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## SECTION 2 – ROW PERMITS AND PLAN REVIEW

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### RIGHT OF WAY

All areas dedicated to the public and administered by the city for use for transportation purposes, including any city street, road, bridge, alley, sidewalk, trail, or path, and all other public ways and areas managed by the city (NMC 9.05.020E).

Includes public utility easements to the extent that the easement allows use by the utility operator planning to use or using the public utility easement. ROW includes the subsurface under and airspace over these areas. ROW does not include the airwaves for purposes of CMRS, broadcast television, DBS and other wireless providers, or easements or other property interests owned by a single utility or entity (NMC 9.05.020F).

Land within the ROW is reserved for public use. ROW width varies by location. A ROW is reserved for the purposes of maintenance or expansion of existing services with the ROW.

### Undeveloped Right-of-Way

A ROW may lie dormant for decades during which adjoining properties may use the ROW for landscaping. The lack of public use of a ROW does not negate the ROW or change the ROW boundary. The undeveloped ROW remains a ROW for future use.

### Developed Right-of-Way

When a undeveloped ROW is needed for public use, the full extent of the ROW may be used for needed work. If more area is required to complete the work, an easement may be negotiated with the adjacent property owner. Once an easement is created, it becomes ROW, and will be used for the purpose of maintaining public use facilities (see NMC 9.05.020F).

### Right-of-Way In Wetlands

If work defined on the ROW application falls into an area designated in the local wetland inventory, the application will be forwarded to the Department of State Lands (DSL) for assessment. If they determine the area is a declared wetland, the ROW permit will include any and all requirements issued by DSL for work in the wetland area.

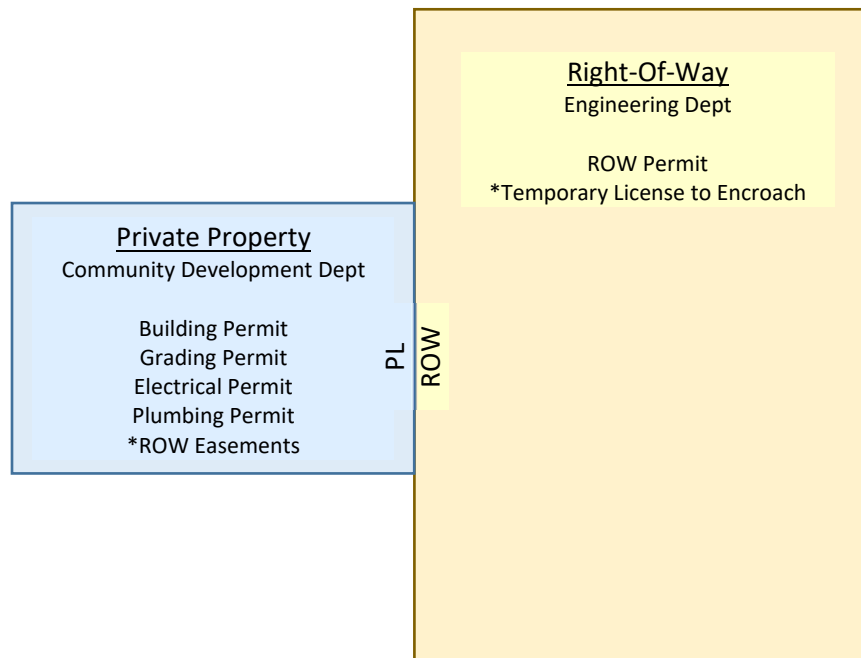
The City will not arbitrarily determine whether or not work may be completed in the wetland area without consent from DSL.

### SEPARATION OF PERMIT AUTHORITY

For any needed revisions to the final plans, either during the final review or during the construction process, the Engineer whose stamp appears on the plans must sign and date each revision.

The Engineering Department does not issue private property permits. Unless work is done within a ROW easement on private property, the Engineering Department does not voice an opinion on issues pertaining to private property. The Engineering Department does not have authority to approve work on private property. If for some reason public infrastructure is on private property, an easement is required for public access. If public infrastructure is being constructed adjacent to private property, and may infringe on private property, a temporary construction easement is needed before work can be done. The Engineering Dept only constructs in the ROW.

Plan reviews initiated in the Community Development Department are for work on private property and do not necessarily impact right-of-way, although they may. Approval of the Community Development Department permits DOES NOT issue engineering approval for construction in the ROW. At this stage of permitting, the Engineering Department may have reviewed the plans, but no permit is issued for construction in the ROW or on future public infrastructure.



### APPROVED PLANS

Final Approved Plans from both Planning and Engineering are used to construct improvements. Contractors are required to have plans on site when work is being installed. Any deviation in the ROW from the approved plans shall be approved by City Engineer prior to work commencing. If changes in existing conditions are found during construction that make installing the approved design obsolete, disadvantageous, or a violation of City construction standards, the City reserves the right to require a correct design prior to installing said improvements.

Examples of such conditions:

- Potholing found the outfall of a pipe elevation is incorrect on the plans and the connecting pipe will flow in reverse;
- An existing sewer lateral is not in good condition and should be replaced at the main line;
- Finish grade elevations at the property line will not tie in to existing ROW elevations;
- An area of the ROW design was missed in review and does not meet City Standards outlined in this manual;
- Existing ROW conditions vary from those drawn on plans (trees are missing, structures were not surveyed, a structure is uncovered during excavation that makes design unfeasible).

### CONSTRUCTION LEVELS

#### Level 1— No Licensed Professional Engineer Stamped Plan Required

A smaller site plan may be submitted based on the requirements outlined in the SITE PLAN SUBMITTAL FORM in Appendix C. ROW improvements impact a single-family residence.

- Curb cuts – driveway approach.
- Sidewalk construction.
- Excavation for purpose of installing utility service lines only.
- Landscaping within the public ROW.
- Tree planting, pruning, and/or removal in the public ROW.
- ROW grading for construction of one single family dwelling that does not result in elevation

changes exceeding two feet (2') on any portion of the site.

- See Standard Drawing G-020 for example of required Level 1 site plan.

### Level 2— Licensed Professional Engineer Stamped Plan Required

A Civil Engineering Plan is required when any of the conditions listed below apply to a permit application or as determined by the City Engineer. A Civil Engineering Plan typically requires a Professional Engineer. The Engineering Department recommends scheduling a pre-design meeting PRIOR to submittal if the project falls into this category. A Level 2 plan set will be submitted through the Community Development Dept prior to needing a ROW permit.

