



## Wastewater Committee

## Agenda Item No 4.1

**Date:** January 13, 2010

**CMAP Water Quality Review #:** 09-WQ-114

**Applicant:** Village of Fox Lake

Re: The Village of Fox Lake has submitted a request to transfer 1,604 acres of non-Facility Planning Area (FPA) land into the Northwest Lake FPA. The Village is also seeking to expand the Tall Oaks Wastewater Treatment Plant from 0.5 MGD to 2.0 MGD.

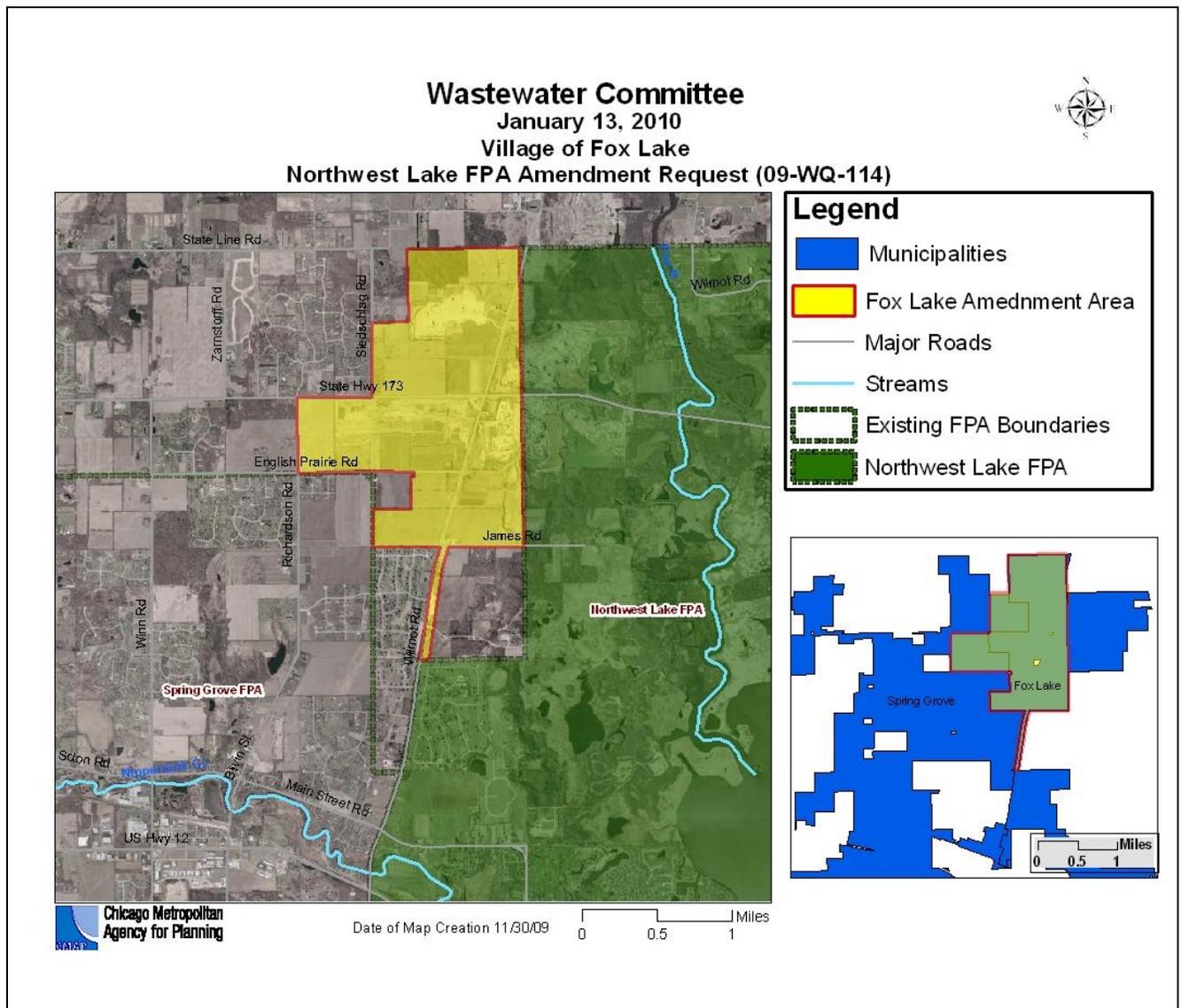
Based on the policies and recommendations of the *Areawide Water Quality Management Plan for Northeastern Illinois*, the *Illinois Water Quality Management Plan*, local government and agency comments, comments received from various interested and affected parties, and staff's analysis, staff recommends a recommendation of "*Support*" for the proposed amendment request.

