

Petition: MY-16-08  
Date: October 25, 2016

### ADDENDUM TO FINDINGS OF FACT

This matter comes before the DeKalb County Zoning Hearing Officer on October 25, 2016 for a rehearing on a petition requesting a Special Use Permit to operate a propane storage distribution business on property zoned for agriculture.

#### Publication of Notice

The notice of public hearing has been duly published in accord with the DeKalb County Code. A certificate of publication has been received into the record and reflects publication in the Daily Chronicle on October 8-9, 2016.

A hearing was previously held on August 4, 2016. The undersigned recommended that the Special Use Permit be denied. The Planning & Zoning Committee of the DeKalb County Board considered the findings and recommended approval with a number of conditions. The DeKalb County Board considered the Committee's recommendation and returned the application to the Hearing Officer to reopen the hearing and take additional testimony from the public and the Petitioners.

The hearing was reopened by the undersigned on Tuesday, October 25, 2016 at 6:30 p.m. at which time a two and one-half (2½) hour hearing was conducted.

The Petitioner provided a very detailed presentation. The first witness called by the Petitioner was Mr. Jay M. Heap of Jay M. Heap and Associates, Ltd. of Morris, Illinois. Mr. Heap indicated that he has years of experience as an appraiser and broker and has taken extensive appraisal courses provided by the Society of Real Estate Appraisers, University of Illinois, Illinois Department of Revenue, Illinois Property Assessment Institute, Illinois Coalition of Appraisers and Appraisal Institute. Included with this report is a detailed summary of his experience and qualifications as presented by Mr. Heap. The Petitioner presented a video which was narrated by Mr. Heap. The video included pictures of the subject property showing the location of residences in the vicinity of the subject property. Also included in the video were pictures of various locations where there are propane gas facilities. This included a Dibble location in Gardner, Illinois, as well as locations of other propane gas companies and gas facilities in other areas such as at or near Seymour Paint in Sycamore, Illinois, Schwan's Home

Service in Sycamore, Illinois, Suburban Propane in Wasco, Illinois, Grainco FS Propane facility at Morris, Illinois, Hicks Gas Propane plant at Braidwood, Illinois, and Hick's Gas Propane plant in Watseka, Illinois. In each of these cases, he showed pictures of residential housing or schools located in the vicinity of these facilities. Wasco for example, has large propane tanks in the downtown area adjacent to residential, commercial and business. A complete printed copy of the video is included with this report. He also presented evidence he indicated showed that the homeowners in those areas had not been damaged because the houses continued to sell at the same price that they had been selling for and there seemed to be no problem with resale of these homes. Many of them had been built after the gas facility was installed.

Mr. Heap testified that this facility would not dominate the neighborhood and would not create a safety issue. He stated that commercial and residential development continues after the installation of the tanks. He also pointed out that if the location of the propane gas tanks was a problem, the State would have put out forms requiring disclosure, as they do for underground tanks, radon, and other issues that are considered damaging to residences.

Attorney David J. Bzdill who was present and representing Ronald Dibble who was also in attendance, presented a lengthy statement from Suzanne Willis, a retired Northern Illinois Physics professor, who stated that it is "actually hard to make them (meaning the large tanks) explode. What you have to do is set a very hot fire next to it for a very long time and it is difficult, but other than that there are a lot of safety valves and whatnot on them. I did find one historical explosion back in 1998 on a farm in Iowa where some teenagers driving an ATV had run into some piping and broken it and that it had caught on fire and blown back into the tank and blown it up." A complete copy of her statement is included with this report. She also argued that the State Fire Marshall must approve everything. Attorney Bzdill stated that Mr. Dibble had been in the business since 1981 and had never had an accident. He also argued that the granting of the petition would benefit the local farm economy as Mr. Dibble's business was approximately ninety percent (90%) related to agriculture.

A number of individuals present at the hearing then testified. The individuals who did testify, some of whom merely asked questions, were as follows:

Mr. Frank Riccardi, 10555 Illinois Route 64, Sycamore, Illinois  
Ms. Mary Haddad, 25220 Shannon Lane, Sycamore, Illinois  
Mr. Kevin Brons, 10601 Route 64, Sycamore, Illinois  
Mr. DeWayne Brown, DeKalb, Illinois  
Mr. Joe Mikan, 25345 Five Points Road, Sycamore, Illinois  
Mr. Colby Reichling, 8789 Illinois Route 64, Sycamore, Illinois  
Mr. Bruce Bickner, 11702 Deerpath Road, Sycamore, Illinois  
Ms. Sue Riccardi, 10555 Illinois Route 64, Sycamore, Illinois  
Ms. Marilyn Yamber, 401 Mary Ann Circle, Sycamore, Illinois  
Mr. Rob Crowe, 335 Dublin Lane, South Elgin, IL  
Ms. Jenny Thornton, 10327 Illinois Route 64, Sycamore, Illinois  
Mr. Brian Bickner, 10827 West Old State Road, Sycamore, Illinois  
Ms. Beverly Finn, 25241 Shannon Lane, Sycamore, Illinois  
Ms. Julie Brons, 10601 Illinois Route 64, Sycamore, Illinois