- Excavation or fill that will result in elevation changes exceeding two feet (2') on any portion of the site excluding landscaping on developed property.
- Construction of facilities, including grading, that may have an impact on stormwater runoff or downstream water quality.
- 3,000 square feet, or more, of new impervious surface will be added to the site (i.e. new parking lots, structures, or other impervious surfaces that individually or in combination replace 3,000 square feet, or more, of existing pervious surface).
- A combination of 6,000 square feet, or more, of impervious area will be added and/or reconstructed (i.e. 4,000 square foot of existing building reconstructed with the addition of a new 2,000 square foot parking lot, structure, or other impervious surface OR reconstruction of 6,000 square feet, or more, of existing impervious surface).
- One (1) acre or more of land will be disturbed or when a DEQ 1200-C permit is required.
- Dedication of public ROW.
- Infrastructure will be constructed and dedicated to the City.
- Construction and/or removal of retaining walls located within or impacting the ROW.
- Demolition of significant surfaces or structures located within or impacting the ROW.
- Proposed development on corner lots, lots without curb and gutter, streets not meeting City Standard (as shown in the Newport Municipal Code).

### MINIMUM REQUIRED PLANS

Construction plan submittals shall contain the following minimum sheets:

- Title sheet
- ROW Demolition sheet (unless no demolition of existing infrastructure)
- ROW Site Plan; see APPENDIX C – SITE PLAN SUBMITTAL CHECKLIST for site plan requirements; attach completed checklist to submittal to show items have been reviewed and added to plan. Checklist will be returned with comments for revisions or as approved.
- Plan and profile sheet(s) for street, storm sewer, water, and wastewater sewer in ROW
- Overall utility plan (existing and proposed) for ROW
- Proposed grading in ROW
- Temporary and permanent erosion control impacting ROW
- Standard Drawing(s) plus any other relevant construction standards/details.

### Site Plan Submittal Checklist

The Site Plan Submittal Checklist must be completed and submitted with the plan set before engineering will review plans.

### Developer/Engineer Agreement

The Developer/Engineer Agreement must be signed and submitted with the plan set before engineering

will review plans. This agreement lays out the expectations and agreement of compliance to Municipal code and engineering policy required from Developers/Engineers when doing work in the City ROW or impacting the City ROW (see *Appendix K: Owner/Engineer Agreement*), and outlines the consequences of non-compliance.

The Developer/Engineer Agreement does not replace the ROW permit. The agreement is signed prior to application of a ROW permit because there are times when construction on private property begins before work in the ROW occurs. Work on private property may impact ROW through the nature of the private work. Examples of this might be trucks moving on and off property tracking mud along City Streets, or erosion control measures not adequately placed along property lines causing storm runoff to impact City structures. The City Engineer will require these violations to be corrected. Non-compliance may lead to stop work orders or a citation.

### Cover Sheet

All multiple sheet improvement projects shall have a title sheet as the first page of the construction plans. Use one cover sheet when constructing more than one facility (sewer, storm drain, etc.) sheet. See SECTION 1 ELECTRONIC DRAWING FORMAT FOR AS-BUILT SUBMITTALS for document formats, scaling and alignment requirements.

Subsequent, 'general' sheets may be included to show information such as the Legend(s), Permanent Benchmarks or project controls, or similar information when the Cover Sheet becomes too crowded to show all the information requested. Additional information may include tax lot numbers or lot and block designations, land use designations, site area, and site address.

Cover sheet shall contain the following minimum information:

- Title: Project name, date, City project number, if applicable; owner's name, address, and phone number.
- Engineer's name, address, phone number including emergency contact information, fax number, email, and seal.
- Vicinity map to a scale showing the project location.
- Index of sheets.
- Statement referencing City of Newport Standard Specifications with relevant City Approvals.
- Provide contact phone number for all affected utility companies including the City.
- Date of last plan revision (large/bold).
- Land Use Planning case file number(s).

### ROW Plan Sheets – General

Draw plan view sheets at the appropriate scale showing the following minimum information:

- Show existing and proposed adjacent street curbs, property lines, ROW lines, utility easements referenced to property lines, street centerlines, and intersections.
- Location of all underground utilities within one hundred (100) feet of project (if they are affected by the project), existing power/communication poles and guy anchors, valves, manholes, catch basins, fire hydrants, meter boxes and vaults, signs, location of nearest street light(s), etc.
- Location of all water lines, culverts, bridges, large water transmission pipes and gravity sewers, and/or storm drains within two hundred (200) feet of proposed gravity sewer and storm drain extensions if they affect the design of the project.

- Federal Emergency Management Agency (FEMA) maps, any current or proposed wetlands.
- Centerline stationing for each line. Increase stationing from left to right on the plan sheet and shall be consistent throughout the plan set. This should result in north pointing to the top or to the left of the sheet. Designate each separate line distinctly (e.g., sewer line 'A', storm line 'A', etc.). Tie stationing to existing street monuments, property corners, or manholes.
- Street names including area quadrant (i.e. N.E., N.W., S.E., or S.W.)
- Special details for items not shown on Standard Drawings
- All relevant public facility data, including size and quantity of improvements
- Fire flow requirements as per City of Newport Fire Marshal
- Survey Data Required on Plans
- Any existing or proposed easements
- See SECTION 1 ELECTRONIC DRAWING FORMAT FOR AS-BUILT SUBMITTALS for document formats, scaling and alignment requirements.

**NOTE:** Use City of Newport as-built records only as an aid to the engineer. The engineer shall field locate and verify, or cause to be located and verified, the alignment, depth, and inverts of all existing facilities where crossed by the proposed facility shown on the plans.

### ROW Profile Sheet – General

Profiles for construction plans shall be the same horizontal scale as the plan sheet. Draw profiles on the same sheet as the plan view and directly below the plan view. Stationing shall increase from left to right with lower stations to the left.

Show the following minimum information:

- For sewers and storm drains, show locations of manholes, catch basins, and cleanouts, with each numbered and stationed.
- Existing profile at centerline of proposed utility or street.
- Proposed profile grade, as appropriate, for all sewers, storm drains, and waterlines, giving pipe size, length between structures or fittings, slope, backfill and pipe material, sewer inverts, rim elevations, etc.
- Existing underground utility that crosses the alignment of the proposed facility.
- Beginning of all vertical curves, points of vertical intersection, end of vertical curve, low point of sag curve, and length of vertical curve. Profiles of existing centerline grade shall extend a minimum of two-hundred-fifty (250) feet beyond the end of the improvement.
- Clearly show all potential conflicts with existing public and private utilities (i.e., pipes, conduits, vaults, cathodic protection systems, etc.) that impact proposed design.
- Future street extensions to undeveloped sites shall be designed/profiled a minimum of one-hundred-fifty (150) feet off-site.
- See SECTION 1 ELECTRONIC DRAWING FORMAT FOR AS-BUILT SUBMITTALS for document formats, scaling and alignment requirements.

**NOTE:** Use City of Newport as-built records only as an aid to the engineer. The engineer shall field locate and verify, or cause to be located and verified, the alignment, depth, and inverts of all existing facilities where crossed by the proposed facility shown on the plans.

### SUBDIVISION DEVELOPMENT

A developer may want to build a subdivision that includes future public infrastructure. During design,

plan review, and construction the land is privately owned. In this situation the Engineering department will be greatly involved in reviewing the design of future ROW development. The ROW does not transfer out of private hands until the plat is approved and accepted by Community Development Director.