**Important Note:** CMAP is the designated areawide water quality planning agency and the advisory comprehensive regional planning agency for northeastern Illinois. Therefore, CMAP needs to act as a consensus builder by promoting sound planning principles and practices. Though not specifically required by the Illinois Environmental Protection Agency (IEPA), Criteria Nos. 6 – 9 specifically address CMAP's regional role and promote sound planning.

**A. REQUEST SUMMARY**

The Village of Fox Lake is request to amend the state and area wide water quality management plans by transferring 1,604 acres of non-Facility Planning Area (FPA) land into the Northwest Lake FPA. The Village is also seeking to expand the Tall Oaks Wastewater Treatment Plant from 0.5 million gallons per day (MGD) to 2.0 MGD. The amendment area is located within McHenry County and within the municipal boundaries of the Village of Fox Lake and the Village of Spring Grove. The Tall Oaks Wastewater Treatment Plant is located in the Village of Fox Lake in Lake County.

Map of FPA Boundary Amendment Area





**RELATIONSHIP TO RECOMMENDED CRITERIA FOR FACILITY PLAN AMENDMENTS**

In the mid 1970's the Northwest Lake Facilities Planning Area (FPA) was located in the northwest corner of Lake County and included in the Chain of Lakes recreational area. It encompassed approximately 1 –square mile. The Northwest Lake FPA is a prime recreational area where regional citizens come for water-based recreation which the Chain of Lakes offers. As of 1970, the principal wastewater treatment agencies in the FPA were: the Village of Antioch, Lake Villa and Fox Lake, and the Round Lake Sanitary District.

The NIPC Regional Wastewater Plan called for the construction of an interceptor sewer system designed to phase out the Antioch, Lake Villa, and Round Lake Sanitary District existing treatment plants and to provide service to unsewered areas. Also, the plan called for the Village of Fox Lake to construct a new plant where all Facilities Planning Area wastes would be treated.

Today, the Northwest Lake FPA is located in northwest Lake County and encompasses approximately 75 square miles. The County of Lake contracts directly with various municipalities and sanitary districts to accept and convey waste water for ultimate treatment at the regional facility owned and operated by the Village of Fox Lake.

The following amendments have been considered by the Illinois EPA for the Northwest Lake FPA since the adoption of the *Areawide Water Quality Management Plan* and the *Illinois Water Quality Management Plan*.

Review No.	Action	From FPA	To FPA
81-WQ-016	FPA Amendment - New WWTP	---	---
88-WQ-005	FPA Amendment	Round Lake Beach	NW Lake FPA
88-WQ-008	FPA Amendment	Round Lake Beach	NW Lake
89-WQ-014	FPA Amendment	Round Lake Beach	NW Lake
90-WQ-009	FPA Amendment	Lake Villa	NW Lake
90-WQ-022	FPA Amendment	Round Lake Beach	NW Lake
91-WQ-013	FPA Amendment	Mundelein	NW Lake
92-WQ-047	FPA Amendment	Antioch	NW Lake
92-WQ-084	FPA Amendment	Round Lake	NW Lake
96-WQ-043	FPA Amendment	Spring Grove	NW Lake
05-WQ-190	WWTP Expansion	---	---



Below is a summary and analysis of the proposed amendment application with regards to these criteria.

