

MINNESOTA HISTORIC PRESERVATION OFFICE

July 11, 2017

Mr. Mark Noble
Senior Planner
City of Shakopee
129 Holmes Street S
Shakopee, MN 55379

RE: EAW - Canterbury Commons Mixed-use Development
T115 R22 S5, 8
Shakopee, Scott County
SHPO Number: 2017-2350

Dear Mr. Noble:

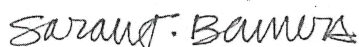
Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

Based on our review of the project information, we conclude that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Please contact our Compliance Section at (651) 259-3455 if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers, Manager
Government Programs and Compliance

July 13, 2017

Mr. Mark Noble
Senior Planner
City of Shakopee
129 Holmes St. S
Shakopee, MN 55379

SUBJECT: Canterbury Commons, MnDOT Review #EAW17-004A
NW Quad US169 and Eagle Creek Blvd.
Shakopee/Scott County
Control Section 7005

Dear Mr. Noble,

Thank you for the opportunity to review the Canterbury Commons environmental assessment worksheet. The Minnesota Department of Transportation (MnDOT) has reviewed the proposed Canterbury Commons development and has the following comments:

Planning:

As the plans for this site develop further, MnDOT would like the opportunity to review the updated plans and may have additional comments regarding right of way, design, and water resources.

For questions regarding these comments please contact Jennifer Wiltgen at (651) 234-7788 or jennifer.wiltgen@state.mn.us

Traffic:

Please submit the Synchro files to MnDOT's Metro traffic section so that they can evaluate the timing used in the analysis.

Additional discussions should be held between MnDOT, Scott County, and the City of Shakopee to identify the overall plan and policy regarding future developments along this corridor. Specifically the County and City developed a CR 83 Corridor Readiness study that identified a list of planned improvements.

For questions regarding these comments please contact Kevin Schwartz (MnDOT Metro Signals) at 651-234-7840 or kevin.schwartz@state.mn.us

Right of Way:

Although there are no direct connections to MnDOT right of way, MnDOT would like to stay a part of the discussion as the development progresses. This will ensure that if right of way needs to be shown, it is shown correctly.

For questions regarding these comments please contact Matt Aguirre at (651) 234-7599, or matt.aguirre@state.mn.us

Water Resources:

MnDOT would like to review drainage and grading plans when they become available.

For questions regarding this comment please contact Hailu Shekur at 651-234-7521 or hailu.shakur@state.mn.us.

Permits:

Any work that impacts MnDOT right of way will require a permit. Please send proper permit applications and plan sets to: metropermitapps.dot@state.mn.us.

Permit forms are available from MnDOT's utility website: <http://www.dot.state.mn.us/utility/forms.html>. Please include one 11x17 plan set and one full size plan set with each permit application. Please direct any permitting questions to Buck Craig 651-234-7911 of MnDOT's Metro Permits section.

Review Submittal Options:

MnDOT's goal is to complete the review of plans within 30 days. Submittals sent in electronically can usually be turned around faster. There are four submittal options. Please submit either:

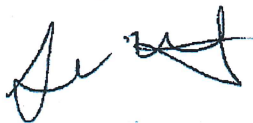
1. One (1) electronic pdf version of the plans. MnDOT can accept the plans via e-mail at metrodevreviews.dot@state.mn.us provided that each separate e-mail is under 20 megabytes.
2. Three (3) sets of full size plans. Although submitting seven sets of full size plans will expedite the review process. Plans can be sent to:

MnDOT – Metro District Planning Section
Development Reviews Coordinator
1500 West County Road B-2
Roseville, MN 55113

3. One (1) compact disc.
4. Plans can also be submitted to MnDOT's External FTP Site. Please send files to: <ftp://ftp2.dot.state.mn.us/pub/incoming/MetroWatersEdge/Planning> Internet Explorer doesn't work using ftp so please use an FTP Client or your Windows Explorer (My Computer). Also, please send a note to metrodevreviews.dot@state.mn.us indicating that the plans have been submitted on the FTP site.