As the subdivision moves toward construction, the Engineering Department will review material submittals for compliance to City standards. City staff may be heavily involved in future City infrastructure during construction although the pipes, structures, and services line remain private property until construction of future infrastructure is complete, tested, and accepted by the City. This is true of road building also. The road remains private until the work is completed and accepted by the City. In this situation, a ROW permit is not issued due to the subdivision remaining privately owned in its entirety until accepted by the City. Further, City staff and crews work with the developer's contractor and design engineer during construction as partners without need of temporary construction easements. City staff is on-hand to ensure construction follows City of Newport Construction Standards, and work with the owner and design engineer to fix any problems that may occur as the infrastructure is installed. City staff do not have authority to direct the developer's contractor.

A Certificate of Occupancy may not be approved by the Engineering Department until all aspects of future City infrastructure is completed.

### PLAN SHEETS – REQUIREMENTS FOR SUBDIVISIONS AND STREET IMPROVEMENTS

#### Streets – Standard Layouts

- Vertical and horizontal curve data
- Roadway centerline and stationing along centerline to a minimum of fifty (50) feet beyond proposed project limits. Show centerline intersection stationing in both directions. Show points of tangency and curvature for centerline; curve data shall show tangent length, radius distance, centerline curve length, and delta angle.
- Clear vision area at intersections
- Continuous stopping sight distance along roadway
- Sight distance measurements and protections
- Where widening streets, show edge of pavement elevations to determine pavement cross slope to new curb or pavement edge.
- Grade of all sidewalks shall be shown on the profile
- Radii and grades at the ends, midpoint, and one-quarter (1/4) points of curb returns
- Slopes of centerline, sidewalks, and gutter lines, and running slope of roadway
- Pedestrian treatments including adequate information for ADA compliance checks including a detailed grading plan and spot elevations sufficient to demonstrate accessible ramps at all sidewalk intersections
- Counter slope of roadway at ADA ramp
- Locations of driveway approaches

#### Streets – Roundabouts

- In addition to specific information required in SECTION 7 - Streets, include the following on all plans when applicable
- Roundabout inscribed circular diameter labeled
- Approach and Exit alignment and design shown for each leg (include stationing and profiles)
- Centerline stationing and profiles for circulatory roadway
- Speed checks (in design report is ok)
- Design vehicle identified (in design report is ok)



- Turning movement analysis for design vehicle (in design report is ok)
- Vehicle path alignments and path overlap checks (in design report is ok)
- Bicycle treatments including ramp details
- Splitter island details and curb types, elevations
- Approach and circulatory roadway widths
- Truck apron design details including reveal curb and interior curb details
- Cross-slopes labeled and identified for all roadways including truck apron
- Illumination including pole type and location, wattage, fixture type, horizontal and vertical luminance and uniformity
- Pavement markings and striping
- Signing
- Sight distance measurements and protections
- Grading, drainage, landscaping

#### Sewer – Plan and Profile Views

- Location of existing and proposed manholes, sewer line, and services in plan and profile
- Stationing along sewer line
- Invert and rim elevations at existing and proposed manholes
- On all manholes with multiple inverts into/out of manholes, clearly identify with directional designation (N, S, E, W, etc.) and notation of direction of flow (in or out)
- Sewer extended to provide service to adjacent properties
- A profile showing sufficient cover and finished street grade and crossing locations showing potential conflicts
- All conflicting public and private utilities indicated around the proposed development.
- Sewer service provided to each lot with station and offset at end of service line
- Pipe material identified
- Slopes, distances, and diameter of main runs
- Slope and invert elevation shown on proposed sewer lines stub-outs for future Extension
- Connection point for a new line to an existing system. Include the following NOTE on the final plans: **“Contractor shall verify the location of the existing sanitary sewer line before proceeding with trenching.”**
- Water and sewer information should be on the same plan sheet unless otherwise approved by the City Engineer.
- On sewer and storm drain plans, each manhole, catch basin, and cleanout shall be numbered and stationed.

#### Water – Plan and Profile Views

- Location of valves, fittings, fire hydrants and services; all fittings and valves shall be shown and identified by type (i.e., MJ x MJ, FLG x MJ, etc.); fire hydrants shown; intersection drawings for valves and fittings are required when scale of plans is smaller than 1" = 20' (i.e., 1" = 40').
- Stationing along waterline
- A profile showing sufficient minimum cover and finished street grade and crossing locations showing potential conflicts
- Fire flow requirements
- Utilities conflicts
- Service to each lot with station and offset at end of service line
- Fittings specified with stations
- All fire service lines plan and profile

- Thrust block details or reference to Standard Drawing W-700.
- Restrained joint pipe table showing restrained joint lengths for all restrained pipe
- Water and sewer information should be on the same plan sheet unless otherwise approved by the City Engineer.

#### Stormwater – Plan and Profile Views

- Location of manholes, storm lines, catch basins, treatment controls, and other appurtenances
- Stationing along main storm line
- Invert elevations shown at manholes, catch basins, and inlets
- Profile of storm pipe showing cover and finished street grade and crossing locations showing potential conflicts
- All utilities and services with conflicts indicated on profiles
- Pipe material identified
- Slopes, distances and diameter of main runs
- Permanent drainage plan, including drainage basin boundaries and areas
- Existing or natural drainage courses, canals, rivers and ponds
- Curb inlet basins on all arterial and collector streets
- Drainage control at low spots and storm sewers at sag curves
- Slope easements
- Storm water information should be on the same plan sheet as street improvements unless otherwise approved by the City Engineer.
- On sewer and storm drain plans, each manhole, catch basin, and cleanout shall be numbered and stationed.

#### Landscaping and Irrigation Plans

For all City owned public facilities and City owned landscaping, the following items shall be required on all plan submittals:

- Existing tree plan showing all existing trees 6-inch-diameter at breast height (DBH) and larger.
- Show all existing trees proposed for removal or relocation
- Specify any existing vegetation areas that will remain as-is
- Proposed protection fencing locations and type of protective measures
- Location of all structures, streets, driveways, walkways and other hard surfaces
- Identify all proposed plant materials with common name, botanical nomenclature, plant installation size and quantity of each species
- Existing and proposed grading and drainage systems
- Specify mulch types, applied depth, and location
- Specify location of all turf areas and types of proposed turf
- Specify hydrozones and landscaping features
- Schematic piping layout and size to water source
- Location of sleeves under all hard surfaces or construction obstructions
- Location, type, and coverage of each irrigation zone
- Table of hydraulic calculations showing all zones and their overall usage Site structures and obstacles that interfere with the coverage and performance of the irrigation system
- Schedule of heads, numbers of circuits, and sizes of piping
- Location of irrigation controller by note (if remote-offsite) or symbol
- Location of backflow device and “blowout” for winterization
- Location of all points of connection (POC)

