

1 19A NCAC 02E. 0601 is proposed for amendment as follows:

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3 **SECTION .0600 - SELECTIVE VEGETATION REMOVAL POLICY**

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5 **19A NCAC 02E .0601 SELECTIVE VEGETATION REMOVAL PERMIT REQUIRED TO REMOVE**
6 **VEGETATION FROM STATE HIGHWAY RIGHT OF WAY**

7 (a) ~~In recognition of the State of North Carolina's desire to assure that high quality and aesthetically pleasing views are~~
8 ~~provided highway users, along with recognizing that, within certain specified limitations, limitations as set out in G.S.~~
9 ~~136-129(4) and (5), business facilities, hereinafter referred to as facilities, defined as office, institutional, commercial,~~
10 ~~and industrial buildings, and certain outdoor advertising are legitimate commercial uses of property adjacent to the~~
11 ~~highways and are an integral part of the State's business and marketing economy, selective vegetation removal permits for~~
12 ~~opening views to facilities and legally erected forms of outdoor advertising, advertising that which border State highways~~
13 ~~highways, are provided by this Section.~~

14 ~~(b)~~ (a) Selective cutting, thinning, pruning, or removal of vegetation within highway rights of way may be permitted only
15 for opening views to a ~~business facilities~~ facility building and legally erected forms of outdoor advertising as described in
16 G.S. 136-93(b), that which are located directly adjacent to State highway rights of way. For purposes of selective
17 vegetation removal ~~permitting, facilities, permitting~~ "business facilities", hereinafter referred to as facilities, are defined
18 as office, institutional, commercial, and industrial buildings. In accordance with G.S. 136-93.3, "agritourism activities"
19 as defined in G.S. 99E-30 are considered facilities under this Section. The following requirements apply to facilities
20 under this Section:

21 (1)all facilities, except for agritourism activities shall include at least one permanent structural building,
22 building;

23 (2)the building must shall have all required local and State permits, be related to the facility's function, and be
24 open and operational on a year-round basis. basis; and

25 (3)When such any cutting, thinning, pruning, or removal of vegetation is allowed pursuant to G.S. 136-93(b), it
26 shall be performed by the permittee or his agent at no cost to the Department of Transportation and shall comply
27 with this Section.

28 ~~(c)~~ (b) For purposes of this Section, agritourism activities include any activity carried out on a farm or ranch that allows
29 members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities,
30 including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. The
31 following requirements apply to agritourism activities under this Section:

32 (1) agritourism activities that qualify for selective cutting, thinning, pruning, or removal of vegetation
33 shall be located directly adjacent to State highway rights of way.

34 (2) the requested selective vegetation removal site shall be directly related to agritourism activities.

35 (3) the agritourism activities shall be open for business at least four days per week, with a minimum of 32
36 hours per week, and at least 10 months of the year.

1 (4) the applicant for a selective vegetation removal permit shall certify that the activities qualify as an
2 agritourism activity. The Department may require additional documentation from the applicant if the
3 requested site's compliance as eligible agritourism activities remains in question.
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6 *History Note: Authority G.S. 136-18(5); 136-18(7); 136-18(9); 136-93 (b); 136-93.3;*
7 *Temporary Rule Eff. April 13, 1982 for a Period of 48 Days to Expire on June 1, 1982;*
8 *Eff. June 1, 1982;*
9 *Amended Eff. January 1, 2015; November 1, 2012; June 2, 1982.*
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