

# RIGHT OF WAY/UTILITY

## Permit/Application

City of Happy Valley

16000 SE Misty Drive, Happy Valley, OR 97086 Phone (503) 783-3800 Fax (503) 658-5214

[permits-engineering@happyvalleyor.gov](mailto:permits-engineering@happyvalleyor.gov)



**ALLOW TWO WEEKS PROCESSING - after ALL information has been received.  
A permit number will be assigned to you upon issuance of your permit.**

PROPERTY OWNER/APPLICANT INFORMATION	
Name:	
Address:	
City/State/Zip:	
Contact Name:	
(24 hr.) Phone:	
Email:	
CONTRACTOR INFORMATION	
Business Name:	
Address:	
City/State/Zip:	
Contact Name:	
(24 hr.) Phone:	
Email:	
CCB#:	COHV Business License#:
PROJECT INFORMATION	
Street Address:	
Estimated Start Date:	Duration (Days):
Estimated Cost (within the Right of Way):	

PERMIT NO. \_\_\_\_\_

TYPE OF WORK
<p>Check only <b>ONE</b> Type:</p> <p><input type="checkbox"/> <b>TYPE 1 (Minor)</b> - Minimum fee \$150/ 90-day term (Requires signature of property owner)</p> <p><input type="checkbox"/> Sidewalk Installation</p> <p><input type="checkbox"/> Driveway Installation</p> <p><input type="checkbox"/> Small Encroachment (Specify Type) _____ (e.g., Storage Containers, Dumpsters, etc.)</p> <p><input type="checkbox"/> <b>TYPE 2 (Utility Install or Job Trailer Placement)</b> - Minimum fee \$300 or 5% of the construction value/ 120-day term.</p> <p><input type="checkbox"/> Telcom <input type="checkbox"/> Electric <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Sewer</p> <p><input type="checkbox"/> Storm <input type="checkbox"/> Job Trailer</p> <p><input type="checkbox"/> <b>TYPE 3 (Major)</b> - Minimum fee \$300 or 5% of the construction value/ minimum 2-year term from issuance of Site Development Permit or expiration of project maintenance bond (whichever is longer). Unless otherwise specified.</p> <p><input type="checkbox"/> Subdivision <input type="checkbox"/> Partition <input type="checkbox"/> Street Widening <input type="checkbox"/> Other</p> <p>LAND USE NO. _____</p> <p><input type="checkbox"/> <b>TYPE 4 (Road Closure)</b> - Minimum Fee \$750</p>
DESCRIPTION OF WORK
<p>Check <b>ALL</b> that apply:</p> <p><input type="checkbox"/> Cut in Street Pavement <input type="checkbox"/> Cut in sidewalk <input type="checkbox"/> Trenching</p> <p><input type="checkbox"/> Bore/Hog Hole <input type="checkbox"/> Aerial Work Only <input type="checkbox"/> Other: _____</p>

APPLICANT/CONTRACTOR AGREEMENT	
<p><b>THIS RIGHT-OF-WAY PERMIT IS SUBJECT TO THE GENERAL TERMS AND CONDITIONS. By signing this permit the Property Owner/Applicant/Contractor acknowledges receipt of the General Terms and Conditions, has had an opportunity to review them, agrees they are part of this permit, and agrees to be bound by them.</b></p> <p><i>I have read and will comply with the "General Terms and Conditions" and any additional conditions set forth in writing by the City. I understand the site will be inspected to comply with the City of Happy Valley Municipal Code Chapters 12.04 and 12.05.</i></p>	
PROPERTY OWNER/APPLICANT	CONTRACTOR (Required on all permits)
Printed Name	Printed Name
Signature	Signature
Date	Date