If you have any questions concerning this review, please contact me at (651) 234-7788.

Sincerely,



Jennifer Wiltgen
Senior Planner

Copy sent via E-Mail:

Diane Langenbach, Area Engineer
Buck Craig, Permits
Nancy Jacobson, Design
Hailu Shekur, Water Resources
Matt Aguirre, Right-of-way
Merlin Kent, Traffic
Clare Lackey, Traffic
Natalie Ries, Noise
Russell Owen, Met Council

Minnesota Department of Natural Resources
Ecological and Water Resource
1200 Warner Road
St. Paul, MN 55106

July 18, 2017

Transmitted Electronically

Mark Noble
Senior Planner
129 Holmes Street South
Shakopee, MN 55379

Re: Canterbury Commons EAW

Dear Mark Noble,

The Minnesota Department of Natural Resources (DNR) has reviewed the Environmental Assessment Worksheet (EAW) for the Canterbury Commons development. We offer the following comments for your consideration.

- Page 6. Carbonate Units of the Prairie du Chien Group have developed karst features in Wisconsin and Minnesota that include caves and sinkholes. Since the bedrock is found within 3 feet of the surface of this site, great care should be taken to ensure that structures are constructed with footings located on solid bedrock.
- Page 8. As noted, the site is located within the Drinking Water Supply Management Area of the City of Shakopee. The Department of Health believes that any pollutant that is spilled within this area will be in the drinking water of the City of Shakopee within ten-years. This is particularly true given the shallow depth to the Prairie du Chen Aquifer and potential karst features. When work is done for this development great care must be taken to protect the aquifer from petroleum products and other potential pollutants, including storm water.
- Page 13. Should construction dewatering be required in volumes that exceed 10,000 gallons per day, or one million gallons per year, then a DNR Water Appropriation Permit will be required for the construction dewatering. The EAW notes that the project will be constructed in phases, if dewatering is necessary, a DNR Water Appropriation Permit will need to be applied for each phase of the project. A DNR Water Appropriation Permit can be applied for online using the Minnesota Permitting and Reporting System (MPARS) at: <http://www.dnr.state.mn.us/mpars/>.
- In landscaped areas, we recommend incorporating plantings of native species to provide beneficial habitat and food to pollinators and other wildlife. Native plant species can help prevent erosion and will require less maintenance (watering, mowing, frost protection, etc.).

Thank you for the consideration of our comments.

Sincerely,

/s/ Rebecca Horton

CC: Joe Richter, District Appropriations Hydrologist

July 19, 2017

Mr. Mark Noble, Senior Planner
City of Shakopee
129 Holmes Street South
Shakopee MN 55379

RE: City of Shakopee Environmental Assessment Worksheet (EAW) – Canterbury Commons
Metropolitan Council Review No. 21751-1
Metropolitan Council District No. 4

Dear Mr. Noble:

The Metropolitan Council received the EAW for the Canterbury Commons project in the City of Shakopee on June 16, 2017. The proposed project is located on the north side of Eagle Creek Boulevard, west of County Highway 83, and adjacent to Canterbury Park. The proposed development consists of 68.5 acres with approximately 856 residential units (700 apartments, and 156 townhomes, 93,000 sf of commercial uses (retail, restaurant, and entertainment), and a 120-room hotel.

The staff review finds that the EAW does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

Item 8 – Permits and approvals required (Jim Larsen, 651-602-1159/Angela R. Torres, 651-602-1566)

In accordance with Minnesota Statute Section 473.513, at the time the project proposer makes application to the Minnesota Pollution Control Agency (MPCA) for a permit to construct each segment of sanitary sewer for the proposed project, a copy of the plans, design data, and a location map of the project will also need to be submitted to the Metropolitan Council. The Council's Environmental Service Engineering Programs staff will need to review, comment, and issue a nonobjection decision relative to issuance of the construction permit by the MPCA before connection can be made to the City's wastewater disposal system.

