

Linnea Kooistra:

Okay. So further discussion is not on the agenda, so I'll need a motion to amend the agenda. Do we have a motion to do so?

Charles Eldredge:

I move that we amend the agenda for a discussion and possible passing a resolution, recommending to the county board that the county adopt a tree ordinance of some sort.

Linnea Kooistra:

Is there a second?

Vicki Gartner:

I'll second.

Linnea Kooistra:

I'll call for the vote. Anybody who wants to amend our agenda so we can discuss this? We'll vote aye. All in favor?

Members:

Aye.

Linnea Kooistra:

Any opposed? Okay. So the agenda has been amended. So now I will open up this discussion. Mr. Eldredge, you wanted to purposely discuss this?

Charles Eldredge:

Yes. Yesterday was an example, but we've had any number of examples over the last several years, where there was concern by this board about tree removal as a result of development of one sort or another therefore vacant agricultural parcel. And I think that it would be very valuable for us to have guidance from the county board as to ... It is not our duty to establish county policy. It's theirs, and I would like to have guidance from them as to what the county's policy is with regard to the preservation of trees and remediation where a significant number or notable trees need to be removed. And I simply would wish to urge them to consider this issue and establish whatever policy they think is appropriate for the county.

Linnea Kooistra:

Okay. We'll start just going down the line then. Any other member that has comments? Ms. Beverly, we'll start with you.

Jessica Beverly:

Thanks. Yes, I appreciate Charlie bringing this forward. I've been working on it myself with various county board members and staff and nonprofits. I've spoken with Lisa Hatterline with the Land Conservancy. They've met with the defenders. The MCCD has talked about it. I mean, this is on

everybody's radar and I would appreciate firm guidance in the form of a UDO change establishing what our priorities are with regard to trees.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

I agree with that. And I'd also like to emphasize that whatever formulation or position they gets established is not going to be too complex, too hard to enforce, too hard to interpret. Whatever they come up with, I'd recommend. Keep it simple, please. That's all. Thank you.

Linnea Kooistra:

Ms. Gartner.

Vicki Gartner:

Yeah, I agree with that. Not getting too complicated because I know there was some discussion, there was concern on some of the PED members that any tree ordinance that they would put into effect would affect homeowners and other people just cutting trees down in their yard, for instance. And they'd be subject to all these rules and regulations, which isn't the intent of where we are with this. I mean, yesterday's petition made me feel like, "Wow, we are running out of room for solar farms in this county." They're looking at everything now and I don't want to see that happen. So yeah, I think we definitely need some kind of, even if it's pinpointed to solar farms, I don't care.

Linnea Kooistra:

Can't do that.

Vicki Gartner:

I know.

Kurt Schnable:

When I have an opportunity, aren't we really looking for mitigation overall?

Jessica Beverly:

All development. I mean, it's come up in various cases when we've had truck stops and other development in the county that we ask them to avoid the trees. And we ask them to preserve the integrity of the surrounding woodlands and things like that.

Vicki Gartner:

I mean, mitigation is fine, but mitigation is always in the future. I mean, it's never really replaced.

Linnea Kooistra:

Well, let's hear from everybody else and then we'll open it back up. Ms. Donner.

Mary Donner:

I agree that we need to have some guidance. And I'm of the opinion that everybody doesn't have the same idea of what a tree to be saved is. Do we go by inches? Do we go by feet? Do we go by the length of time that they've been a tree the way they're supposed to ... like an oak tree has a life of about a hundred years. When an oak tree dies, all the other oak trees around it die too, because they were all acorns at the same time.

I had three acres of land that was very much forested in a sensitive area, and there were times when we had to cut stuff down. I wouldn't have wanted somebody telling me that. They already told me I couldn't do what I wanted to do with some other things, just because we had it in our bylaws that something else had to be happening. You got to be really careful on how stuff is worded so that it doesn't become cumbersome, but otherwise I do agree with you.

Linnea Kooistra:

Mr. Kosin.

Robert Kosin:

Thank you, Madam Chairman. We are almost missing a 40-year anniversary because it was in 1987 that Mr. T went out that proverbial backyard and began cutting down trees in Lake Forest. I appreciate that the first stop of this discussion begins with the policymakers because we could be searching through the forest for years to come on what direction, what species. But I would also ask that the powers to be take a look at the wonderful work that has been done by the McHenry County Conservation District during the last 20 years of documenting and evaluating the forestry and the landscape of this county, to which we even had an applicant under oath tell us that that was even a more valuable tool than the tool that has been referenced to the county to the east of us. And so I'm glad we support this discussion and passing it on to the county board. Thank you.