Review Criteria and Staff Analysis	Results																																				
<p>1. <i>“The proposed facility amendment must be designed to meet the State of Illinois water quality standards for the receiving waters and the appropriate discharge standards or must receive a variance from the Illinois Pollution Control Board.”</i></p>	<p><b>Consistent</b></p>																																				
<p>The Village of Fox Lake is requesting an FPA Amendment request for the Northwest Lake FPA. The area within the proposed FPA Amendment request will be tributary to the Tall Oaks Wastewater Treatment Plant (WWTP). The expanded wastewater service area will require an expansion of the Tall Oaks WWTP. The Tall Oaks WWTP, which was originally constructed in 1972, was constructed to provide service to the Leisure Village and Vacation Village developments. It was later turned over to the Village of Fox Lake for operation. The original plant was constructed to a design average flow (DAF) capacity of 0.5 MGD. Recent flow data from the WWTP indicates the current average daily flow to the WWTP is approximately 0.16 MGD, which is 32% of the DAF of the existing plant. Based on the projected development within the expanded FPA, the applicant is requesting an expansion of the Tall Oaks WWTP to a DAF of 2.0 MGD. The Tall Oaks WWTP currently discharges to an unnamed tributary to Dunns Lake, and it is proposed that the expanded plant will discharge in the same location.</p> <p>The Tall Oaks WWTP operates under NPDES Permit No. IL0045144, which expires on May 31, 2012. Based on the flow and effluent data summary provided by the applicant, it would appear the Tall Oaks WWTP has been meeting the requirements established in the facility’s current NPDES permit. The permit has the following limits:</p> <table border="1" data-bbox="245 1234 1240 1787"> <thead> <tr> <th colspan="3">Load Limits lbs/day DAF (DMF)</th> </tr> <tr> <th></th> <th>Monthly Average</th> <th>Daily Maximum</th> </tr> </thead> <tbody> <tr> <td><b>CBOD<sub>5</sub></b></td> <td>42 (104)</td> <td>83 (209)</td> </tr> <tr> <td><b>Suspended Solids</b></td> <td>50 (125)</td> <td>100 (250)</td> </tr> <tr> <td><b>Dissolved Oxygen</b></td> <td colspan="2">Shall not be less than 6 m/L</td> </tr> <tr> <td><b>pH</b></td> <td colspan="2">Shall be in the range of 6 to 9 Standard Units</td> </tr> <tr> <td><b>Fecal Coliform</b></td> <td colspan="2">Daily Maximum Shall not exceed 400 per 100 mL (May-October)</td> </tr> <tr> <td><b>Ammonia Nitrogen</b></td> <td></td> <td></td> </tr> <tr> <td><b>Apr-May/Sept-Oct</b></td> <td>5.4 (14)</td> <td>13 (31)</td> </tr> <tr> <td><b>Nov-March</b></td> <td>5.4 (14)</td> <td>10 (25)</td> </tr> <tr> <td><b>June-August</b></td> <td>4.2 (10)</td> <td>13 (31)</td> </tr> <tr> <td><b>Phosphorous</b></td> <td>4.2 (10)</td> <td>8.3 (21)</td> </tr> </tbody> </table>	Load Limits lbs/day DAF (DMF)				Monthly Average	Daily Maximum	<b>CBOD<sub>5</sub></b>	42 (104)	83 (209)	<b>Suspended Solids</b>	50 (125)	100 (250)	<b>Dissolved Oxygen</b>	Shall not be less than 6 m/L		<b>pH</b>	Shall be in the range of 6 to 9 Standard Units		<b>Fecal Coliform</b>	Daily Maximum Shall not exceed 400 per 100 mL (May-October)		<b>Ammonia Nitrogen</b>			<b>Apr-May/Sept-Oct</b>	5.4 (14)	13 (31)	<b>Nov-March</b>	5.4 (14)	10 (25)	<b>June-August</b>	4.2 (10)	13 (31)	<b>Phosphorous</b>	4.2 (10)	8.3 (21)	
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As stated, the Tall Oaks WWTP currently discharges treated wastewater into an unnamed tributary of Dunn's Lake. The unnamed tributary of Dunn's Lake generally is a backwater channel, or bay, of Dunns Lake at the WWTP point discharge. Dunns Lake, which is part of the Chain-O-Lakes system, has been classified as an "impaired waterbody" by the IEPA. Therefore, it is included on the Illinois Section 303(d) list. In the 2008 Illinois Integrated Water Quality Report, the impairment level of Dunns Lake is listed as "Priority Medium". The impairment is for aesthetic quality, and the potential causes are total phosphorous and total suspended solids. It also should be noted that many of the other Chain-O-Lakes also are listed as impaired. Total phosphorous is a common potential cause amongst other constituents for many of the Chain-O-Lakes.

