

SECTION 2

2. PERMITS

2.01 Permit Process

No person(s), firm or corporation shall commence work on the construction, connection, alteration or repair of any facility located either in the public right-of-way or a public easement or any project or work which may jeopardize the City's infrastructure without first having been obtained from the City *all* necessary approvals and permit(s)

Any party requesting such approval or permit shall file a written Right-of-Way Use Application Form with the City at least 7 working days before construction activity is proposed to start. The application shall be made on the following form, available in the Castle Rock Public Works Department or the Castle Rock City Hall. In addition to the information below, **a complete application shall contain "proof-of-insurance" as per, Section 3.03 of these standards.** Fee for right-of-way permits shall be as established in the City of Castle Rock fee schedule.

Application Denied - Appeal:

- No permit shall be issued until the application has been approved by the Public Works Director or his/her designee
- No application shall be approved nor a permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this ordinance or any other ordinance of the City of Castle Rock, nor shall issuance of a permit be construed as a waiver of any ordinance requirements concerning the plan. Any permit issued in error shall be null and void.
- Appeal of a denied Application shall be to the Castle Rock City Council. Decision of the Council shall be final and binding on both parties.

Application Approved:

Upon approval of the aforementioned application and collection of all related fees, a Right-Of-Way Permit, as illustrated below will be issued:

Job No. _____

Permit No. _____

PERMIT FOR WORK IN STREET RIGHTS-OF-WAY

Subject to all terms, conditions and provisions written or printed below or on any part of this form, PERMISSION IS HEREBY GRANTED TO: _____

(Grantee”), its successors and assigns, telephone number _____

Address _____

City/Town _____ State _____ Zip _____.

(INSERT DESCRIPTION OR PROJECT HERE)

The City shall be the applicant for Cowlitz County right-of-way permits required along county roads within the Castle Rock water service area. The party requesting the approval shall provide the project drawings to the City of Castle Rock Public Works Department and shall also reimburse the City of Castle Rock for all permit fees charged to the City by Cowlitz County.

2.02 Construction Stormwater Permits

A Construction Stormwater NPDES Permit from the Washington State Department of Ecology (WSDOE) will be required for projects meeting the following criteria:

1. Clearing, grading and/or excavation which results in the disturbance of 1 or more acres, and discharges stormwater to surface waters of the state;
2. Clearing, grading and/or excavation on sites smaller than 1 acre which are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more, and discharges stormwater to surface waters of the state.

The developer shall submit evidence of coverage by a Construction Stormwater NPDES Permit obtained from the WSDOE, prior to beginning construction activities. Temporary erosion and sediment control (TESC) plans meeting the minimum requirements of the 1992 Stormwater Management Manual for the Puget Sound Basin must be submitted to and approved by the City Engineer prior to the beginning of on-site construction activities.

2.03 Modifications

A. Submittal

Requests to modify City Standards shall be submitted in writing by the developer's engineer, to the City Engineer. This written request shall state the desired modification(s), the reason(s) for the request(s) and a comparison between the specification(s), standard(s), and the modification(s).

Any request for modification or variance of City Standards should be documented with reference to nationally accepted specifications/standards.

B. Review

The request to modify shall be reviewed by the City Engineer, who shall consult the appropriate review authorities and make one of the following decisions:

- Approve as is,
- approve with changes,
- or deny with an explanation.

The modification, if approved, is for project specific use. Approval of a request shall not constitute a precedent.

C. Appeal

The applicant may appeal the City Engineer's decision to the City Council.

D. Criteria for Modification of Standards

The City Engineer may grant a modification to the adopted specifications or standards when any one of the following conditions are met:

- The specification or standard does not apply in the particular application.
- Topography, right-of-way, or other geographic conditions impose an economic hardship on the applicant and an equivalent alternative which can accomplish the same design is available that does not compromise public safety or accessibility for the disabled.
- A change to a specification or standard is required to address a specific design or construction problem which if not enacted will result in an undue hardship.