### Signing and Striping

- Onsite and offsite signing including MUTCD sign type or legend, size of sign, type of post.
- Existing signing, including MUTCD sign type or legend, to a minimum three hundred (300) feet beyond the proposed project limits including size of sign, and condition.
- Proposed signing with MUTCD sign types or legends
- Show any required Type III barricades or road end signage on the plan sheets
- Stations or distances to proposed signing
- Existing signing to be replaced
- Schematics or legends of nonstandard signs
- Existing striping, transitions, and tapers, including lane widths
- Proposed striping with match points identified
- Proposed lane width and turn lane storage lengths dimensioned
- Line and symbol types and colors identified
- Beginning and end points of tapers, per AASHTO and City of Newport standards, identified with stations
- Removal of existing striping identified
- Striping Quantity Table, including total linear feet of four (4) inch line, eight (8) inch line, twelve (12) inch thermoplastic, and number of symbols by type

### Grading

- Show contours at a minimum of one (1) foot intervals.
- Identify drainage direction and drainage basin boundaries.
- Provide cross-sections or profile plans to show existing and final grading.
- Indicate whether land is a cut or a fill.
- The City of Newport requires a comprehensive grading and clearing plan with the drawing set. Address soil conditions where slopes greater than two (2) horizontal to one (1) vertical (2:1) exist, retaining walls greater than forty-eight (48) inches in height are proposed, design calls for extensive areas of fill, unusual soil conditions are encountered, or upon the request of the City Engineer.
- Show retaining walls or any other special structures on the plans. Walls within two (2) feet of a property line, having hydrologic, vehicular, or structural surcharge, or exceed forty-eight (48) inches in height shall be designed by a registered Engineer and reviewed by the City of Newport for permitting.
- If grading permit is required, no work shall commence until the City of Newport Community Development office issues a grading permit and the City of Newport Engineering Department holds a preconstruction meeting.
- Unless a geotechnical engineer verifies slope, grading shall not exceed a two (2) horizontal to one (1) vertical (2:1) (2:1) cut/fill. Stabilize cut promptly after grading. The City permits one-and-one-half (1.5) horizontal to one vertical (1) cuts where excavation is within stable rock.
- If a site exceeds two (2) feet of fill, place and test structural backfill in conformance to a geotechnical engineer's specifications.

### Erosion and Sediment Control

Show the following items on all plan sheets, as applicable.

- Erosion and sediment control design and construction methodologies must meet or exceed the applicable standards of the City and DEQ. Erosion control plan sheets shall address all measures as required by the Department of Environmental Quality (DEQ) erosion control standards and

policies associated with this project. The City considers a construction project "active" until all permanent vegetation and/or erosion protection is established.

- Identify all drainage basins within the area
- Show existing and proposed topographic contours with clear and adequate spacing of contour labels showing direction of on-site slope.
- Define clearing limits. This includes site perimeter and protected areas (tree, utility, Areas of Special Interest, etc.)
- Construction entrance(s) / Wheel washes: every location where vehicles enter a site must have a construction entrance conforming to the minimum City standards.
- Concrete washout
- Sediment Controls (dust and water borne sediments)
- Storm inlet protection; all grated inlets are required to have Pre-Fabricated Filter Inserts with overflow installed per COB standard drawing E-2B. Field fabricated inserts (filter fabric, drain cloth, etc.) are not permitted.
- Tree protection / removal
- Slope mitigation (during construction and post construction)
- Stock pile areas
- Areas for borrow pits and waste disposal shall be in locations with appropriate land use approvals and permits with full consideration of erosion control needs during and after borrow or disposal operations.
- Runoff Control
- Dewatering
- Stream / Waterway protection; channel and outlet stabilization
- Sediment control; soil stabilization
- Permanent Facilities for un-vegetated soils and slopes; City does not permit Inlet protection placed on grated inlets of street surfaces (bio-bags, gravel bags, bales, etc.) as a form of permanent erosion control.
- Drywells, swales, other permanent detention/retention facilities
- The Engineer shall obtain and submit DEQ NPDES permit approvals for the project, if applicable.

## PLAN SUBMITTAL

Submit construction plans for all privately financed public works facility improvements to City of Newport Community Development Department for review. The City Engineer (or designee) will coordinate review and approve all governing construction plans for civil work planned within the public ROW, which will include a review for compliance with all Newport Specifications, the Newport Municipal Code and Ordinances. Community Development will coordinate all applicable plan review for work done outside ROW.

All plan submittals shall include information required in the *Engineering Design and Construction Standards Manual* along with all other information requested by the City Engineer. This information is to include, but not be limited to, construction cost estimates, intersection sight-distance criteria, easement documents, ROW dedications, and executed agreements. The City will review all submittals for completeness, and notify design engineer if required information is missing.

Make submittals in a timely manner as lack of information to the City will impede the review process and lengthen review time.

The City may return plans deemed incomplete by the City without completing a full plan review. The City

will provide an explanation by indicating sections of the plans deemed incomplete. After addressing City comments, resubmit plans for review.

Submit the plan, with all required signatures. The Engineer/Developer submitting plans is required to determine the appropriate signatures of all private utilities, or agencies, beyond those required by the City. All plans require the approval of the City Engineer or the City Engineer's designee.

### PLAN CHECK

Plan checks are required and issued on all construction projects within public right-of-way (ROW), or easements, or on public infrastructure that the City of Newport will maintain and operate upon completion. The person proposing the improvements shall obtain any permits required by federal, state, and other local jurisdictions, and provide proof of permits to City prior to issuance of the City's permit.

Although City staff work diligently to provide a thorough plan review, the City reserves the right to correct an error on the plans missed during plan check. A design that does not meet City of Newport Standards will not be allowed to go through construction because it was missed during the plan review process.

### TWO-PART PLAN REVIEW

Engineering conducts two plan reviews: 1) a preliminary check to verify plans provide information necessary to successfully connect new development to existing city infrastructure, potentially done through submittal of plans through the Community Development Department for Level 2 projects; this review often focuses on private property without taking into consideration ROW constraints; 2) a final review done during submittal of the ROW application where focus is on what is happening or has happened in the ROW at the time just prior to construction. This second review may require *extensive revision of design* within the ROW.

#### Provisional Engineering Review During Community Development Permitting Process

Provisional Engineering Review during Community Development Permitting Process is completed at a generic engineering level to see that aspects of City Infrastructure have been addressed. It is anticipated that designers will base their drawings on City of Newport Design Standards and utility locate information, but this is often missing from a building review plan set focused on private property. The site plan is often missing key ROW elements as it is focused on private property.