A Comprehensive Plan Amendment is also required to adjust forecasts and clarify land uses related to this project. The Metropolitan Council should be added to the list of agency approvals needed for the project.

Item 9b – Land use (Angela R. Torres, 651-602-1566)

This section states that the project does not require a Comprehensive Plan Amendment (CPA), which is incorrect. A CPA is required. The City's Proposed Land Use Map in the Comprehensive Plan identifies the land use for the proposed development as Entertainment. There is not a definition of the Entertainment land use in the City's current Comprehensive Plan. Zoning does not take the place of planned land use, so it is inappropriate to use zoning category descriptions to evaluate land uses.

Residential uses like apartments and townhomes are not described as allowable uses in an Entertainment land use designation. As such, the Metropolitan Council did not consider

residential uses in this area, or their potential for impacts on the regional systems, in its review of the City's Plan. The current Comprehensive Plan does not provide the necessary information to adequately review the Entertainment land use without clarification. These items need to be resolved through submittal of a CPA. The EAW should indicate that a plan amendment is needed to allow for the proposed development, whether that is through modifications to the Entertainment land use category or by reguiding to another land use category.

Item 9b – Land use (Todd Graham, 651-602-1322)

Forecasts are not discussed in the EAW. Revised Transportation Analysis Zone (TAZ) forecasts would be helpful information for assessing transportation impacts. A preliminary set of TAZ forecasts for 2040 has been prepared by the Metropolitan Council and is available for local governments to review.

The Canterbury Commons site is a very small part of TAZ #2130 (in the middle of Shakopee). The area is mostly commercial, and currently forecasted to gain only +200 households during 2014 - 2040. The EAW states that the proposed new housing is allowed or conditionally permissible per the City's Major Recreation zoning district. However, the Metropolitan Council did not interpret "Recreation" as a residential category when forecasts were modeled

As the City pursues this site development, changes will be needed to both the community-wide forecast and the TAZ forecast. Council staff recommend adjusting the communitywide forecast and TAZ #2130 forecast by +700 households, +1,700 population, and +100 jobs. Please consult with Metropolitan Council staff to accomplish the adjustments.

Item 18 – Transportation (Russ Owen, 651-602-1724)

The project sponsor should consider if use of a right turn overlap can eliminate the need for the double right turn lane at CR 83 & Eagle Creek Blvd.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Angela R. Torres, Principal Reviewer, at 651-602-1566.

Sincerely,



Lisa Beth Barajas, Manager
Local Planning Assistance

CC: Steve O'Brien, MHFA
Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Deb Barber, Metropolitan Council District 4
Angela R. Torres, Sector Representative/Principal Reviewer
Raya Esmaeili, Reviews Coordinator



SCOTT COUNTY COMMUNITY SERVICES DIVISION

HIGHWAY DEPARTMENT • 600 COUNTRY TRAIL EAST • JORDAN, MN 55352-9339
(952) 496-8346 • Fax: (952) 496-8365 • www.co.scott.mn.us

July 19, 2017

Mark Noble
City of Shakopee
129 South Holmes Street
Shakopee, MN 55379

**RE: Canterbury Commons EAW
West of CH 83**

Dear Mark:

The County offers the following comments on the Canterbury Commons EAW:

- The Phase I 2020 mitigation calls for turn lane improvements on CH 83. These suggested mitigation improvements will need further discussion between the County, City and developer. Additional data will be needed to determine if these are the appropriate mitigations and are feasible.
- The full build 2025 identify improvements to TH169 ramps at CH 83. These potential improvements will need further discussion and be coordinated with both MnDOT and Scott County.
- It is the County's understanding that a TIF district is being proposed over the entire Canterbury site. There are no improvements identified to CH 83 in the County's current TIP except for the Amazon related improvements at CH 83 and 4th Avenue. The TIF district planning should take into account improvements needed for the County road system to mitigate traffic related to this development identified in this EAW and the overall traffic generated by the Canterbury site.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me.