Based on communication with the applicant's engineer, the applicant has not conducted an ecological assessment and antidegradation analysis for the proposed expansion. However, it has been noted that the IEPA currently is conducting a TMDL study for Dunns Lake. Based on the applicant's recent communication with the IEPA, the IEPA is projecting the TMDL study to be complete in the fall of 2011. The results of the TMDL study will define specific wasteload allocations for the Tall Oaks WWTP. Due to the fact that it will be nearly 2 years until the TMDL study is complete, the applicant has consulted with the IEPA to define potential effluent limits and then have planned the WWTP expansion around those limits. In general, the effluent limits of the proposed facility are projected to be comparable to the current NPDES permit limits for all constituents other than total phosphorous. The applicant has assumed the total phosphorous loading defined in the existing NPDES permit will remain the same for the expanded plant. Therefore, the applicant has assumed a total effluent concentration of 0.25 mg/l when the expanded plant reaches its proposed DAF capacity of 2.0 MGD.

The FPA amendment request and WWTP expansion is primarily to serve the proposed Stonecrest Development. The proposed 2.0 MGD WWTP (see criteria 5 for recommended revised WWTP capacity calculation) will utilize an oxidation ditch for biological treatment, chemical addition for phosphorous removal, tertiary filtration and UV disinfection in the treatment train. The Facilities Plan, dated September 2009, did not mention the use of biological nutrient removal (BNR) processes within the treatment train. Follow-up communication with the applicant dated December 10, 2009 has confirmed BNR process will be integrated into the design. The use of BNR processes is strongly encouraged in this design to not only reduce the total phosphorous concentrations, but also reduce the total nitrogen content of the wastewater discharge, as well.

It should be noted that staff of the IEPA Water Pollution Control Section has stated there currently are no NPDES permits in Illinois with such a low total phosphorous effluent concentration. The applicant will be integrating a chemical feed system and tertiary filtration system to provide phosphorous removal to extremely low levels and meet the total phosphorous loads predicted. The applicant has indicated in correspondence dated December 10, 2009 that they are continuing to discuss the potential of land applying a portion



of the facilities effluent on a local golf course. It is recommended the Village continue to work with the local golf course to take a portion of the effluent during the appropriate times of year. The disposal of a portion of the wastewater will not only benefit the golf course that is receiving the water, it will reduce the golf courses current irrigation supply demands and reduce the total phosphorous loading into the Dunns Lake system.

As stated, the IEPA TMDL study will define the effluent limits for the expanded Tall Oaks WWTP so that Dunns Lake will meet the pertinent water quality standards. It is assumed that the primary constituent of concern is total phosphorous. It should be noted that the water quality standard for total phosphorous in lakes is 0.05 mg/l, which is 20% of the currently proposed total phosphorous effluent concentration of the expanded WWTP. Based on the current available data, the applicant has demonstrated their awareness of this concern and appears to be prepared to meet the resultant effluent concentration that is defined in the TMDL study. That being said, given the likely extremely low effluent total phosphorous concentration that will be allowed in this expanded facility, the applicant will need to closely manage the daily operations of the WWTP to maintain an effluent quality consistent with the expanded permit. The applicant also should integrate sufficient monitoring devices and redundant systems into the WWTP design to protect against system failure.

**Recommendations:**

- The applicant should continue to evaluate options for land application of the treated wastewater to reduce the point source loads into Dunns Lake.
- The applicant should integrate BNR processes into the WWTP treatment train to not only help with phosphorous reduction, but also total nitrogen reduction in the effluent.

2. *“The population and employment for which the proposed amendment is designed must fall within the twenty year forecast most recently adopted by the Commission for the facility planning area or the Commission may agree to adjustments within the regional forecast total.”*

**Consistent**

The applicant provided the following population estimates:

	Per Table 2-1 of Facilities Plan & Application
<b>Existing Tall Oaks WWTP Service Area</b>	
Current Population Equivalents (P.E.)	3,462
Permitted P.E.	438
Future Growth P.E.	2,016
<b>Proposed Stonecrest Development</b>	
Phase 1 (2006-2011)	2,500
Phase 2 (2011-2016)	3,974
Phase 3 (2016-2021)	2,463
Phase 4 (2021-2026)	3,413
<b>Total P.E. in 2026</b>	<b>18,266</b>