Ms. Diane Finn, 25273 Shannon Lane, Sycamore, Illinois  
Ms. Donna Prain, 25179 Shannon Lane, Sycamore, Illinois  
Mr. Mike Scott, 10519 State Route 64, Sycamore Illinois  
Mr. JW Sandy, 10480 State Route 64, Sycamore, Illinois  
Mr. Thomas Rhoads, 29439 Pleasant Hill Road, Kingston, Illinois

Ms. Mary Haddad presented an extensive statement, which is included with this report, objecting to the proposal. She stated that she is a retired DeKalb School District Principal and has always put safety first for students, staff and the entire school community. She stated that the challenge to not just evaluating the science of propane as a stand alone, but to factor in other considerations. One major factor to consider should be the risk of human error regarding the transfer of propane between tanks and trucks. Equipment and mechanical malfunctions should also be considered as a risk factor. She pointed out that there have been numerous explosions worldwide of propane facilities. She said most recently on July 28, 2016, there was a major explosion at Pinnacle Propane Express in Gurnee, Illinois. This was a seven alarm which involved thirty surrounding fire departments. The bulk of the damage occurred in a large stack of mostly empty twenty gallon tanks, which contained residual amounts of propane. Firefighters were fighting a fire which outpaced the amount of water that they could get on the fire. They used more than 600,000 gallons of water as well as foam to control the blaze and prevent it from spreading.

She mentioned another major explosion that took place at Sunrise Propane in Toronto, Canada, which was caused by drivers not following proper procedure for propane transfer. She raised the question as to whether this community was equipped to handle an explosion with its limited resources. She thinks not. Her complete statement is included with this report.

Mr. David Brown stated that the transfer from the tank to the truck could cause a problem. He felt other locations farther away from this subdivision, as well as Sycamore, would be in order. He asked what would come after the facility is there and could additional tanks be added.

Mr. DeWayne Brown stated that his background was in the Army with explosives and commented on the power of the explosives. He said if these tanks were to explode, there could be damage as far as a mile away.

Two individuals, namely Joe Mikan and Mike Scott, both stated that they recently bought homes in the area and would not have bought them had they known that there was a possibility that these tanks would be located there.

Mr. Colby Reichling, whose family owns a farm equipment company a short distance away, stated that he is 100% in favor of this petition. He pointed out that grain dryers use huge amounts of propane gas and he also felt that bringing in this business would help lower property taxes and bring in more job opportunities.

Mr. Bruce Bickner, a resident of Mayfield Township, whose children live near the subject property, stated that he had learned that the State of Illinois has no regular inspection program for these facilities. He said no one checks on the company and there is no ongoing state inspection or supervision. He also checked with the Sycamore Fire Department and they do not have the ability to inspect the property. He raised the question "is the Dibble facility so important that damage is over looked."

Ms. Sue Riccardi presented a petition containing the names of 74 people opposed to these tanks being placed in that location.

Ms. Marilyn Yamber, a local property management owner and realtor, of Sycamore, Illinois, presented a lengthy report where she had interviewed approximately 250 homebuyers that she was acquainted with. The gist of the survey was that most of the people she talked to would not consider the purchase of a piece of property if there was a propane distribution facility nearby or across the street. They also felt that it would decrease the current and future value of their property as it would be unsightly and cause the zoning of the area to go toward industrial and commercial and possibly even pose health hazards. Most of the people she interviewed indicated they would want to live several blocks away from the facility. They all apparently felt that it would harm property values of existing homes. She submitted a lengthy summary of her interview which is included with the report.

Mr. Rob Crowe, who represents propane gas companies already operating in DeKalb County, felt that this did not qualify as an agri-business, in that he felt it did not have at least fifty percent (50%) from agriculture and that it should be located on commercial property.

Ms. Jenny Thornton is concerned that the tanks are too close to her property.

Mr. Brian Bickner submitted a statement that indicated he was concerned about a traffic issue raised by the Dibble proposal which placed a propane storage facility on the corner of Route 64 and Five Points. This intersection already has numerous accidents and that the intersection is prone to flooding when they receive heavy rains causing the intersection to be partially blocked due to standing water.