TO BE FILLED IN BY CITY STAFF	
<p><b>Required Submittals and Additional Conditions:</b></p> <p><input type="checkbox"/> Certificate of Insurance Received &amp; Approved</p> <p><input type="checkbox"/> Traffic Control Plan Required and Submitted <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Bond Surety Received &amp; Approved <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> School Notification Required 503.353.6150 (48-hrs in Advance) <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> Non-Emergency Services Required 503.655.8211 (24-hrs in Advance) <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> CDF Backfill Required. <input type="checkbox"/> N/A. Road Classification: _____</p> <p><input type="checkbox"/> See Attached Details and Notes and Special Conditions <input type="checkbox"/> N/A</p> <p><input type="checkbox"/> See General Terms and Conditions for further information</p>	<p>Engineering Approval _____ Date _____</p> <p>Expiration: _____</p> <p>Fee Amount: _____ Receipt No. _____</p>

***INTENTIONALLY LEFT BLANK  
(INSERT SITE DRAWING)***

**RIGHT OF WAY/UTILITY PERMIT**  
**GENERAL TERMS AND CONDITIONS**

1. This permit is issued by the City and is subject to Happy Valley Municipal Code Chapters 12.04, *Road Standards* and Chapter 12.05 *Utility Facilities in Public Rights-of-Way*, and the terms and conditions contained herein and/or attached hereto, as accepted and approved by Applicant.
2. As used in this permit:
  - “Applicant” means person, agent, firm or corporation requesting temporary use/activity within the public right of way.
  - “Property Owner” is any person, agent, firm or corporation having a legal or equitable interest in the adjacent property which the permitted activity is occurring.
  - “City” means the City of Happy Valley.
  - “Design Manual” means The City of Happy Valley Engineering Design and Standard Details Manual.
3. Availability of Permit - A copy of the permit including a Certificate of Insurance, approved construction plans, details and amendments shall be readily available and on site at all times. All work shall conform to special terms and conditions of this permit, the approved permit plans, approved plan amendment (if applicable), to the City’s standards and specifications and to these General Conditions.
4. Bonding & Insurance - Unless waived, the applicant shall provide proof of insurance and bonds as required by HVMC 12.04.100, 12.05.150 and/or 16.50.080. The City of Happy Valley, its councilors, officers, agents, and employees shall be named additional insured using the appropriate endorsement. Owner/Applicant and Contractor’s insurance shall be primary and noncontributory coverage.
5. Liability & Injury - Unless otherwise addressed in a franchise agreement, the Applicant shall be responsible and liable for all accidents, environmental clean-up, damages or injuries to any person or property resulting from the construction, maintenance, repair, operation or use of a facility for which the Applicant may be legally liable. The Applicant shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, claims, demands, actions, causes of action, costs and expenses of whatsoever nature which they or any of them may sustain by reasons of the acts, conduct or operation of the Applicant, his agents or employees in connection with the construction, maintenance, repair, operation or use of said facility. If the Applicant has an established franchise agreement with the City of Happy Valley, that agreement shall control.
6. Inspection Frequency & Fees: For Type I and Type II permits there are three required inspections (preconstruction for existing conditions review, during construction for overall operation process and post construction for restoration determination). If the City deems additional inspections are necessary to ensure proper construction occurs per 12.04.120 an additional \$150/inspection reinspection fee may be imposed per Res. 16-42.
7. Permit Expiration - This permit is valid for length of time as determined by its classification type as denoted on the application.

**NOTIFICATIONS**

8. Provide the following notifications to the City with an email to [inspect-engineering@happyvalleyor.gov](mailto:inspect-engineering@happyvalleyor.gov):
  - PRIOR to start (48 Hours).
  - PRIOR to street cuts or concrete pours (48 hours).
  - FOLLOWING trench/conduit completion for restoration inspection and closeout.
9. Provide the following advanced notifications for other agencies affected by this operation (*to be checked by staff upon issuance*):
  - North Clackamas School District Transportation 503.353.6150 (48 hours).
  - Non-Emergency Services 503.655.8211 (24-Hours).
  - City of Happy Valley Code Enforcement 503.783.3800 (48 hours).
  - Clackamas County Fire District 503.742.2606 (48 hours).
  - Tri-Met 503.353.6000 (24 hours).
10. Inspection Notification - **All trench backfills, subgrade proof rolls & pavement restoration shall be observed by the City Inspector.** All concrete forms shall be inspected by the City Inspector prior to and following pours. Provide 48-hour advanced notice of inspections by sending an email to [inspect-engineering@happyvalleyor.gov](mailto:inspect-engineering@happyvalleyor.gov).