<p>The Northeastern Illinois Planning Commission (NIPC) endorsed 2030 population projections for the future service area are approximately 5,200 P.E. However since these projections were last endorsed in September 2006, staff has begun collecting information for the 2040 population projections. In July of 2009, the Village of Fox Lake participated in 2040 forecast discussions utilizing Future View, a GIS-based population and employment projections tool. During these discussions with CMAP staff, Fox Lake has identified the amendment area as an area of future growth. The preliminary population estimates exceed the values presented in the 2030 estimate and are generally consistent with what the Village has presented in the FPA application. Staff has issued a finding of consistent with this criterion based on the 2040 forecast discussions they have participated with CMAP staff.</p>	
<p>3. <i>“The applicant must demonstrate that the unit of local government granting zoning to the project formally accept financial responsibility for the wastewater treatment system in the event of a system malfunction or failure. Such acceptance must be in the form of a resolution from the unit of government granting zoning.”</i></p>	<b>Not Applicable</b>
<p>The requested amendment does not involve the construction, operation or modification of a privately-owned treatment facility.</p>	
<p>4. <i>“The proposed amendment should not reduce the effectiveness of the water quality improvement strategy contained in the original plan, either for point or nonpoint source control.”</i></p>	<b>Consistent</b>
<p><b><u>Point Source Impacts</u></b> (See analysis under Criterion #1)</p> <p>As summarized in Criterion #1, the receiving water for the current and expanded WWTP discharge, Dunns Lake is an impaired water body and it is on the 303(d) list. The IEPA currently is completing a TMDL study which will define the watershed management approach(es) to remove the impairment, and improve the water quality of Dunns Lake. The applicant has committed to meet the effluent standards established within the TMDL for Dunns Lake, and therefore has committed to meeting the water quality improvement strategy contained in the original plan. As part of this strategy, the applicant should continue to consider alternative disposal options for the treated effluent (i.e. golf course irrigation), as well as, other means for reducing the nutrient load in the point discharge (i.e. discharge to wetlands for polishing).</p> <p><b><u>Nonpoint Source Impacts</u></b></p> <p>The Village of Fox Lake has adopted the Lake County Watershed Development Ordinance that applies to management of stormwater, wetlands and streams, floodplain protection and other special management areas within the Village limits including the proposed amendment area. This ordinance is generally consistent with the NIPC model ordinance. However, there are several discrepancies from the checklist in Section E of the application as noted below.</p>	



- The ordinance does not prohibit detention in the floodway. However, while detention is not explicitly prohibited it is not listed as an appropriate use in the floodway.
- The ordinance does not have a provision to prohibit on-stream detention unless it provides regional stormwater storage. However, it does provide requirements that on-stream detention provide a watershed benefit and a Volume Safety Factor.
- The ordinance does not restrict modifications in the floodway to the following appropriate uses: public flood control projects, public recreation and open space uses, water dependent activities, and crossing roadways and bridges. However, the ordinance list of appropriate uses is consistent with the IDNR regulatory floodway requirements.
- The ordinance does not prohibit the modification of high quality, irreplaceable wetlands, lakes and stream corridors. It does, however, require documentation of avoidance and minimization of impacts and mitigation requirements.
- The ordinance does not designate a minimum 75 foot setback zone from the edge of identified wetlands and water bodies in which development is limited to the following activities: minor improvements like walkways and signs, maintenance of highways and utilities, and park and recreational area development. However, the ordinance does have buffer requirements ranging from 30 to 100 feet depending on quality criteria in which development is limited to those activities.
- The ordinance does not prohibit watercourse relocation or modification except to remedy existing erosion problems, restore natural conditions, or to accommodate necessary utility crossings. However, the ordinance does discourage channel modification and require documentation of minimization efforts and mitigation.

The Lake County GIS wetland map provided by the applicant does not show that there are any wetlands within the amendment area.

The IDNR identified protected resources that may be in the vicinity of the proposed action. However, the IDNR concluded that adverse effects are unlikely.

The applicant was not able to provide a FEMA floodplain map for the area. If floodplains exist within the amendment area, then the applicant must follow all pertinent local, county and federal floodplain regulations.