Linnea Kooistra:

Okay. And I would just say I concur that I would like some guidance from the county board as well. It's not our purview to try and determine what is appropriate. We have in our UDO to try and minimize impacts to woodlands and wetlands, but there's no specifics to that. And it puts us in a bad situation when we don't have guidance from the county. And so a tree ordinance would be really helpful to us and to petitioners coming forward to us to know it's expected of them. So I think that would be an appropriate move on our part to recommend a tree ordinance. So yes, Mr. Eldredge.

Charles Eldredge:

Yeah. I'd like to add, I agree with those who argued for simplicity. I think we do not wish to have something that is going to interfere with a person in an urban lot who's got a tree that needs to be removed in his backyard. We don't want to interfere with private property unduly. We do want to see if we can cause some mitigation where trees are required to be destroyed in large quantity and particularly when they are of notable species.

But I think it is also something to be considered if there are areas that are so valuable that at least certain kinds of development are inappropriate on those sites. And if the county does not feel that that's true, then we should have that as policy. If they do feel it is true, we should have some guidelines as to how we would identify those parcels.

Linnea Kooistra:

Okay. Any other item for discussion?

Mary Donner:

I do have one more thing. One of the things that has come up, and it's always coming up with solar farms, is they get to a certain point and then we say, "Do a tree study." Well, it's in the process to do a tree study. We have to put the process, caddy walkers and say that's one of the things that you have to have right to begin with as opposed to the end of the property, as opposed to the end so that we can address it when we're doing it.

I don't know how you do that because that's an expense that they're willing to have to do. There's a lot of things that they still have to do. I've said this before. This is only the beginning of a process and we're asking for them to do something ahead of time that they wouldn't be doing until somebody else stormwater or the planning department or somebody else is looking at it first after we've approved it. So how do you-

Jessica Beverly:

The application process is heavily regulated by state law and we can't make changes to it. We as a body have had developers cooperate with getting a tree study for the good of their application, but you can't codify that in the UDO because the application and the hearing process are heavily regulated by the state law itself. However, that said, in counties that have a tree ordinance, all development is expected to adhere to that and mitigate it. And so they know they need a tree study at some point in the process and it's just understood.

So if a tree ordinance itself did exist, this would be a red flag similar to when they come in with wetland studies, because they know that we have a very strong stormwater management ordinance and they know it's going to come up, they produce it out of the good of their hearts to begin with. And that's with other development, we have seen that in addition to solar farms. I mean, we have to keep in mind that a tree ordinance would apply to all development blanket. You can't just say this only applies to battery and solar because that's, one, legal and doesn't make any sense. I think this would be a valuable tool in curbing this sort of development that we're seeing more repeatedly.

We've had five or six cases now where they want to do clear cutting on valuable species and our arms are tied. And the one wanted to negotiate mitigation with us in a zoning hearing. Do you remember that one? And we can't do that. The county board has to direct guidance and do it and we can't.

Linnea Kooistra:

Is there any other discussion?

Robert Kosin:

I'm sorry. I think from being one of the newer members sitting here, the word and phrase in previous considerations of my past life have been avoiding circumstances of ad hockery, of picking and choosing whenever the crisis seems to arise and favoring others over or not. And some of this is borderline on that. I like this species, but I don't know that area of the county and it's only one tree and it's not 500, but I'm among my peers, so you all understand that. Thank you.

Linnea Kooistra:

Okay. Any other discussion? Thank you. Okay. And I'm going to for a vote on this. I'll do it by ... I think I know how the vote's going to go, but I will put it on here anyhow.

Robert Kosin:

They just came out.

Linnea Kooistra:

Okay. So this, if you're moving to recommended tree ordinance, you'll be voting aye. Mr. Eldredge?

Charles Eldredge:

Yes.

Linnea Kooistra:

Ms. Gartner?

Vicki Gartner:

Yes.

Linnea Kooistra:

Mr. Kosin?

Robert Kosin:

Yes.

Linnea Kooistra:

Mr. Schnable?

Kurt Schnable:

Yes.

Linnea Kooistra:

Ms. Beverly?

Jessica Beverly:

Yes.

Linnea Kooistra:

Ms. Donner.

Mary Donner:

Aye.

Linnea Kooistra:

And I'll vote yes. So this will go to the county board, seven to zero, recommending they develop a tree ordinance. Okay. Seen as there's nothing else to come before this body, this meeting is now adjourned.

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