

2015 DRAFTING REQUEST

Bill

Received: **10/27/2015** Received By: **zwyatt**
For: **Julie Lassa (608) 266-3123** Same as LRB:
May Contact: By/Representing: **Ben**
Subject: **Transportation - highways** Drafter: **zwyatt**
Transportation - other Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Lassa@legis.wisconsin.gov**
Carbon copy (CC) to: **zachary.wyatt@legis.wisconsin.gov**
aaron.gary@legis.wisconsin.gov
eric.mueller@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Exempting Charles Automotive from tree removal fee

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	zwyatt 1/11/2016	aernstr 10/29/2015	_____	mbarman 10/29/2015		State
/P2	zwyatt 1/26/2016	aernstr 1/15/2016	_____	sbasford 1/15/2016		State
/1		kfollett	_____	mbarman	lparisi	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		1/26/2016	_____	1/26/2016	1/26/2016	

FE Sent For:

*attest
2/1/16*

<END>

Wyatt, Zachary

From: Van Pelt, Ben
Sent: Monday, October 26, 2015 4:32 PM
To: Wyatt, Zachary
Cc: Sen.Lassa
Subject: RE: Senator Lassa - More Transportation Questions
Attachments: Charles Auto Overhead with notes.jpg

Zach,

I apologize for the delay in following up on this non-stat request, but it's been a long month.

I wanted to pass along some base info about the dealer and the fees associated, so we at least have a place to start. I am waiting to speak with my main contact about this, we have been playing phone tag for a while on this.

- Intended Recipient(?): Charles Automotive (GM Dealership) <http://www.charlesgm.com/>
- Location: 1978 Charles Way, Coloma, WI 54930 (don't try to google it, it still comes up as their old address) – Please see attachment for a visual
- Intent: To exempt them, one-time, from the \$200 per tree removal fee set forth by the DOT for the approximately 200-240 trees they want removed between their location and exit-124S on I-39. – Please see attachment for visual
 - We are only exempting them from the per tree fee. Our intent, at this point, is to still require the dealership to pay for the work to be done to remove the trees and then to either replant with a shorter hedgerow, or replace with an artificial snow fence.
- As discussed in the last bullet point we will still require there to be some sort of snow barrier between the dealership and I-39. The DOT had originally called for a "landscape plan that identifies the number of trees to be but and a plan for living snow fence replacement. The landscape plan needs to be prepared by a Wisconsin Registered Landscape Architect."
 - This seems a reasonable requirement to keep.

I understand this is pretty thin to start the work, but I wanted to get the ball rolling, especially with so many other things going on.

Please give me an idea of other information you may still require to complete this non-stat.

Thanks again for all your help on this,

Ben



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

GENCAT

1 AN ACT ...; relating to: the removal of trees from the highway right-of-way by
2 Charles Automotive in the village of Coloma.

Analysis by the Legislative Reference Bureau

This bill requires the Department of Transportation (DOT) to issue a permit to the Charles Automotive dealership in the village of Coloma authorizing the removal of vegetation that obstructs the outdoor advertising sign on the dealership property. This bill exempts Charles Automotive from the required payment to DOT per tree removed, but requires Charles Automotive to replace the vegetation removed with a windbreak hedge.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1. Nonstatutory provisions.**

4 (1) The department of transportation shall issue a permit under section 84.305[✓]

5 (2) of the statutes to the Charles Automotive dealership in the village of Coloma in

6 Waushara County authorizing the removal of vegetation that obstructs the outdoor

SECTION 1

1 advertising sign on the dealership property. Notwithstanding section 84.305 (5) (a)
2 and (f) 1. of the statutes, the permit may not require Charles Automotive to
3 compensate the department of transportation for the removal of trees.

4 (2) Charles Automotive shall replace the vegetation removed with a
5 windbreak hedge, as defined in section 84.04 (1) (f) of the statutes, planted as part
6 of a plan prepared by a landscape architect registered under chapter 443 of the
7 statutes.

