

**APPLICATION AND DRAINAGE AGREEMENT
FEE POLICY
ADA COUNTY DRAINAGE DISTRICT NO. 3
August 2022**

NOTICE IS HEREBY GIVEN that Drainage District No. 3 of Ada County, Idaho (the “District”), by and through its Board of Commissioners, does hereby establish and fix the following minimum application and drainage agreement fee requirements for the District’s review, drainage agreement drafting, and approval of certain proposed projects, as further described herein, and as may arise within the District’s jurisdictional boundaries.

(1) Pursuant to Idaho Code § 42-2939, the District shall have all powers necessary to contract for the performance and payment of any or all work necessary to implement the drainage services of the District.

(2) The District hereby establishes a policy and procedure required of all developers seeking review of development plans within, or adjacent to, the District’s drainage system and facilities boundaries.

(3) Such developer proposing development within or adjacent to the District’s drainage system and facility boundaries shall submit the required application fee (“Application Fee”) for initial review and shall be subject to further fees and charges should it be established by the District that a drainage agreement is necessary for the planned development (“Drainage Agreement Fees”).

(4) The Application Fee shall pay for District services required for reviewing certain proposed projects within or adjacent to the District’s boundaries, including staff, attorney, and engineering consultant review time.

(5) Upon receipt from the city of Boise (the “City”), or other entity or individual, of conditional use permits, planned unit development, and design review, or other development or construction, related to real property falling within the District’s boundaries, the District shall make an initial determination as to whether the applicant (“Applicant”) must submit an Application for District Review to determine the potential impacts of development on or adjacent to the District’s drainage system and facility boundaries.

(6) Should the District determine that an Application for District Review is required from the Applicant, the District shall notify the Applicant of said requirement and shall provide the Applicant with an Application for District Review, similar in form to the Application for District Review attached hereto as **Exhibit A**.

(7) Any Applicant required to submit an Application for District Reviews, shall also submit accompanying drainage plans for the proposed project and an Application Fee of \$150.00.

(8) Upon receipt of the Application for District Review, together with the required drainage plans for the proposed project and the Application Fee, the District and its engineer shall undertake its review of the proposed project.

(9) The District may reject an Application for District Review as being incomplete if the required information and fees are not tendered to the District.

(10) Nothing in this Fee Policy prevents the District from assessing additional application fees should the need arise based on the level of review or analysis needed for a specific project or Application for District Review.

(11) After review of the Application for District Review, the District, in its sole discretion, may determine that a drainage agreement specifying the terms and conditions of the Applicant's ability to locate its development project in or adjacent to the District's boundaries ("Drainage Agreement") is necessary.

(12) In the event the Applicant is required to enter into a Drainage Agreement related to the proposed project and Application for District Review, the Applicant shall be required to provide a \$2,500 retainer to the District to initiate the process of drafting such Drainage Agreement. The retainer amount may be increased based on the complexity of the project at the District's discretion. Should a Drainage Agreement be required, the Applicant shall be responsible for all fees and charges, including, but not limited to, engineering review and services, legal drafting fees, and filing and recording fees associated with the development of the Drainage Agreement.
