

Criterion 3 Review

West DuPage Recycling & Transfer Station Proposal

AN EXAMINATION OF THE DALE J. KLESZYNSKI REPORT
LAND USE COMPATIBILITY AND REAL ESTATE IMPACT STUDY
BY KURT C. KIELISCH

**EXHIBIT
PWC-352**

Kurt C.
Kielisch
ASA, SR/WA,
R/W-AC

39 years of experience in the appraisal field as an appraiser, educator and writer

Valued properties in 21 different states

Valued over \$13.18+ billion dollars of real estate & over 8,435 valuations

Expert witness on valuation issues and complexities (state courts, federal court, government, public service commissions and county/city zoning & siting committees)

- **Two Wisconsin Supreme Court decisions that impacted eminent domain valuations**

Certified General Appraiser (currently, Wisconsin & Tennessee, past licenses in 13 states including IL)

ASA designated member (urban real estate), American Society of Appraisers

SR/WA designated member (senior member), International Right-of-Way Association

Realtor member


Approved appraisal instructor in six states

Faculty: The American Law Institute- CLE & the Eminent Domain Institute CLE International seminars

Criterion 3

“The facility is to be located as to minimize incompatibility with character of surround area and minimize effect on the value of surrounding property.” 415 ILCS 5/39.2(a)(iii)

This examination addresses whether the report completed by Dale J. Kleszynski adequately addressed this criterion as it relates to minimizing effect on the value of surrounding properties by providing factual evidence to support the conclusions of the report.



West DuPage
Recycling &
Transfer Station
Proposal

22,500sf building expansion

Use will be to transfer municipal solid wastes (MSW) and single-stream recyclables.

Smaller building to be used for hydro excavation wastes including concrete mixing pits.

Access will be from Powis Road, linking North Avenue (IL Rt64) to the north and West Hawthorne Lane to the south.

Services defined

Municipal Solid Waste (MSW) defined

- Municipal solid waste (MSW), also called garbage or trash, is nonhazardous disposable materials generated by households, institutions, industries, agriculture, and sewage which is typically recycled or disposed of in landfills.

(NIU, Mahdi Vaezi, Ph.D, Asst Prof of Engineering Technology)

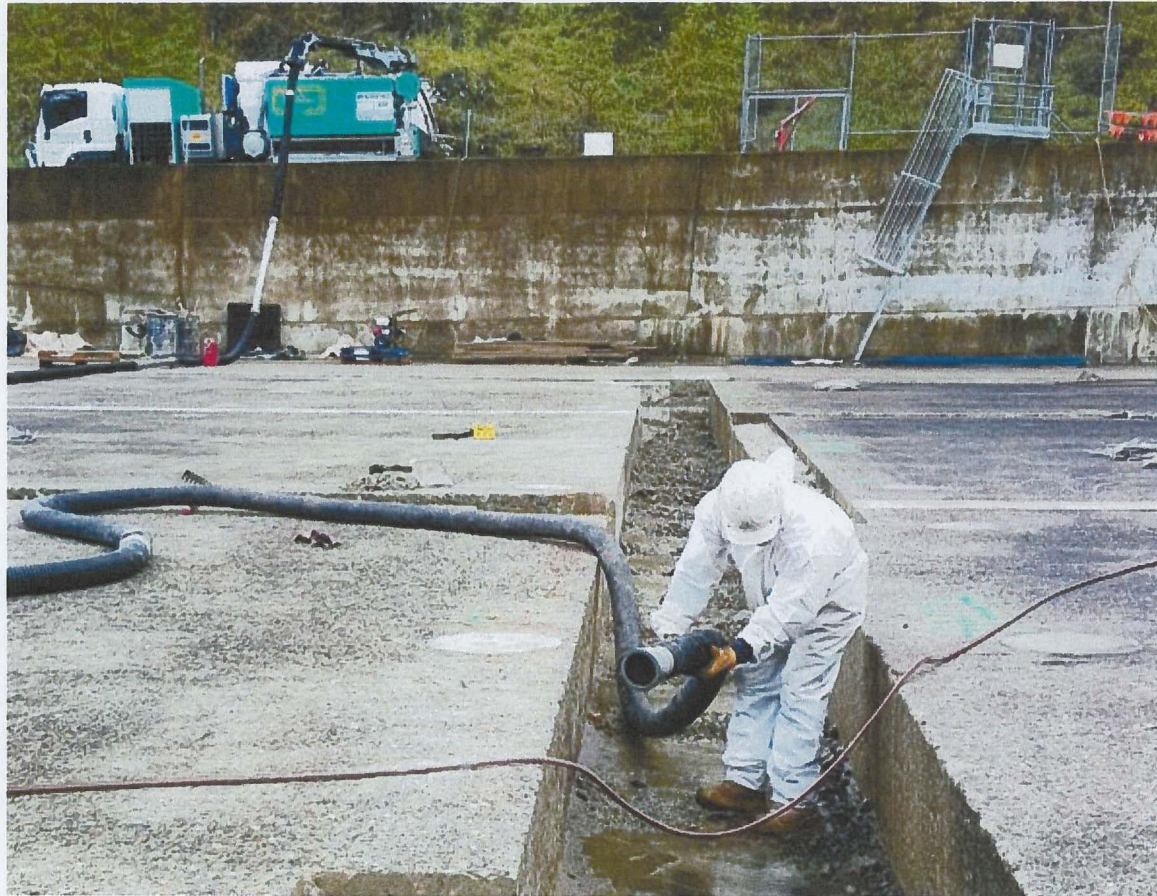
<https://www.niu.edu/niccs/current-research/municipal-solid-waste.shtml>

