

ZONING BOARD OF APPEALS RESOLUTION

RECOMMENDING THAT THE COUNTY BOARD CONSIDER AND ADOPT A TREE PRESERVATION ORDINANCE

WHEREAS, the Zoning Board of Appeals (ZBA) is charged with conducting public hearings and making recommendations to the County Board on land use and development matters; and

WHEREAS, the ZBA has, on multiple occasions, reviewed development proposals involving the removal of significant numbers of trees, including but not limited to agricultural, commercial, and energy-related developments; and

WHEREAS, the ZBA has identified a lack of specific standards within the Unified Development Ordinance (UDO) regarding the preservation, removal, and mitigation of trees and woodlands; and

WHEREAS, the absence of clear policy guidance has resulted in challenges for the ZBA in evaluating applications consistently and providing predictable expectations to applicants; and

WHEREAS, the ZBA finds that the establishment of clear, countywide policy regarding tree preservation and mitigation would:

- Promote consistency and transparency in land use decisions;
- Provide guidance to applicants early in the development process; and
- Support the protection and responsible management of the County's natural resources; and

WHEREAS, the ZBA further finds that any such policy should:

- Be clearly defined and practical to administer and enforce;
- Avoid undue burden on individual property owners, particularly in residential contexts; and
- Consider reasonable mitigation measures where tree removal is necessary, especially for significant or notable trees and woodlands; and

WHEREAS, the ZBA recognizes that the authority to establish such policy resides with the County Board and not with the ZBA;

NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Appeals hereby recommends that the County Board evaluate, develop, and consider adoption of a tree preservation ordinance or similar regulatory framework

addressing tree removal, preservation, and mitigation in the context of development within the County; and

BE IT FURTHER RESOLVED that the ZBA respectfully requests that the County Board provide clear policy direction to guide future land use decisions, including consideration of:

- Standards for identifying significant or protected trees and woodlands;
- Appropriate mitigation measures where removal is unavoidable; and
- Applicability to development activities in a manner that is equitable and enforceable; and

BE IT FURTHER RESOLVED that this recommendation is intended to assist the County Board in establishing consistent policy and is not intended to impose specific regulatory language or requirements; and

PASSED AND ADOPTED by the Zoning Board of Appeals this 15th day of April 2026.

NAYS:

ABSENT:

ABSTAIN:

Linnea Kooistra, Chair - McHenry County Zoning Board of Appeals

ATTEST:

Joseph J. Tirio, County Clerk