<p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• When available, the Village should consider the results of the TMDL study and resultant wasteload allocation for the Tall Oaks WWTP. The applicant should continue to consider options for reducing the nutrient loading to Dunns Lake such as land application of a portion of the treated wastewater effluent.</li> <li>• The Village should amend its ordinances to include the provisions cited above as current deficiencies in the ordinances. A copy of the revised ordinances should be provided to CMAP upon adoption by the Village.</li> </ul>	
<p>5. <i>“The proposed amendment should not adversely affect the cost-effectiveness of the Areawide Water Quality Management Plan for meeting water quality standards in the facility planning areas as a whole.”</i></p>	<b>Consistent</b>
<p>The applicant provided 5 treatment alternatives and cost evaluations associated with each. The alternatives evaluated included the following:</p> <ul style="list-style-type: none"> <li>• <u>Alternative No. 1:</u> No Action</li> <li>• <u>Alternative No. 2:</u> Spray Irrigation System (Land Application System)</li> <li>• <u>Alternative No. 3:</u> Convey all flows from Tall Oaks WWTP to the NWRWRF and send all of the Stonecrest development flows to the Tall Oaks WWTP.</li> <li>• <u>Alternative No. 4:</u> Convey all flows from the Tall Oaks WWTP to a new 2.0 MGD WWTP to be built near the proposed Stonecrest development.</li> <li>• <u>Alternative No. 5:</u> Expand the existing Tall Oaks WWTP to 2.0 MGD to handle all the existing flows and the flows from the proposed Stonecrest development</li> </ul> <p>Three treatment options were evaluated for Alternative No. 5, namely: A) Oxidation Ditch, B) Sequencing Batch Reactor and C) Multi-Stage Activated Biological Process (MSABP).</p> <p>As part of the cost evaluation for Alternative No. 2, the applicant prepared a general cost estimate for the land application alternative that included capital costs to purchase 450 acres of land, conveyance of the Stonecrest development wastewater to the Tall Oaks WWTP for treatment, and then generally included the cost of expanding the Tall Oaks WWTP to a tertiary treatment level. The cost estimate utilized a land cost of \$30,000 / acre. In follow-up documentation from the applicant’s engineer, it was agreed that land costs may not be as high as \$30,000 / acre. However, a request whether the applicant evaluated an alternative land application wastewater treatment system (i.e. lagoon treatment system) went unanswered. The applicant should revisit this analysis as part of the antidegradation analysis of the expanded plant, and should give it more serious consideration if the TMDL study defines any lower wasteload allocation reduction for the Tall Oaks WWTP than currently anticipated.</p> <p>Capital costs were developed for Alternatives No. 3 and 4, and then more detailed capital cost estimates were developed for the three options in Alternative No. 5. Of the three options for Alternative No. 5, expansion of the existing Tall Oaks WWTP, the 2.0 MGD Oxidation Ditch Expansion (Alternative 5A) was found to be the most cost-effective. The capital costs for the</p>	



<p>conveyance system and WWTP expansion for the selected alternative is estimated to be \$15,470,000. The applicant has continued to state they are evaluating water reuse options for the treated effluent. While the distribution of treated effluent to land application sites likely will add financial cost to this alternative, it may be a necessity to negate the environmental impact (cost) of a full discharge into Dunn’s Lake.</p> <p>The applicant estimates the annual O,M &amp; R costs for the expanded WWTP will be \$190,000. The original application suggested the labor costs for the annual operations of the facility would be \$3,400. After further coordination with the applicant’s engineer, it was determined that the projected annual labor costs are \$100,000 with the total annual O,M &amp; R costs remaining at \$190,000. It is highly recommended that the applicant confirm the appropriate annual O,M &amp; R costs and establish a revenue stream needed to meet the annual expenses. Given the projected effluent standards, it will be critical that constant attention is given to the WWTP operations to maintain the required effluent quality.</p> <p>The application states \$4,000,000 of the improvements will be funded with a Local Developer Contribution, and \$11,500,000 of the proposed improvements will be financed through User Charges/Fees. The application also states the connection fee is \$3,800 per household. Lastly the application states the monthly bill for users will be \$23.07. Follow-up documentation from the applicant’s engineer stated the current monthly fee does not include revenue for any debt service, rather it currently funds the daily operation of the plant. It also was stated that the Village of Fox Lake is continuing to work with the developer to define their contribution toward the WWTP expansion. The applicant should continue to evaluate the needed revenue stream to expand the WWTP, as well as, provide sufficient funds for O, M &amp; R.</p> <p><b>Recommendations:</b></p> <ul style="list-style-type: none"> <li>• The applicant should continue to evaluate water reuse options for the treated effluent from the WWTP.</li> </ul>	
<p>6. <i>“The proposed amendment should have the endorsement of the designated management agency for wastewater treatment and substantial support by the municipalities within the affected facility planning area.”</i></p>	<p><b>Consistent</b></p>
<p>The Village of Round Lake expressed a concern regarding Fox Lake’s application. Much of Round Lake’s wastewater is treated at the Northwest Regional Water Reclamation Facility (NWRWRF) which is operated by the Village of Fox Lake. Round Lake’s concern specifically dealt with Treatment Alternative No. 3: Convey Wastewater Flows to NWRWRF presented in the facilities plan and summarized above. Round Lake would be concerned if this scenario played out because their future growth is tied to excess capacity at NWRWRF. Staff would like to emphasize that support of this request is contingent on the amendment area being treated at the expanded Tall Oaks WWTP thus rendering Round Lake’s concern moot.</p>	



