibility and other factors.

Landowners within Lake County are hereby encouraged to develop local zoning districts that would amend the Lake County Density Map and Regulations and Lake County staff shall assist in the development of proposed districts in accordance with Lake County policies.

XI. Administration and Appeals

Lake County Planning Department staff shall interpret and administer these regulations and the Lake County Density Map. Decisions of staff may be appealed to the Lake County Board of Adjustment as described in 76-2-226, MCA. All appeals of staff decisions shall include an application letter describing the aggrieved party's position as well as a fee established by the Board of Lake County Commissioners. Decisions of the Board of Adjustment may be appealed to a court of record as described in 76-2-227, MCA.