Sincerely,

Craig Jenson
Transportation Planner

cc: Lisa Freese, County Transportation and Program Director

July 19, 2017

Mr. Mark Noble
Senior Planner
129 Holmes Street South
Shakopee, MN 55379

Re: Canterbury Commons Environmental Assessment Worksheet

Dear Mr. Noble:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for the Canterbury Commons project (Project) located in the city of Shakopee, Scott County, Minnesota. The Project consists of a 68-acre commercial and residential development. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Permits and Approvals (Item 8)

This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary. Please be aware that if a USACE Section 404 Individual Permit is required for any project activity, then an MPCA CWA Section 401 Water Quality Certification or waiver must also be obtained as part of the permitting process. The Section 401 Water Quality Certification ensures that the activity will comply with the state water quality standards. Any conditions required within the MPCA 401 Certificate are then incorporated into the USACE 404 Permit. You can find additional information about the MPCA's 401 Certification process at <https://www.pca.state.mn.us/water/clean-water-act-section-401-water-quality-certifications>. For further information about the 401 Water Quality Certification process, please contact Jim Brist at 651-757-2245 or Bill Wilde at 651-757-2825.

Water Resources (Item 12)

Please note that because the Project will result in over 50 acres of disturbed area and has a discharge point within one mile of the Minnesota River, an impaired water, the Project proposer is required to submit their Stormwater Pollution Prevention Plan (SWPPP) to the MPCA for a review at least 30 days prior to the commencement of land disturbing activities. If the SWPPP is found to be out of compliance with the terms and conditions of the General Permit, further delay may occur. The MPCA encourages the Project proposer to meet with staff at preliminary points to avoid this situation. Questions regarding SWPPPs should be directed to Todd Smith at 651-757-2732.

Noise (Item 17)

There is not enough information in the EAW to make a determination one way or another regarding the noise levels following completion of the proposed development, in comparison to the state standards.

Due consideration has not been given to the state noise standard in the EAW; only ordinances passed by the city of Shakopee were included, and only the times of day were discussed. There are several aspects of the State noise rule that the City should consider as part of this project. First, noise limits are most stringent on residential properties and the noise area classifications (NACs) are determined

Mr. Mark Noble

Page 2

July 19, 2017

independently of municipal zoning. This means that noise from neighboring sources must be at residential levels by the time it reaches the residential property line. Additionally, the noise rule is for total noise, so when monitoring for compliance with the noise standard, all noise sources are considered together.

Per Minn. R. ch. 7030.0030, "[A]ny municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use." The MPCA receives several noise complaints resulting from development spreading into previously unoccupied areas, especially where noise levels were not sufficiently scrutinized prior to construction. For that reason, I recommend that noise monitoring be done at various locations throughout the proposed development site prior to the finalization of development plans. This would help to ensure that the current noise level at the site would not lead to an automatic exceedance after development. Given the proposed development's proximity to Canterbury Park, Eagle Creek Boulevard, the new power plant (currently under construction at the intersection of Eagle Creek Boulevard and Vierling Drive East), and Highway 169, it is possible that background noise at the location is already relatively high. If noise levels are found to exceed residential noise standards, mitigation actions should be taken.

Finally, all construction equipment should be fitted with the appropriate mufflers during each phase of construction to maintain compliance with the State noise standards. Please address questions regarding noise standards to Christine Steinwand at 612-757-2327.

We appreciate the opportunity to review this Project. Please provide your specific responses to our comments and notice of decision on the need for an Environmental Impact Statement. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EAW, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,



Karen Kromar
Planner Principal
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Christine Steinwand, MPCA, St. Paul
Bill Wilde, MPCA, St. Paul
Todd Smith, MPCA, St. Paul
Teresa McDill, MPCA, St. Paul