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Tree ordinance took huge whack from council

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By Nancy Fitzer

In the course of just a few minutes on Jan. 8, Greenville County Council discarded more than two years of research, debate and compromise on how best to conserve our county's tree cover while promoting a healthy business climate. Yes, a tree ordinance did pass second reading that night. But that ordinance bears almost no resemblance to the one that was recommended by a citizen committee, approved at first reading, and addressed at a public hearing. In fact, it would be better to have no ordinance at all than the one approved on Jan. 8.

I have never heard anyone, whether supporting or opposing the tree ordinance, say they are not in favor of trees. We all like trees. But this debate is not about whether trees are good or bad. At issue is whether we as a community are willing to enact a sensible tree conservation policy to protect air and water quality, safeguard public health, mitigate extremes of temperature, prevent floods, preserve community history and character and foster economic well-being.

Communities across the nation are living with tree ordinances much stronger than anything proposed for Greenville County. Developers comply, and communities prosper. And I'm not just talking about places like northern California. Right here in South Carolina, at least 12 counties and 52 municipalities have tree protection ordinances, according to a study by Clemson University's Strom Thurmond Institute. Is Sumter County a secret bastion of socialism? Or have they figured out that tree conservation just makes sense?

Some County Council members complained that earlier versions of the tree ordinance would be too costly and cumbersome to enforce. While some argue that enforcement and administration would require a new county department, others familiar with county government point out that these duties could be handled efficiently by current building inspection and codes enforcement staff.

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Another complaint was that ordinance contained unfamiliar words and was confusing to the layperson. But the ordinance explicitly did not apply to individuals maintaining trees on their own properties or landowners carving off lots for family members. It would in practice be used by developers, landscape professionals and others familiar with its terminology. Our elected officials owe it to their constituents to take the time to read and understand legislation set before them, even on unfamiliar topics.

A related criticism was that the ordinance was too complicated. The reality is that trees are complicated organisms. They come in numerous varieties; they require sunlight, water, soil, nutrients, and space; they grow at different rates; and they die.

Development is also complicated. It varies in size, use, quality, density and context. Any law attempting to regulate trees and development is by necessity going to contain some complexity if it is going to be effective.

County Council voted 7-5 to throw out all previous text of the ordinance and replace it with a much shorter

amendment presented by Councilman Willis Meadows. Unfortunately, by adopting this amendment, council members did not merely simplify the ordinance; they oversimplified it to the point of irrelevance. Here are just a few of the resulting problems:

- The ordinance applies only to residential development. No trees would be required anywhere other than in the parking lots of non-residential developments. It will therefore be impossible to meet its stated goal to "maintain the County tree canopy cover at or above its current level" since much of the development in Greenville County is commercial, retail, industrial and institutional.
- Where trees are required, no spacing, maintenance or root protection is specified. If trees are planted improperly or too closely, or if construction equipment compacts the soil above their roots, they are unlikely to survive and may become hazards.
- No distinctions are made among tree species. A Bradford pear, which is cheap, is prone to splitting, and has a short lifespan, would be equivalent in the eyes of the law to a willow oak, which has vastly superior long-term environmental and aesthetic benefits.
- Multiple-family dwellings are required to have only two trees on site, no matter how large the development. So a 100-unit apartment building could meet the requirements of the law by planting just two 1.5-inch trees.

Was the tree ordinance perfect in its original form? Absolutely not. We at Upstate Forever advocated strengthening many of its provisions and cleaning up unclear language. But what County Council did was -- to use a timber analogy -- a slash-and-burn where only a pruning was needed. Greenville County deserves better. Let's urge our council members to amend at third reading and then pass a strong tree conservation ordinance on Jan. 22.