Single-Stream Recyclables defined

Single stream recycling refers to a system in which all recyclables are mixed together in a collection truck, instead of being sorted by material type (i.e. newspaper, plastic, glass, aluminum, etc.) by the resident.

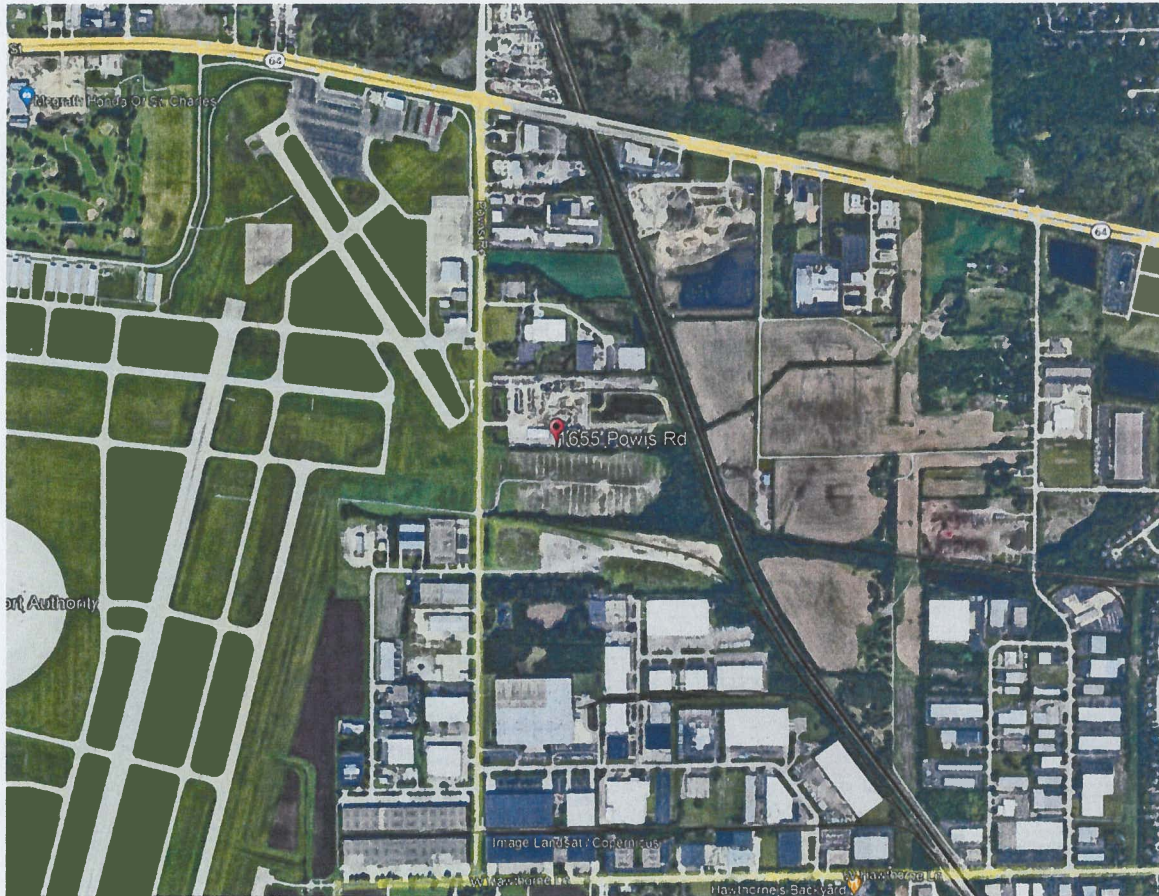
Instead, the mixed or “commingled” recyclables are sorted at a processing center using technologies both old (magnets, screens, conveyor belts) and new (air jets, infrared readers). The individual commodities are then baled or bundled and sold to manufacturers, who reprocess or refine the materials and to make “new” products.

City of Chicago website
https://www.chicago.gov/city/en/depts/streets/supp_info/recycling1/what_is_single_streamrecycling.html



Hydro-excavation wastes

- Hydrovac excavation is a precise, non-mechanical, non-destructive process that uses pressurized water and an industrial strength vacuum to simultaneously excavate and evacuate soil. As the pressurized water breaks up the soil it creates a slurry that is removed by a powerful vacuum into a debris tank.



