

CASES 830-AM-16 and 831-S-16

SUPPLEMENTAL MEMORANDUM #7

March 23, 2017

Petitioner: Traci Lipps and Victor Fuentes, d.b.a. Lipps Family, Inc, d.b.a. Willow Creek Farm

Case 830-AM-16

Request: Amend the Zoning Map to change the zoning district designation from the AG-1 Agriculture Zoning District to the AG-2 Agriculture Zoning District in order to operate the proposed Special Use in related Zoning Case 831-S-16.

Case 831-S-16

Request: Authorize the remodeling of existing farm buildings for the establishment and use of an Event Center as a combination “Private Indoor Recreational Development” and “Outdoor Commercial Recreational Enterprise” as a Special Use on land that is proposed to be rezoned to the AG-2 Agriculture Zoning District from the current AG-1 Agriculture Zoning District in related zoning case 830-AM-16.

Location: A 37 acre tract in Somer Township in the Southwest Quarter of the Northeast Quarter of Section 36 of Township 20 North, Range 9 East of the Third Principal Meridian and commonly known as the farmstead located at 1766 CR 1850 North, Urbana.

Site Area: Map Amendment Area: 37 acres / Special Use Permit Area: 6 acres

Time Schedule for Development: As soon as possible

Prepared by: **Susan Burgstrom**
Senior Planner

John Hall
Zoning Administrator

STATUS

Special Condition O was proposed in Supplemental Memorandum #6:

- O. **The private sewage disposal system serving the Special Use Permit shall be maintained as necessary or as recommended by the County Health Department but maintenance shall occur on at least a triennial basis and all maintenance reports shall be made available for review by the Zoning Administrator. Failure to provide copies of maintenance reports when requested shall constitute a violation of this Special Use Permit approval and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.**

The special condition stated above is required to ensure the following:

That the septic system continues to be of sufficient capacity and in operation for the event center.

Staff contacted Mike Flanagan at Champaign-Urbana Public Health to determine if to see if (1) there is already a requirement in the Health Ordinance that requires regular maintenance of a septic system, and if not, (2) does Mr. Flanagan agree with the specifics of this proposed condition.

In an email received March 23, 2017, Mr. Flanagan responded that Traci Lipps was required to sign an affidavit (Attachment A) that she would “accept the responsibility to service and maintain the private sewage disposal system in accordance with the Illinois Private Sewage Disposal Licensing Act (225 ILCS 225) and the Illinois Private Sewage Disposal Code (77111 Adm. Code Part 905).” He stated in the email that this affidavit should cover our requirements as well. An excerpt of the Illinois Private Sewage Disposal Code that details maintenance requirements is provided as Attachment B.

Zoning Administrator John Hall requests that the Board determine whether proposed special condition O should be included, and if so, should the condition specify that the Zoning Administrator shall be provided the results of the inspections that are required by the Private Sewage Disposal Code. He suggests revising condition O in the following manner:

- O. **The private sewage disposal system serving the Special Use Permit shall be maintained in good working condition as follows:**
- (1) The private sewage disposal system serving the Special Use Permit shall be maintained as required by the Private Sewage Disposal Code as necessary or as recommended by the County Health Department but maintenance and at a minimum shall include an evaluation of the private sewage disposal system per the requirements of the Private Sewage Disposal Code which shall occur on at least a triennial basis; and**
 - (2) all maintenance reports-The results of any evaluation of the private sewage disposal system shall be made available for review by copied to the Zoning Administrator; and**
 - (3) Failure to provide copies of maintenance reports when requested the results of any evaluation of the private sewage disposal system to the Zoning Administrator and/or failure to maintain the private sewage disposal system as recommended by the County Health Department shall constitute a violation of this Special Use Permit approval, shall void the Special Use Permit, and the Zoning Administrator shall refer the violation to the Champaign County State’s Attorney for legal action.**

The special condition stated above is required to ensure the following:

That the septic system continues to be in compliance with the Private Sewage Disposal Code (77 ILCS 905) and that the Zoning Administrator receives documentation of its maintenance on a regular basis, of sufficient capacity and in operation for the event center.

ATTACHMENTS

- A Email from Mike Flanagan, Champaign-Urbana Public Health Department, received March 23, 2017, with attachment: Affidavit signed by Traci Lipps on March 14, 2016
- B Excerpt from Private Sewage Disposal Code (77 ILCS 905)

Susan Burgstrom

From: Michael Flanagan <mflanagan@c-uphd.org>
Sent: Thursday, March 23, 2017 8:50 AM
To: Susan Burgstrom
Subject: FW: Scanned from a Xerox Multifunction Device
Attachments: Scanned from a Xerox Multifunction Device.pdf

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MAR 23 2017

CHAMPAIGN CO P & Z DEPARTMENT

Susan,

Regarding the Lipps Event Center/Willow Farms, please see the attached affidavit that they were required to sign as a condition of receiving a permit for a septic system. This should actually cover your requirements as well. If you have any questions please call!