**WORKSITE**

11. City Staff Access – The Applicant/Owner shall give City Staff, who comply with all applicable PPE requirements and safety practices, permission to enter the property described herein at any time to conduct inspections of any and all work being performed under this permit and understands that if inspectors are refused access for any reason other than non-compliance with applicable PPE or safety practices, the city may immediately revoke this permit without any further notice and without any hearing prior to revocation. The Applicant also understands that any refusal to allow entry or access under this permit for reasons other than non-compliance with applicable PPE or safety practices constitutes a violation of the City of Happy Valley Code.
12. Personal Protective Equipment (PPE) – Before allowing access to the work site, Applicant may require all who enter the site (including City Staff) to: a) wear appropriate PPE gear for the site conditions, and b) agree to comply with safety practices that have been implemented at the work site. Compliance with these safety requirements is a condition to remaining on the site.
13. Erosion and Site Condition - The work area and approach roads shall be maintained in a clean condition, free from obstruction and hazards. The spreading of mud or debris upon any street is strictly prohibited and shall be cause for immediate cancellation of the permit. The street shall be cleaned of all dirt and debris at the end of each workday, or more frequently as determined by the city. Cleaning of streets shall be with broom or vacuum at Applicant’s expense. **No washing of materials into the public storm system is allowed.**
14. Landscape Restoration - Upon completion of the work, disturbed landscaped areas shall be restored or replaced to equal or better than pre-construction conditions. Existing signs, pavement markings, mailboxes, etc. shall be reinstalled or replaced, with like kind of material. Obtain City approval for all restoration work performed.

## TRAFFIC

15. Traffic Control Plan (TCP) - Applicant must submit a TCP with the application for a review. During and prior to construction, Applicant must comply with a job specific TCP and shall at all times ensure the presence of workers, tools, materials, flaggers, barricades and other safety devices are placed properly to protect bicyclists, pedestrians, construction personnel and vehicular traffic.  
A copy of the traffic control plan shall be readily available at the work area. Traffic control devices, flag persons, etc., shall be in place prior to initiation of construction and shall be effectively maintained throughout the duration of the project. Traffic control shall be in accordance with the current editions of the "Manual on Uniform Traffic Control Devices [MUTCD] for Streets and Highways", U.S. Dept. of Transportation, FHWA, American Traffic Safety Services Association [ATSSA], and Oregon Temporary Traffic Control Handbook [OTTCH]. All traffic control personnel shall have proper state of Oregon certification and be able to provide it to inspection representative if/when requested.
16. Road Closure - The public roadway shall not be closed to traffic, at any time, without obtaining written approval from the City Engineer and a separate Road Closure Permit.
17. Property & Property Owner Access - Access to existing properties shall be maintained at all times, including delivery and mail service.
18. Construction Hours - Construction hours are from **7:00 a.m. to 6:00 p.m. Monday through Friday**, and **8:00 a.m. to 5:00 p.m. Saturday and Sunday**. *NOTE: In road work hours for locations near schools may be additionally restricted to 9am to 2pm Monday – Friday.* The following activities are NOT allowed on Sunday: site clearing, earth moving, installation or construction of underground utilities, paving of streets or sidewalks, foundation framing and pouring, and structural framing.