NEIGHBORHOOD

Airport to the west.

Railroad tracks to the east.

Office, manufacturing, industrial land use to the north and south.

Further to the east and south residential use.

the Kleszynski report

The purpose of the report was to determine if the proposed West DuPage Recycling & Transfer Station “satisfies Illinois Environmental Protection Act, 415 ILCS 5/39.2” aka Criterion 3

The report focused on Highest & Best Use analysis to support the opinion that the proposed property use satisfies the impact analysis requirements of Criterion 3.

Highest & Best Use does not meet the impact analysis requirements of Criterion 3.

Observations



The report used the Highest & Best Use (HBU) as criteria to meeting the requirements of Criterion 3

Unlike HBU, the Criterion 3 focus is not on the most profitable use of the Subject Property to its owner, but on minimizing impacts on the character of the community surrounding the proposed facility. The requisite analysis of potential impacts was not included in the report.



Criterion 3 requires proof that the proposed use minimizes the effect on value of surrounding properties.

No analytical evidence was presented in the report that proved or disproved the proposed use would have a negative impact on surrounding property value.

Observations continued...

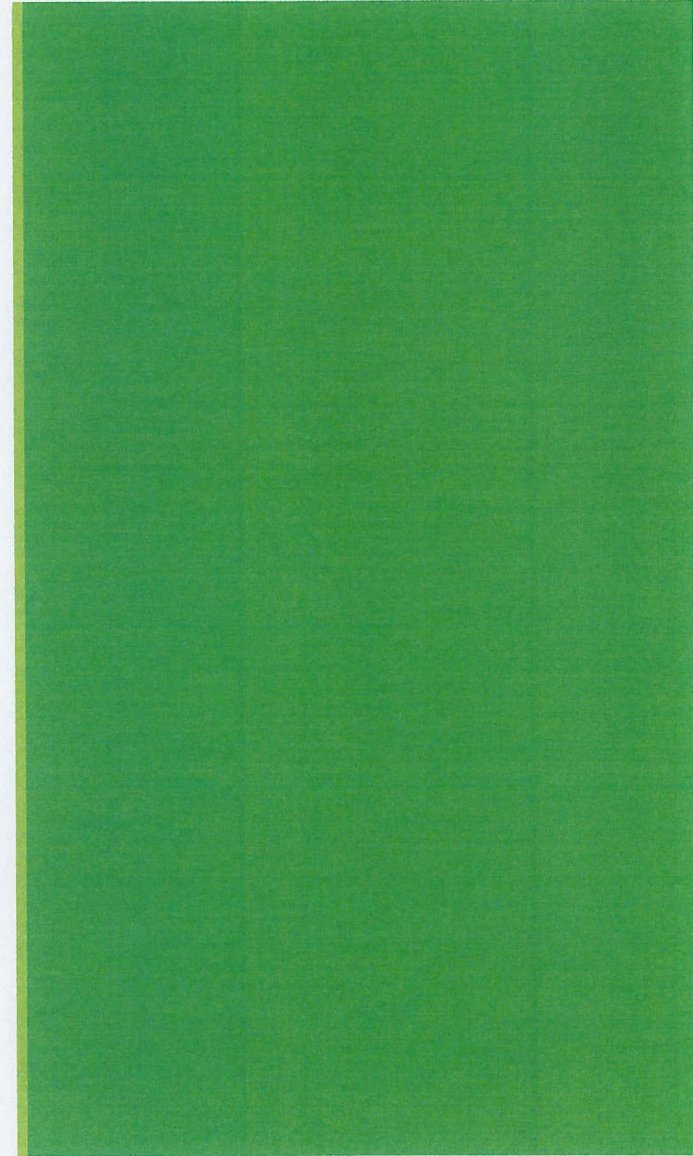
Just because a property use is physically and financially feasible and is within the initial zoning, it does not mean it does not negatively impact the surrounding property value.

- E.g. pig farm. In AG zoning it would meet all the HBU tests, but it would most likely have a negative impact on surrounding property values.

The proposed facility's use has the potential to create smells that would be negative to surrounding property use, lowering desirability and enjoyment of use.

The proposed facility has the potential to create noise, dust, dirt, and higher traffic use of heavy trucks that could create a negative impact on surrounding property use.


There was no qualitative or analytical analysis on impacts to surrounding property values.



Criterion 3 – two tests

Minimize incompatibility with character of surrounding area.

Minimize effect of the value of surrounding property value.

- The report did not adequately address this test.
 - The report provided no qualitative or quantitative analysis to measure any impact positive or negative.
 - The report failed this test.
- 



Conclusions regarding the Kleszynski Report

The report failed to provide adequate analysis to arrive at a reasonable conclusion for the second prong of the Criterion 3- impact analysis.

The use of Highest & Best Use analysis is NOT a proper means of determining if a proposed use meets the requirements of Criterion 3.