8 (END)

Wyatt, Zachary

From: Van Pelt, Ben
Sent: Friday, January 08, 2016 12:25 PM
To: Wyatt, Zachary
Cc: McCarthy, Steven; Sen.Lassa
Subject: FW: Draft review: LRB -3706/P1
Attachments: 15-3706/P1.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon Zach,

After speaking with the DOT, the auto dealership, and Leg Council I am writing to request a /P2 of this non-stat provision. (I have also included recent correspondence from the DOT to the dealership below my signature line that lays out some of these specifics as well)

A few changes that I wanted to make are as follows:

- 1.) Under the sub 2 we would like to include language that the approved "windbreak hedge" be constructed before the removal of any of the trees/vegetation...the dealership believes there is enough space to construct something without having to remove any of the trees, but I could see where this could pose some problems, so please let me know what you think.
- 2.) Again under the sub 2, we wanted to include language that not only is this "windbreak hedge" part of a plan by a landscape architect, but also is a DOT-approved snow fence. We need to make sure of this because of the impacts it might have on a federal interstate corridor.

The only other question we were discussing is if we need to specify who the tree removal is done by. It was discussed earlier that the dealership spoke with the county highway department about doing it, but I am not sure if it is necessary to put those specifics in there. Steve believed that since the work permit would still fall under 84.305 that any requirements in that statute would still have to be met.

Thanks for your work on this Zach and please let me know what you think and if you have any questions.

Ben Van Pelt
Office of Senator Julie Lassa
24th Senate District
(608) 266-3123

DOT Communications:

Ben – my apologies. I was mistaken. The communication to which I referred this morning was a phone call and not a letter.

Ken Wickham, our region's deputy director, spoke with Charles Plach via telephone on December 3, 2015. Ken informed Mr. Plach that:

1. a work on right of way permit would be required and that there would be a charge of \$200.77 for each tree over 2 inches in diameter that is removed

2. prior to the removal of any trees, a functioning (and WisDOT approved) snow fence would need to be in place

Mr. Plach asked if there would be a charge for each tree if they cut the trees down themselves. Ken clarified that WisDOT would not be involved in the removal of the trees and that, in addition to the \$200.77 per tree, Mr. Plach would be responsible for harvesting and disposal of the trees, and for any costs associated with replacing the living snow fence.

Ken offered to meet with Mr. Plach on site and that we could bring a landscape architect to the meeting to discuss requirements for removing trees. Mr. Plach said that he was not willing to pay for that much for the trees so there is no reason to meet or to involve our landscape architect.

I believe that is the most recent communication on this topic. Please let me know if I can obtain any additional information for you.

Best –

From: LRB.Legal

Sent: Thursday, October 29, 2015 11:42 AM

To: Sen.Lassa <Sen.Lassa@legis.wisconsin.gov>

Subject: Draft review: LRB -3706/P1

Following is the PDF version of draft LRB -3706/P1.



INSECT

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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5 (2) of the statutes to the Charles Automotive dealership in the village of Coloma in
6 Waushara County authorizing the removal of vegetation that obstructs the outdoor

1 advertising sign on the dealership property. Notwithstanding section 84.305 (5) (a)
 2 and (f) 1. of the statutes, the permit may not require Charles Automotive to
 3 compensate the department of transportation for the removal of trees.

④ (2) ^{NS 2-4} Charles Automotive shall replace the vegetation removed with ^{plant} a windbreak

⑤ hedge, as defined in section 84.04 (1) (f) of the statutes, ^{NS 2-5} planted as part of a plan

⑥ prepared by a landscape architect registered under chapter 443 of the statutes. ^{NS 2-6}

7

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3706/P2ins
ZDW:ahe

subsection a.i.
(1)

1 **INS 2-4**

2 Prior to removing vegetation subject to the permit issued under sub. (1)

3 **INS 2-5**

4 as near as practicable to the vegetation to be removed. Charles Automotive

5 shall plant the windbreak hedge

6 **INS 2-6**

7 and approved by the department of transportation



NO CHANGES

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1 advertising sign on the dealership property. Notwithstanding section 84.305 (5) (a)
2 and (f) 1. of the statutes, the permit may not require Charles Automotive to
3 compensate the department of transportation for the removal of trees.

4 (2) Prior to removing vegetation subject to the permit issued under subsection
5 (1), Charles Automotive shall plant a windbreak hedge, as defined in section 84.04
6 (1) (f) of the statutes, as near as practicable to the vegetation to be removed. Charles
7 Automotive shall plant the windbreak hedge as part of a plan prepared by a
8 landscape architect registered under chapter 443 of the statutes and approved by the
9 department of transportation.

10

(END)

Parisi, Lori

From: Van Pelt, Ben
Sent: Tuesday, January 26, 2016 2:24 PM
To: LRB.Legal
Subject: Draft Review: LRB -3706/1

Please Jacket LRB -3706/1 for the SENATE.