<p>7. <i>“The proposed amendment should not adversely affect adjoining units of government.”</i></p>	<p><b>Consistent</b></p>
<p>The Village of Spring Grove submitted a request to transfer approximately 3,311 acres of non-FPA land to the Spring Grove FPA in 2008. This request was put on hold per the request of Spring Grove in April 2008. This request included approximately 350 acres which the Village of Fox Lake is currently requesting. The overlap area is currently within the municipal boundaries of Spring Grove. Upon becoming aware of Fox Lake’s current request Spring Grove expressed an objection. The two villages have met at least 3 times to staff’s knowledge to work out an agreement regarding the overlap area. Staff has been informed by both municipalities that the discussions have been positive and are moving towards an agreement. No boundary agreement has been executed at the time of issuing this review. Staff strongly encourages the communities to reach a boundary agreement. The municipalities intend to provide a status letter to the wastewater committee at the January 13<sup>th</sup> meeting. <b>Staff issues a finding of consistent for this criterion contingent on obtaining a letter of no objection from the Village of Spring Grove.</b></p>	
<p>8. <i>“The proposed amendment should be consistent with other county and regional or state policies, such as the Governor’s Executive Order #4 on the preservation of agricultural land.”</i></p>	<p><b>Consistent</b></p>
<p><b><u>Agricultural Protection</u></b></p> <p>The Illinois Department of Agriculture (IDOA) conducted a study of the potential farmland impacts associated with the request. In a letter dated December 11, 2009 IDOA stated they would have no objection to IEPA’s approval of the FPA expansion.</p> <p><b><u>Village of Fox Lake Comprehensive Development Plan and Policies</u></b></p> <p>Staff reviewed the Village of Fox Lake’s Comprehensive Development Plan and Policies adopted September 5<sup>th</sup>, 2000. The amendment area has an existing land use of agriculture/vacant and industrial/warehouse/vacant. There is a small strip of area located along Wilmot Road which is currently Parks &amp; Recreation. The Chain O’Lakes State Park and Conservation Area lies directly to the east of the amendment area in this location. This land use will not change. The rest of the amendment area has future land uses of business park, low density residential, medium density residential and commercial. These land uses are consistent with the development plans presented in the application.</p> <p><b><u>Village of Spring Grove Comprehensive Land Use Plan</u></b></p> <p>Staff reviewed the Village of Spring Grove’s Comprehensive Plan adopted on May 8<sup>th</sup>, 2007. The amendment area that lies within the municipal boundaries of the Village of Spring Grove is currently zoned as Overlay Planned Development District (OVPP). The future land use is planned for medium density residential (1.0-3.0 dwelling units/acre), mixed use (3.0-6.0 dwelling units/acre) and commercial. These land uses are consistent with the developments presented in the application.</p>	



9. <i>“Consideration will be given to evidence of municipal or county zoning approval and commencement of development activity prior to Areawide Water Quality Management Plan adoption in January 1979.”</i>	<b><i>Not Applicable</i></b>
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