During the first plan review Engineering assesses design for the following aspects and more (see Figure 1: UNDERGROUND UTILITIES AND ROW USE below):

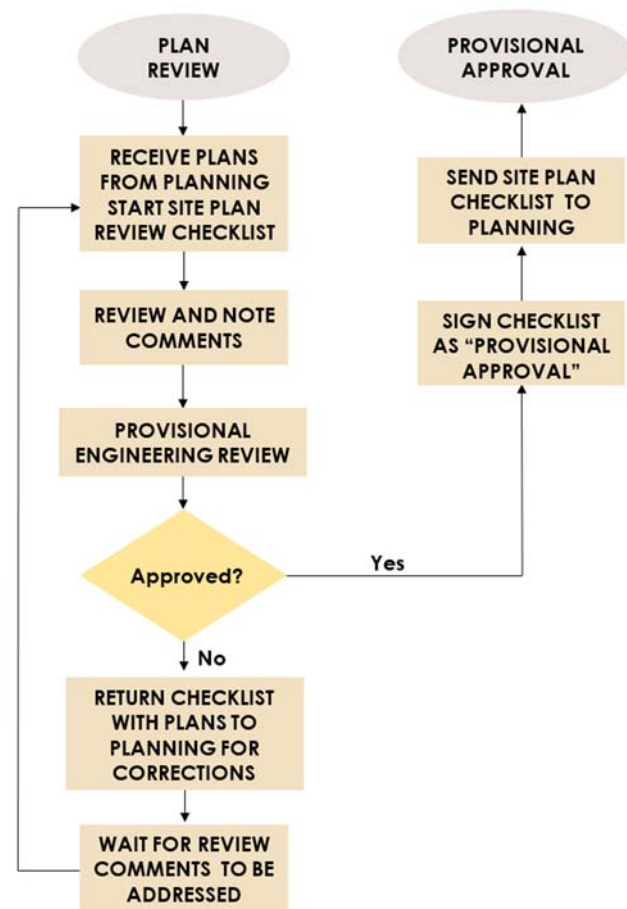
- General Engineering Principles
- Perpendicular Design
- Material / Limitations
- Service life of design
- Flow lines
- Utility profiles
- Storm runoff; where the water goes
- Future Utility Maintenance / Repairs

- Public Health and Safety
- ADA Compliance
- Elevation of garage compatible with street elevations
- Sidewalk clutter narrows walkway
- Required utility separation maintained
- New service lines have elevation to cross existing pipes and maintain flow.

### ROW Permitting Review Phase

Recognizing there is often a time lapse between plan review and construction, a second *engineering review is required* prior to construction. This second review process is triggered by submittal of a ROW Permit application. While Engineering processes the ROW application, an additional detailed review of site plan is completed to ensure that any changes in the street, site plan, and updated Standard Drawings are compared to verify constructability of the design. This may include potholing to locate pipe depth and utility conflicts. This can in many instances require changes to the “approved” plan set as more detail work is done in tying in infrastructure to the City main lines and structures. During this stage, the Engineering Department issues the permit that was not issued during the Community Development plan review.

### ENGINEERING SITE PLAN REVIEW FLOWCHART



During the second plan review Engineering evaluates design for field compliance:

- No changes in the ROW since plan first reviewed
- No changes in engineering policies
- Public Works checks site for existing infrastructure
- Public Works verifies service locations
- Existing tie-ins checked for service life.

This second review may require potholing of pipes to finalize depths and verify that new pipes will carry proper flow.

### Plans During Construction

During construction unexpected field conditions may necessitate adaptation of approved plans. Examples of what may cause redesign of ROW features or private tie-ins:

- Potholing determines main is at a different elevation than thought during design
- Existing sewer lateral may not be in acceptable condition
- Location of the water meter may require realignment of private line to water meter
- A new utility has been installed in the ROW since plan were designed and cause conflicts



As part of the ROW review process, the Engineering Department looks at how new services will fit with existing services within the ROW. This may be the City’s pipe infrastructure, the width of the ROW, or other contributing factors.

If a conflict is noticed on the design, developers will be asked to redesign their plans in such a way as to resolve the conflict. Further, certain materials may work better in some instances than in others. These engineering standards are intended to facilitate an efficient use of the ROW as possible for the most benefit of the general public. At times this may necessitate a change in private plans to address a ROW need.

Locations of curb inlets, driveway designs, locations of water, sewer, and storm drains, all contribute to ROW assessments. Access by pedestrians, vehicles and commercial traffic further impact ROW use.

Figure 1 shows two homes within a block. Add many more homes and more pipes and the drawing illustrates how much is underground and unseen by the public.