## EXCAVATION AND CONSTRUCTION

19. Utility Notification - Oregon law requires the rules adopted by the Oregon Utility Notification Center to be followed if the work involves excavation. Those rules are set forth in OAR 952-001-0001 through OAR 952-001-0100. You may obtain copies of the rules by calling the Oregon Utility Notification Center at 1-800-332-2344 or visiting their website at <http://www.callbeforeyoudig.org/>. Other persons, companies, districts, and utilities occupy the public right-of-way. The Applicant shall immediately notify the specific facility(ies) and/or owner(s) if facilities are encountered. Relocation of existing facilities will be at Applicant's expense.
20. Trench Excavation & Backfill - Trench excavation and backfill within existing pavement is determined based on street classification and shall comply with Drawing Nos. 200 and 205 or 210 of the Design Manual accordingly.
21. Control Density Fill - Control density fill (CDF) shall be used as backfill material on collector and arterial streets and in all trenches in paved areas not parallel to the roadway and all trenches parallel to the roadway that are less than 50' in length. Maximum compressive strength shall be between 50 and 150 PSI as shown in Drawing No. 210 of the Design Manual.
22. Asphalt Replacement Limits - Asphalt pavement replacement shall be a minimum of four (4) inches of hot Asphaltic Concrete (AC), or match existing AC depth (whichever is greater) and shall be compacted in lifts not to exceed three (3) inches as shown on Drawing No. 160 of the Design Manual.
23. Temporary Patching - A temporary hard-surface patch shall be placed on trenches within roadways at the completion of each workday. Approval of patching methods MUST be obtained in advance of placement. No trench shall be left at any time in an open or unsafe condition. Applicant is responsible for and is liable for hazards or damage resulting from the work performed.
24. Utility Locate Potholes within pavement areas must be core drilled with no larger than 6-inch diameter drill. Holes shall be backfilled with 3/4" - 0" aggregate to within 24" of surface and the remainder backfilled with non-shrink grout.
25. Testing Requirements - Provide density testing results for the following trench repair components for any patch repair more than 20 SF or more than 10 SF that touches a wheel path.
  - Asphalt pavement (both lifts)
  - Baserock (surface level)
  - Trench backfills (**Truck tickets for CDF backfill when CDF is required**)
26. Steel Plates - Steel plates will not be allowed to cover excavations in the traveled way during the months of **November to April** per City of Happy Valley Design Manual Section 2.4.(i).
27. Sidewalk/Curb Replacement Limits & Finishes - Sidewalk installation & replacements must be per standard drawing No. 250 and be FULL PANEL. No partial cutting or replacement of panels is allowed. Curb and/or curb and gutter replacement must be a minimum of 5 feet in length. There shall be no pieces remaining or replaced which are less than this 5-foot minimum (measured from joint to joint). **Finishes shall be per drawing No. 250 free of blemishes including but not limited to graffiti. Damaged panels shall be replaced at the Applicant's expense.**
28. Driveway Approach Specifications - Driveway approaches must comply with Drawings No 270 or 275 depending on type of driveway. All existing edges and damaged pavement must be sawcut and repaired per the City Inspector. A 2-foot minimum wide patch is required adjacent to the curb or gutter to allow an area large enough for compaction equipment to access. **Approach must be poured within 48-hours of an approved inspection.**

### **ADDITIONAL REQUIREMENTS FOR LARGE DEVELOPMENTS WITH LAND USE APPROVAL** **in addition to the above the following apply for developments with land use approval**

29. Erosion Control Inspection - **Prior to commencement of work**, approved erosion control devices must be inspected and approved by the City in accordance with the projects' erosion control permit. The City may at any time order corrective action and suspend work to accomplish effective erosion control.
30. Daily Inspection Reports - Applicant shall submit daily inspection reports on a weekly basis, to the City's inspector or designated City personnel per Engineering Services Agreement.
31. Survey Monumentation - Existing monuments, property corners, and survey markers shall be protected. Replacement shall be at the Applicant's expense.
32. Franchise Utilities - All work in the right of way performed by franchise utilities shall be covered under this permit and the work and workmanship of those activities shall be the responsibility of the Applicant.
33. As-built Drawings - Applicant shall provide as-built drawings of all franchise utility installation **PRIOR TO** permit closure and release of building permits.