Ms. Beverly Finn testified that she and her late husband had lived on their property near this development since 1967 and she was opposed to this Special Use Permit feeling that it could escalate into something even more undesirable than the two 30,000 gallon tanks.

Ms. Donna Prain said she was very sensitive to the water issue and was told by the Petitioner that much of the surface would be gravel and would not increase the water flow. She submitted a map showing that within a 2,000 foot radius there are 29 residential buildings. Her report is included as part of this report.

Mr. J.W. Sandy indicated that their organization consisted of 36 homeowners who were opposed to this. He pointed out that Mr. Dibble wants to expand his business at their expense and that they are opposed to it. He pointed that this is a very narrow piece of property and thinks that the tanks will be too close to highway and that there is a large transmission line overhead.

He felt that this was a bad location. He said that they were very much opposed because it caused market depression and they believe that it will decrease the value of their homes significantly.

Mr. Thomas Rhoads stated that he had a house fire with a propane grill and thinks that there are more problems caused by home propane tanks than with large tanks. He is a customer of Mr. Dibble and spoke very highly of the Dibble company and that they were very helpful to him.

Mr. Dibble, in answer to a question, stated that they test all of their equipment every five (5) years under pressure. Trailers are regulated by the Department of Transportation. He stated he has a 101 LP trailers and believes that they are all in very good condition and the score they have received is among the top in the country. They regularly test the safety equipment. He said that even if a large tank was hit by a car, the valves are automatically protected because they are inside the tank and would not be damaged in such an accident.

As shown in the pictures submitted by the Petitioner in their video, many of the homes have individual propane tanks sitting outside their homes and in fact the house directly near the subject property across the street from the proposed location of the Dibble property has a propane tank shown in the picture, as do several other houses in the development.

#### FINDINGS OF FACT AND RECOMMENDATIONS

This case presents a good example of the issues that arise in zoning and rezoning of property. Obviously, most people who own property would like to be able to do whatever they want to do on their own property. On the other hand, the adjoining owners sometimes do not agree with that philosophy with regard to their neighbor's property because they do not want their own property damaged or the values lowered due to something that occurs on the adjoining property. In this case we have what appears to be a very responsible Petitioner who operates a gas business in a generally safe and appropriate manner and wants to expand his business and locate it on a parcel located directly across the street from a large number of homes. The homeowners are of course concerned about the possibility of an explosion which could be very damaging given the fact that the proposal calls for two 30,000 gallon tanks. The Petitioner has presented substantial testimony showing that it is unlikely there would ever be an explosion, however, some of the objectors have presented evidence that from time to time there are explosions connected with these types of facilities. Sometimes it is caused by a faulty line between the delivery trucks and large tanks, or sometimes caused by a vehicle colliding with the tank or some of the related apparatus. Sometimes accidents are caused by human error, on the part of individuals working with the equipment. The undersigned finds that Petitioner's business is more than fifty percent (50%) agricultural and would be a desirable business to locate in our County. The issue is whether the location that the Petitioner has selected is the right location. The undersigned feels that it is not the right location. The undersigned finds that the proposed Special Use Permit will be unreasonably detrimental to the value of other property in the neighborhood in which it is located and that the location and size of the Special Use and the

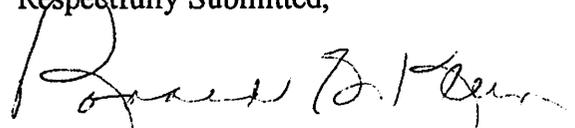
nature and intensity of the operation involved with it and the location of the site with respect to the local residences could dominate the neighborhood so as to prevent development and use of neighboring property for residential uses.

The Petitioner argues that property values for the homeowners would not be adversely affected. That may be true. A more likely affect, however, is the issue raised by a number of witnesses, and that is that many people simply would not buy or build a home across the street from two 30,000 gallon propane tanks. I am one of those people. Consequently, it may be much harder, in the future, for homeowners to sell their homes if this petition is granted.

Zoning is designed generally to protect property owners on the value of the property. The fact that virtually every member of the adjacent residential development, are opposed to this request is significant. Petitioner argues that a number of neighboring farmers and other businesses have their own tanks, some large, some small, but I think it is an important distinction that they have those tanks because it was their choice and they are assuming any risk that might be involved. In this case, the homeowners have not indicated a desire to have these tanks and are not willing to assume the risks associated with the tanks.

Accordingly, the undersigned hereby recommends that the petition be denied and that the Petitioner be encouraged to locate in another more remote area of the County.

Respectfully Submitted,



Ronald G. Klein  
Hearing Officer

RGK/vjm