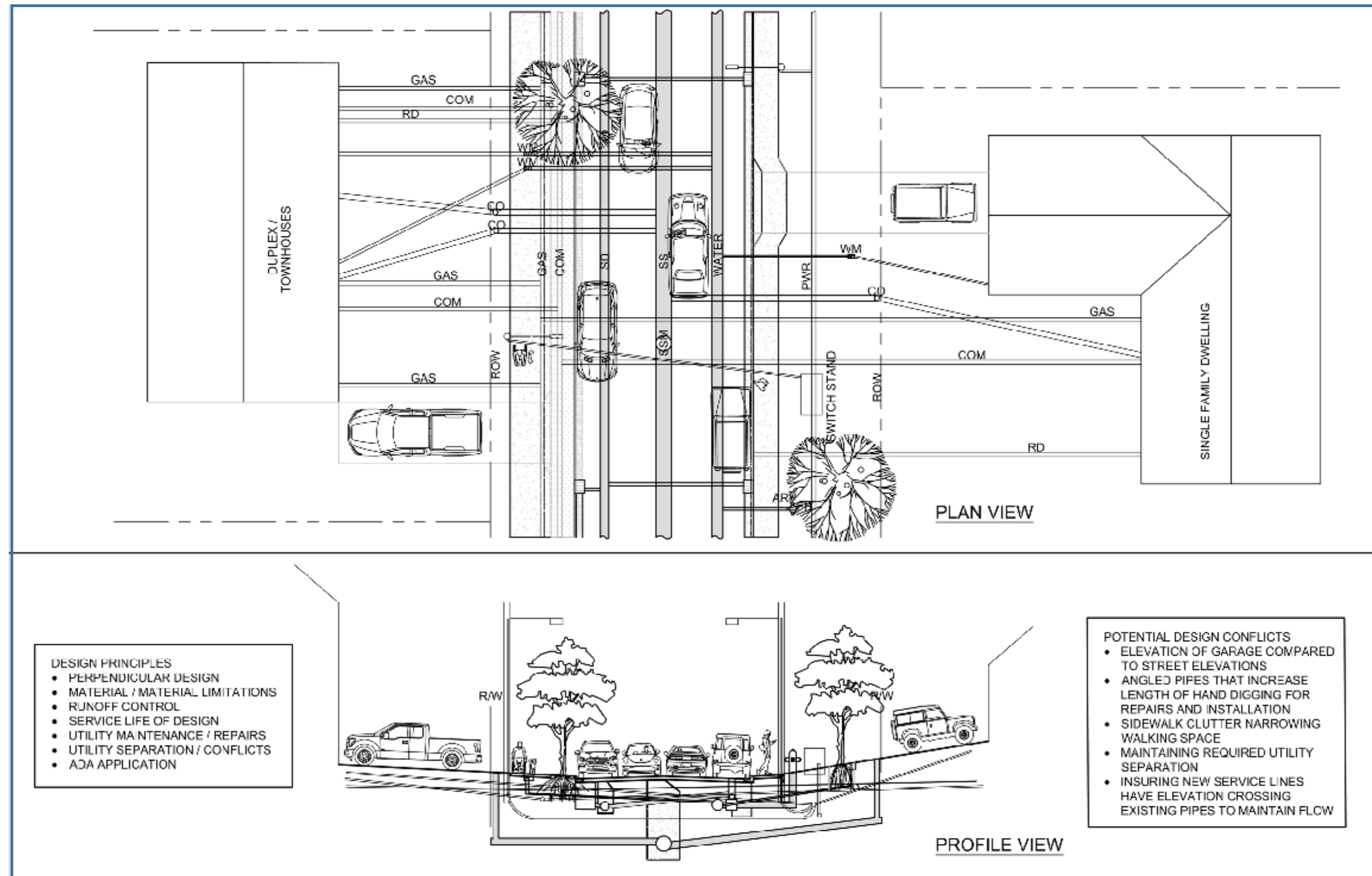


Figure 1: UNDERGROUND UTILITIES AND ROW USE

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- Street improvements have been completed that change how new development connects to street
- Private plans may not have taken blending between private property and ROW into consideration during design
- Features in the ROW were not caught on the private survey
- A previously unknown easement
- Incomplete design
- Other factors not foreseen and not listed here

Due to these and other potentialities, the first plan review is only preliminary and requires a more thorough review with submittal of the ROW permit application. The larger the development, the more potential conflicts that may impact design.

During this second review, engineering will require site specific information showing how private development connects to public infrastructure with up-to-date survey information and application of all pertaining City Standard Drawings.

- Single Family Dwelling Private Property Improvements—New Construction or Upgrades, one (1) water Service, one (1) Sewer Connection, one (1) Residential Driveway Access with limited twelve (12) foot throat approach, Sidewalk, and Landscape Areas; site plan with lot lines, dimensions, utility layouts, aerial photo.
- Multi-Family Dwelling Private Property Improvements with multiple property owners at end of project—New Construction or Upgrades, multiple water services, multiple sewer connections, a Commercial Driveway Access with maximum thirty (30) foot throat approach, Sidewalk and Landscape Areas. May require Fire Line.
- Multi-Family Dwelling Private Property Improvements with one property owner at end of project—New Construction or Upgrades, number of water and sewer connections determine by land use.
- Accessory Dwelling Units—New Construction, separate water and sewer connections may be required. Potential street improvements which include concrete flatwork.
- Commercial Development Improvements—Varies by development.

Engineering reviews are not intended to design systems. The reviewer will return a list of comments the developer is required to address. If Engineering is required to review plans not properly prepared more than three (3) times, developer will be charged a fee for review time.

#### Transition To Existing Infrastructure

Any Private development, whether done in phases, retrofitting, or new shall be required to show how the new structures transition into existing surfaces, pipe, concrete work, drainage, and other existing infrastructure.

#### Final ROW Review with ROW Application

Single Family Dwelling Private Property Improvements—

- New Construction or repair of driveways, sidewalk, landscape, water, sewer, storm, and street improvements when new building construction does not occur. If new building construction is

involved in upgrades, permit work falls under above Accela Processing.

- Level 2 Projects starting construction
- Special Event – Roads
- Private Utility Upgrades and New Installs
- See Appendix H for ROW Application.
- See Appendix I for ROW Requirements.
- See Appendix J for Tree Removal Checklist

### RIGHT-OF-WAY PERMITS

The second plan review occurs when the project is nearing construction. A ROW permit is required prior to any activity on job site. No one shall perform work, store materials, nor encroach on or within a ROW, Public Easement, or Public Utility Easement without first acquiring a permit from the City’s Engineering Department.

#### Non-Exemptions

ROW Permits do not create exemptions for use of paid parking for staging or other use by permittees. Use of paid parking stalls for construction activity may incur parking charges.

#### Developer’s Responsibility

- ROW permit projects include, but are not necessarily limited to:
  - Improvements or upgrades to publicly owned and maintained streets and alley ways, City owned bridges, sidewalks, curbs, driveway approaches, water systems, sanitary sewer systems, and storm drainage systems.
  - All proposed private storm drainage, sanitary sewer, and water systems intended to connect to, or discharge into, a system under the jurisdictional control of the City of Newport.
  - The construction, repair, maintenance, or replacement of all other utilities located within a public ROW or public easement, including, but not limited to, power, telephone, gas, and cable television, shall be required to submit for plan check and obtain a ROW Permit.
  - Traffic Control Plan (TCP)
  - Temporary Pedestrian Access Route (TPAR)

#### ROW Application Submittal

A 100% completed design prior to discussion with City about a ROW permit. The City does not design private infrastructure, nor is the permit process review intended to be used as a system design format. Plans will be reviewed against the standards and specifications contained within this design handbook, standard drawings, and municipal code.

If the property owner is acting as a general contractor, a list of all sub-contractors, with their Oregon Construction Contractors Board (CCB) license and City of Newport Business License, shall be submitted with the ROW application. If property owner does not have that information, the application will not be processed. All work done by all sub-contractors listed in the permit is to be completed within the sixty (60) day permit period.

When site plan is ready for review, complete the ROW application, and prepare submittal.

ROW application must be taken to the City Finance Department and fees paid before submitting application to Engineering. Because fees must be paid prior to application review, ROW applications will

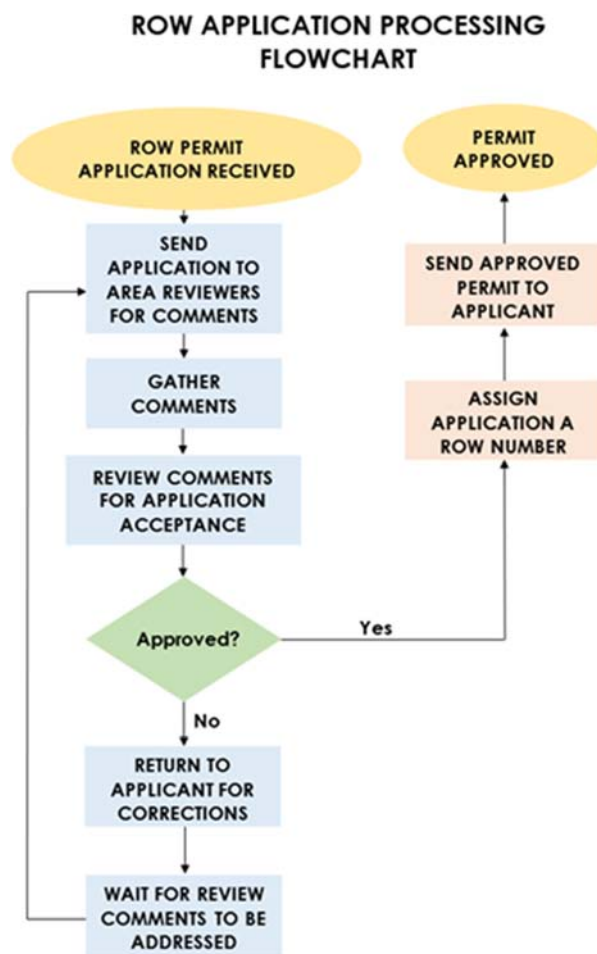
no long be accepted electronically, except for utility franchises that may submit electronically if they have made payment arrangements to do so.

