

Proposed 19A NCAC 02E Section .0600 Rule Changes, for Selective Vegetation Removal (SVR)

at Outdoor Advertising Signs and Business Facilities, Including Agritourism Activities

Related to House Bill 74 – Session Law 2013 – 413, North Carolina General Assembly

RULE:	DESCRIPTION OF CHANGE(S):	INTENT OF CHANGE(S):
19A NCAC 02E .0601: (FACILITIES AND OUTDOOR ADVERTISING)	Add “agritourism activities” as a category of selective vegetation removal permit, within permitting for business facilities. Define basic facility requirements and open hours to be met by agritourism activities seeking SVR permit. Acknowledge existing definition of agritourism activity already in Statute. Provide for self-certification by applicant for agritourism activity SVR permit. Make other minor clarifications to the Rule for typical business facilities and agritourism. Add GS 136-93 (b) to language for SVR permits to be performed at no cost to the Department.	Incorporate “agritourism activity” into existing Rule for the other pre-existing types of SVR permits, which are outdoor advertising signs and business facilities. Paragraph (a) deleted to eliminate unnecessary language. Update existing rule language that any type of SVR permit (facility or ODA) to be performed at no cost to the Department.
19A NCAC 02E .0602: (FACILITIES)	Add a listing of specific application requirements for a SVR permit at facilities. Incorporate agritourism activities into the previous rule for facilities. Allow for flexibility on cutting zone distance in situations where a typical business facility (including agritourism activity) may be located on each side of a highway. Minor change on review of SVR application by municipality.	To provide specific information on permit application requirements. Continue the incorporation of agritourism activities into the rule. Due to the actual nature of agritourism activities, allow for splitting the maximum cut distance between two sides of a highway and expand that allowance to typical business facility. Minor clarification on municipal reviews of SVR applications at facilities.
19A NCAC 02E .0603: (FACILITIES)	Clarify procedure when a municipality has requested to review SVR applications at facilities. Edit the permit denial reason for sites with past incidence of illegal vegetation destruction. Make minor changes to other permit denial reasons for clarification.	To provide clearer language on procedures applicant takes when a municipality has formally requested to review SVR applications by facilities. Make changes to permit denial reasons for clarity.
19A NCAC 02E .0604: (FACILITIES)	Minor change to terminology for required bonding. Minor changes to language describing the permittee’s tagging of trees to be cut and the Department’s review of tagged trees. Define “clean and orderly” appearance at a site. Changes in language for completion of SVR work and release of the bond.	Make consistent the terminology to describe the bonding requirements. Minor clarification of applicant’s tagging of trees desired to be cut and the Department’s review of the tagging. To provide a clear definition of site condition required at end of each workday. To clarify the procedure when permit work is completed and the required bond can be released.

19A NCAC 02E .0608: (OUTDOOR ADVERTISING)	Add a listing of specific application requirements for a SVR permit at outdoor advertising.	To provide specific information on permit application requirements.
19A NCAC 02E .0609: (OUTDOOR ADVERTISING)	Add a permit denial reason for “modified” SVR cut sites that are not in accordance with Statute or Rule. Make minor changes to other permit denial reasons for clarification.	To make clear that modified SVR cuts (at ramps) are subject to denial if not in accordance with regulations. Clarify other denial reasons.
19A NCAC 02E .0610: (OUTDOOR ADVERTISING)	Minor change to terminology for required bonding. Minor change and formatting of language to describe cutting allowance for sites where less than the entire cut zone is impacted by special requirements such as conditions, mitigation, rules, statutes, or permit requirements. Define “clean and orderly” appearance at a site. Changes in language for completion of SVR work and release of the bond.	Make consistent the terminology to describe the bonding requirements. Provide clarity to the language that describes sites that are partially affected by special conditions, mitigation, rules, statutes, or permit requirements. To provide a clear definition of site condition required at end of each workday. To clarify the procedure when permit work is completed and the required bond can be released.
19A NCAC 02E .0611: (FACILITIES AND OUTDOOR ADVERTISING)	Change in language to allow for other types of mechanical removal of cut stumps. Change in language to allow pruning as a mitigation method when SVR site is at a location that was planted as a landscape beautification project.	Give flexibility to actual types of mechanical stump removal allowed when sites are to be replanted. When agreed upon by the applicant and the Department, pruning may be an alternative method of mitigation when the SVR cutting is at a landscape beautification project.
19A NCAC 02E .0612: (OUTDOOR ADVERTISING)	NEW RULE PROPOSED to provide application process and permit conditions and requirements for a “modified” SVR cut along highway ramps per the enacted law in GS 136-133.1 (a1) from the 2013 NCGA Session.	Provide language in compliance with existing NCAC rules related to SVR work but also specific to and in compliance with the modified cut zone along highway ramps allowed in the new (a1) subsection of the Statute. The “modified” permit is subject to approval if the view to the ODA sign will be improved and the total aggregate area of vegetation removal does not exceed the maximum allowed under the normal cut zone, as long as all requirements are met.
GENERAL CHANGES THROUGHOUT THE RULES: 1) When governmental or outside organization standards are cited as authority for such work as cutting or pruning or planting trees, the rule language specifies what the standard is and where it can be obtained. 2) The NCDOT’s website is added in various places as an informational source. 3) Various grammatical, clarification, and formatting changes are proposed without change of actual rule content. 4) Where necessary, incorporation of “agritourism activities” into the rules as a new eligible category of SVR permit.		