Regards,

Michael Flanagan, LEHP
Program Coordinator
Champaign-Urbana Public Health District
201 W. Kenyon Rd.
Champaign, IL 61820
Phone: 217-531-2908 Secure Fax: 217-373-7905 mflanagan@c-uphd.org

www.c-uphd.org
www.stock2forflu.com

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-----Original Message-----
From: copier@c-uphd.org [mailto:copier@c-uphd.org]
Sent: Thursday, March 23, 2017 7:43 AM
To: Michael Flanagan
Subject: Scanned from a Xerox Multifunction Device

Please open the attached document. It was scanned and sent to you using a CUPHD copier

Attachment File Type: pdf, Multi-Page

Multifunction Device Location: Environmental Health
Device Name: Enviromental Health Copier

201 West Kenyon Road
Champaign, IL 61820



Phone: (217) 363-3269
Fax: (217) 373-7905

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MAR 23 2017

CHAMPAIGN CO. P & Z DEPARTMENT

**AFFADAVIT FOR HOMEOWNER'S COMPLIANCE WITH
ILLINOIS PRIVATE SEWAGE DISPOSAL LICENSING ACT AND CODE**

Date 3-14-16

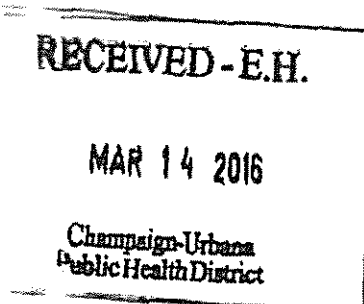
Permit # 16-009-19

I (printed name) Traci Lipps, owner of the property located at
(address) 1766 E 1850 N Urbana IL 61802,
am aware of, and accept the responsibility to service and maintain the private sewage disposal
system in accordance with the Illinois Private Sewage Disposal Licensing Act (225 ILCS 225)
and the Illinois Private Sewage Disposal Code (77111. Adm. Code Part 905).

1. As a condition of applying for an installation approval required by Section 905.190, the signature by the property owners on the installation approval submission/construction permit for any private sewage disposal system being installed, repaired or renovated, serves as written acknowledgement that the property owners are aware of and accept the responsibility to service and maintain the private sewage disposal system in accordance with the Act and this Part.
2. The property owner or the private sewage disposal system owner shall maintain all maintenance records on forms provided or approved by the Department (Illinois Department of Public Health) and make records available upon request by the Department or Local Authority. These records shall be transferred from owner to owner. Records shall be kept for the life of the system.

This affidavit acknowledges that I have been notified of the law and am responsible for the service and maintenance of the private sewage disposal system.

Traci Lipps
Signature of Owner



Private Sewage Disposal Code (77 ILCS 905) Section 905.20(q)(3) states:

- 3) After January 1, 2014, private sewage disposal systems installed and permitted under Section 905.190 are required to be maintained and serviced to ensure proper operation in accordance with the following:
 - A) Septic tank to a subsurface seepage system or septic tank followed by a sand filter discharging to a subsurface seepage system.
 - i) Private sewage disposal system septic tanks serving residential properties shall be evaluated prior to or within 3 years after the date of installation of the system. The system may be evaluated by the homeowner, a Private Sewage Disposal System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The evaluation shall determine whether the tanks and all of the compartments of the private sewage disposal system have layers of scum and settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and settled solids are greater than 33%, the tanks and compartments shall be pumped out and maintenance shall be performed. After the first evaluation, the system shall be evaluated a minimum of once every 5 years. Depending on the system's use, the tanks and compartments may need to be evaluated and pumped more frequently.
 - ii) Private sewage disposal system septic tanks serving non-residential property shall be evaluated within 3 years after the date of installation of the system. The system may be evaluated by a Private Sewage Disposal System Installation Contractor, a licensed Environmental Health Practitioner, an Illinois licensed Professional Engineer, a representative of the Department, or an agent of the Department or local health department. The evaluation shall determine whether the tanks and all of the compartments of the private sewage disposal system have layers of scum and settled solids greater than 33% of the liquid capacity of the tank. If the layers of scum and settled solids are greater than 33%, the tanks and compartments shall be pumped out and maintenance shall be performed. After the first evaluation, the system shall be evaluated at minimum once every 3 years. Depending on the system's use, the tanks and compartments may need to be evaluated and pumped more frequently.