If an application is found to be incomplete, the application will not be processed until any missing information is provided by applicant. [See above site plan requirements.] Once an application is complete, the City will review work outlined in application for conformance to construction standards. The review process could take up to three weeks to complete. Once approved, the application will be assigned a permit number and returned to the applicant with any applicable standard drawings attached and notes for construction.

### Active Period

After receiving approval of any ROW permit, the applicant has sixty (60) days to complete construction or the permit will expire. If work does not start within sixty (60) days after issuing ROW permit, permit will expire on sixty-first (61) day of inactivity. Submit permit extensions in writing for City Engineer approval.

**Note:** Each phase of construction will require a separate ROW Permit for work within the ROW. Permits are good for 60 days. One permit may not cover entire construction period.



### ROW PERMIT WORK

#### ROW Permits for Developments

**Large Developments**—due to construction time, large developments may choose to break ROW work down to segments with a permit for each individual segment if the work will take more than the 60 days allotted to an approved permit. This may change with the implementation of permit fees. A complete site plan is required even when work is broken into stages.

**Small Developments**—due to construction time and cost, small developments may want to break down ROW work into smaller pieces. Often these smaller developments want to move forward without a full development design; however, the City wants to see the full site improvements for City infrastructure and infrastructure tie-ins prior to ROW permit application. Partial plan designs can create problems in later development stages.

#### ROW Permits for Tree Removal or Tree Trimming

Section 9.10.025 Tree Removal Requests and Authority outlines ROW requirements for trimming and/or removal of trees in the ROW. A checklist must be completed and returned with the ROW permit application.

- See Appendix I for ROW Requirement Checklist.
- See Appendix J for Tree ROW Application and Requirements.

### ROW Permits for Utility Companies

Utility companies with active franchise agreements are exempt from supplying a business license on the ROW application based on NMC 4.05.025. However, if a franchise agreement has expired, the utility company is required to purchase a City of Newport business license and supply the number on all ROW applications. If a utility company is using a sub-contractor, that sub-contractor will need a City of Newport business license and will need to provide that information on the ROW application.

### ROW PERMIT FEES

On **July 1, 2024** the City of Newport will be moving to a fee based ROW permit. Fees have been approved by City Council and will include:

Base Fee	\$100.00
Expedited Review	\$100.00
Permit Extension (60 days)	\$100.00
Working Without a ROW Permit	\$500/Day

Expedited reviews may be done in three (3) calendar days with available staff. If staff is not available, expedited reviews may not be possible.

Fees must be paid prior to submittal of ROW application for review. Fees will be paid in the Finance department. A receipt, or copy, is submitted with the ROW application along with all pertinent plans and drawings. Applications will not be accepted without a receipt.

Finance is closed on Friday. Please make arrangements Monday through Thursday for submittal of ROW applications. Engineering staff is not available on Fridays to work on ROW permits.

### Fees for Utility Franchises

Utilities that have ROW fees included in their active franchise agreements have already worked out payment of fees. For all utility companies without an active franchise agreement, ROW fees must be paid per ROW application. Utility franchises may want to make billing arrangements since their offices are out of town and their accounts payable departments are often separate from their permit offices.

### New Service Fees

If new services are going in as part of a lot development, additional fees may be issued. These fees will be paid prior to the issuing of the approved permit. A list of service fees is listed in the Newport Municipal Code. Please see the Service Fees & ROW Permits flow chart on the next page for some of these fees and how they are processed as part of the ROW permit.

### Permit Extensions

Extensions may be granted for an additional sixty (60) days. If an extension is not requested, and work continues beyond the sixty (60) days of the original approved permit, applicant will be considered as working without a permit and be subject to the \$500.00 per day working without a permit fee. If an extension is needed, applicant must bring in permit, show a second receipt for fees paid, and sign the permit to get a new closing date for the ROW permit.

### Working Without a Permit

Contractors working in the ROW without a permit will be charged \$500.00 per day until a ROW

application is submitted and approved.

### Permit Closeout

Permits must be officially closed. This means a final walk through by designated City representative must be conducted and all corrections made. Contractor, or permitted party, is responsible for requesting a final walk through of the project to close out ROW permit. Permit fees may continue to apply against a permit until close-out is completed and work accepted by City.

### RIGHT-OF-WAY OBSERVATION

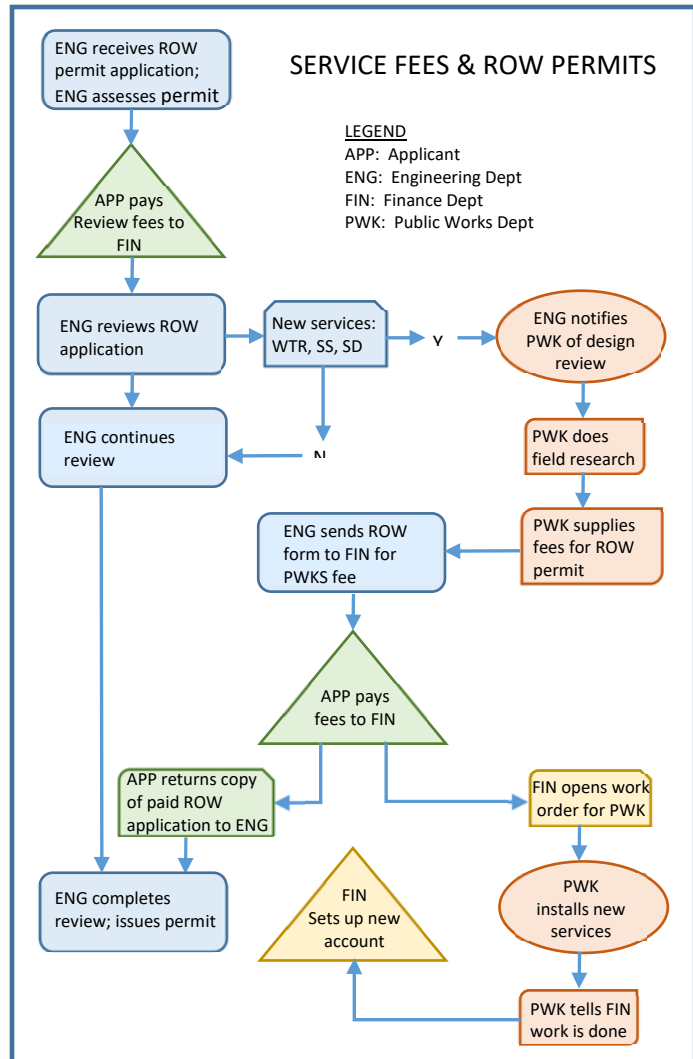
ROW observation is performed to verify that work within the ROW is following comments, notes, and details included on the approved ROW permit. Inspections are performed by two groups: Engineering personnel and Public Works personnel.

