

May 5, 2009

H 1583. DOT VEGETATION REMOVAL CHANGES. Filed 5/5/09. *TO CHANGE THE DEPARTMENT OF TRANSPORTATION SELECTIVE VEGETATION REMOVAL POLICIES AND PERMIT FEES.*

Amends various provisions of GS Chapter 136 to: (1) specify when permits may be issued for selective thinning, pruning or removal of vegetation around billboards or buildings next to highway rights-of-way; (2) specify a method of calculating the value of trees that are removed; and (3) provide appeals from Department of Transportation (DOT) decisions about permits. Raises fee for vegetation removal permit from \$200 to \$300 per site and specifies that the fee is nonrefundable. Allows selective vegetation thinning and removal only for a permittee's business facility (meaning any commercial, industrial, institutional, multiuse development, or office facility) or outdoor advertisement signs adjacent to the highway right-of-way where the facilities or signs have been constructed. Provides that a permit may not be issued to increase visibility for undeveloped property or on-premise signs. Requires an applicant for a vegetation removal permit to employ the services of a North Carolina licensed landscape architect or certified arborist for the initial application. Directs the licensed landscape architect or certified arborist to submit a report under seal that contains an inventory of existing trees in the removal zone and that includes the age of any tree that predates the construction of the facility. Sets limits on selective clearing or thinning of vegetation. Provides that an application for a vegetation removal permit be made to the appropriate Division of Highways roadside environmental engineer. Provides that if the site is inside city limits, local officials are to be given an opportunity to comment.

Amends GS 136-129 to specify that billboards outside city boundaries must be at least 500 feet apart and to specify that fees under this section are limited to \$150 for the initial fee and \$90 for the annual renewal, with \$30 of each fee to be used for highway beautification.

Adds new GS 136-133.1 to specify the zone around billboards in which clearing is allowed, and prohibits clearing to enhance visibility of billboard without a permit. Adds new GS 136-133.2 to provide that permits to remove vegetation may only be granted for outdoor advertising locations that have been permitted for at least two years and at the discretion of the DOT. Requires the application for a permit to be decided within 30 days, with the Division of Highways engineer to specify reasons for denial. Sets out permissible bases for denial. Adds new GS 136-133.3 to provide the procedure for appeal of the engineer's denial of a permit for selective vegetation removal to the Secretary of Transportation, with judicial review of a final agency decision.

Adds new GS 136-133.4 and GS 136-133.5 to specify standards for clearing around billboards, methods of clearing, responsibility for damage, five-year moratorium on clearing and revocation of billboard permit for violation of standards, and denial of permits for same site for five years. Adds new GS 136-133.6 to create a Class 2 misdemeanor for a permit holder's failure to respond as required by the statute to unlawful destruction or illegal cutting and provides that violations also result in the permit holder's ineligibility for a selective vegetation removal permit for five years.

Effective January 1, 2010.

Intro. by Cole, Holliman, Wainwright, Bell. GS 136

June 11, 2009

H 1583. DOT VEGETATION REMOVAL CHANGES. Filed 5/5/09. House committee substitute makes the following substantive changes to 1st edition. Amends GS 136-93 and GS 136-133.1 to provide that in removing vegetation pursuant to permits issued under those sections, native dogwoods and redbuds must be preserved. Amends GS 136-93 to allow replacement of certain trees on a value basis as well as a caliper basis, and density reductions pursuant to that statute may only be done one time. Deletes proposed amendment to GS 136-93 providing that selective vegetation removal permits on primary routes receiving

no federal aid must conform to limits set out in GS 136-129. Provides that permits issued under GS 136-133.2 must be to businesses open and operational. Provides that permit for vegetation removal are to be denied if the application is contrary to the ordinances of the local government unit where the vegetation to be removed is located, or if there has been illegal cutting on the site in the previous five years. Amends GS 136-133.6 to make it applicable to multiuse developments. Makes changes throughout to change authority from the Division of Highways and from roadside environmental engineer to the Department of Transportation. Specifies that bill applies only to permits applied for on and after January 1, 2010, and to offenses committed on and after that date.