- Engineering observes work done in the ROW to ensure compliance to City of Newport design standards and permit requirements. This includes, but is not limited to:
  - Compaction testing
  - Pipe and structure installation
  - Pressure testing
  - Compliance with design standards
  - Compliance with ROW permit procedures, requirement, and notes.
  
- Public Works inspects work done in the ROW directly tying to mainline pipes to maintain an active awareness of what is being attached to the systems they maintain. This includes, but is not limited to:
  - Hot taps to water mains
  - Water main testing: pressure and bactee
  - Taps to sewer and storm mains
  - Installation of saddles
  - Manhole testing

A full list of required ROW observation and inspections will be attached to the approved ROW permit.

### PERMIT ASSURANCES

Before any public construction begins, the applicant will submit a letter of commitment, letter of credit, assignment of deposit, bond, or cash deposit in form and substance satisfactory to the City as a performance assurance for such construction. The amount of the performance assurance for private



development projects shall be one-hundred-fifty (150) percent of the design engineer’s estimate or bid total on public improvements and shall be conditional on the performance of all terms and conditions of the permit and these standards. The guarantee shall include, but not be limited to, restoration of settled fills, trenches, pavement, and surfaces. After meeting all requirements stipulated here and the City authorized representative stamps and signs the construction plans, the Engineering Department will issue a Public Improvement or Right of Way Permit.

The Permit shall be valid for one year from the date of issuance. If time elapses on the permit, the applicant can request, in writing, a permit extension from the City Engineer or the City authorized representative. If City approves the applicant’s request, the permit holder then has sixty (60) contiguous calendar days to begin construction on permitted projects and shall show substantial progress during this permit extension, as determined by the City. If applicant does not make any substantial progress within the allotted time, the City will not grant any further permit extensions, and the ROW permit will closed. Developer may resubmit plans. The City will review resubmitted plans to determine compliance with the Engineering Design and Construction Standards, including any newly approved codes and/or regulations.

Contractor shall submit to the City a bond worth one-hundred-ten (110) percent of improvement costs. See NMC 9.10.100 for details.

### INSURANCE REQUIREMENTS

The City requires additional assurances from the applicant/contractor including, but not limited to, Certificates of Insurance from insurance companies or entities acceptable to City. The Certificate shall specify all of the parties who are Additional Insured. The contractor shall be responsible for paying all deductibles, self-insured retentions and/or self-insurance included under these provisions. For City financed projects, the successful bidder and their insurance company shall execute a Certificate of Insurance prior to the execution of the contract by the applicant.

### INDEMNIFICATION

See NMC 9.05.190.

### INSTRUCTIONS FOR COMPLETING ROW APPLICATION

#### Definitions

- Applicant—the person responsible for permit fees and final decisions; responds to questions and needs for more information; may be property owner, contractor, designer, or developer.
- Bond—Surety purchased by Contractor to protect City if ROW work is not completed or completed incorrectly.
- City of Newport Business License—License required for all persons or entities doing work in the City of Newport.
- Contractor—Person or Entity completing work in the ROW.
- Developer—Person or Entity developing a parcel, lot or area. May or may not be listed on the ROW permit.
- Level 1— No Licensed Professional Engineer Stamped Plan Required
- Level 2— Licensed Professional Engineer Stamped Plan Required
- OCCB License—Oregon Contractor Construction Board license showing contractor is bonded and in good professional standing to complete work in the ROW.
- Property Owner—Person or Entity that owns property where work will occur.



- Sketch—Site drawing/plan indicating work to be completed in the ROW for Level 1 and Level 2.
- Work Components—Parts of work to be completed in the ROW.

**Part 1: Work location and Description**

**Address/Location of Work:** Location of construction.

EXAMPLE: 169 SW 13<sup>th</sup> ST, Newport, OR 97365

**Part 2: Contractor and Property Owner Information**

Contractor information is required for all ROW applications. If there are sub-contractors, supply the same information as required for the prime contractor on an additional piece of paper attached to the ROW application. Each contractor, whether prime or sub will be required to have a current Newport Business License. Currently we ask for prime only? Astound for ex

If Contractor is the contact for questions and responsible for all fees, check box.

EXAMPLE: In this example, the contractor will be the primary contact and be responsible for all fees. Since the work is confined to one building and not part of a development, no bond will be required.

<b>Contractor Information</b>	<input checked="" type="checkbox"/> <b>Primary Contact for questions and fees</b>
Business name: J & H Excavating	
Address: 29 Merry Lane                      City: Newport	State: OR                      Zip: 97365
24-hr Emergency Phone: 541-932-1478	E-mail: jandhex@wildwind.com
Main Phone (if different): N/A	
CCB License #: 56785                      Bond # (attach a copy): N/A	City of Newport Business License #: 4358

Property Owner information is required for all ROW applications. They may or may not be the primary contact, but this information is kept on hand if for some reason the City needs to verify some aspect with the property owner specifically.

EXAMPLE: In this example, the property owner is not the primary contact, so the box is unchecked.

<b>Property Owner Information</b>	<input type="checkbox"/> <b>Primary Contact for questions</b>
Property owner name: Julia McNamarrah	
Address: 169 SW 13 <sup>th</sup> ST                      City: Newport	State: OR                      Zip: 97365
Phone: 541-562-5573	E-mail: jmMac@carry.com

**Part 3: Applicant’s Declarations and Fees**

Applicant and Property Owner signatures are required on all permits to insure both parties are aware of and verify they have read the applicant declarations.

Once the application is signed, drawings attached, all information complete, take the application to the Finance Department to pay all fees. Attach copy of payment receipt to application and submit application to the Engineering Department for review.

**Part 4: City Review**

When Engineering receives the submitted application, a group reviews the application for completion and conformance to the City of Newport Design Standards and Standard Drawings. If there are any

questions, staff will contact the designated person to get clarification of information included on the application or request more information or modifications. Once these questions are answered, the City will approve the permit, indicate the 60 contiguous calendar day closing date, and release the ROW permit. Work can begin as soon as the approved permit is released.

Application reviews may be completed within three weeks. On complex applications, or if the City has difficulty getting requested information, application review can take more than three weeks to complete. Applications need to be submitted with ample time to complete the work within the contractor's schedule. For review to (placed at "to" highlighted)

END OF SECTION