

Findings of Fact and Conclusion

Canterbury Park Eastern Development Project

Proposer: Swervo Development Corporation

RGU: City of Shakopee

Date: April 2022

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Chapter 1 Administrative Background

The Swervo Development Corporation (Swervo) proposes an amphitheater providing for occupancy of 19,000 attendees at Canterbury Park which will be owned and operated by Swervo. The amphitheater will provide fixed seating for approximately 11,000 spectators and lawn seating for approximately 8,000 spectators. Although the amphitheater is within Canterbury Park it will be a stand-alone parcel subdivided from Canterbury Park under separate ownership. Additional parking and new streets within Canterbury Park and south of the amphitheater will be built to serve the amphitheater. The Project is a 62.75-acre parcel located in the northeast quadrant of Canterbury Park bordered by County Road (CR) 83 to the east and Unbridled Avenue to the north. See Appendix A for the project location and layout figures. Additional information regarding the proposed project is provided in Section 2.1 (Project Description).

An Environmental Assessment Worksheet (EAW) has been prepared for the project. Swervo is the proposer and the City of Shakopee is the Responsible Governmental Unit (RGU) for the proposed project. The EAW has been prepared in accordance with Minnesota Rules Chapter 4410. The EAW was developed to assess the impacts of the project and other circumstances to determine if an Environmental Impact Statement (EIS) is needed.

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comment to the required EAW distribution list. A “Notice of Availability” was published in the EQB *Monitor* on February 8, 2022. A notice of availability of the EAW was published on the City of Shakopee website at www.ShakopeeMN.gov. A legal advertisement announcing the availability of the EAW also was published in the Shakopee Valley News. Appendix D of this Findings document includes the February 8, 2022 EQB *Monitor*; the City of Shakopee webpage; and the affidavit of publication from the Shakopee Valley News.

The EAW was made available for public review on the City’s website at <https://www.shakopeemn.gov/Home/Components/News/News/7891/>. Paper copies of the EAW were also made available for public review at the Shakopee City Hall, 485 Gorman St., Shakopee.

The EAW public comment period was held until March 10, 2022. Eleven written comments were received during the EAW comment period. All comments received during the EAW comment period were considered in determining the potential for significant environmental impacts. Appendix B

includes comments received during the comment period. Appendix C includes responses to substantive comments.

Based upon the information in the project record, which is composed of the EAW for the proposed project, the issues raised during the public comment period, the responses to the comments, and other supporting documents, the City of Shakopee makes the following Findings of Fact and Conclusions.

Chapter 2 Finding of Fact

2.1 Project Description

The project is an amphitheater providing for occupancy of 19,000 attendees at Canterbury Park which will be owned and operated by the Proposer. The amphitheater will provide fixed seating for approximately 11,000 spectators and lawn seating for approximately 8,000 spectators. Although the amphitheater is within Canterbury Park it will be a stand-alone parcel subdivided from Canterbury Park under separate ownership. The Project is a 62.75-acre parcel located in the northeast quadrant of Canterbury Park bordered by County Road (CR) 83 to the east and Unbridled Avenue to the north. See Appendix A for the project location and layout figures.

The project encompasses the stage and supporting structures centered on the west side of the site facing east. The amphitheater is a semi-circular bowl design with the stage constructed approximately 20 feet below the ground elevation and the first row of seating being approximately 5 feet below the stage. Audience seating elevates from the first row and is divided into several sections consisting of seats, boxes and open lawn that will rise to an elevation of approximately 43 feet above the ground elevation. See Figure 5 for the project layout and Figure 6 in Appendix A for the Amphitheater Plan.

The amphitheater is generally divided at its mid-point, where it reaches the existing ground elevation, by a pedestrian walkway. The area below the walkway includes audience seating, the stage, jumbo-tron screens, concession stands and back of stage storage/preparation rooms. Above the walkway is additional seating with lawn seating on the sides and rear of the theatre. Concession areas and beer gardens are located on either side of the rear yard. A roof extends from the back of the stage to the mid-point walkway, providing cover over the lower half of the bowl. Speakers are mounted above the stage and below the roof at the amphitheater mid-point, serving the upper and lower areas of the amphitheater.

The area outside of the amphitheater consists of a high-amenity open area for gathering and crowd distribution before and after events with parking along the perimeter of the site. Backstage loading and parking are behind (west) of the stage and a new stormwater pond will be constructed in the northwest corner of the project area. The project includes two properties outside of Canterbury Park in the northeast corner of the Project area. The first parcel (the “712 Parcel”) is improved with a building that included several businesses such as the CAP Agency, Minnesota Workforce Center,

and the Carver/Scott Education Cooperative. The 712 Parcel was purchased by the City of Shakopee and is included in the project. The second parcel is the 4.5-acre Crane Parcel, consisting of the Sowles building material supplier operation, which is not currently under contract with Swervo. Both parcels are designated for amphitheater parking. New streets within Canterbury Park and south of the amphitheater are also included in the project to serve the amphitheater from 12th Avenue, see Figure 5 in Appendix A.

The project requires the removal of the 712 Building and the removal and relocation of fifteen horse barns currently located south of the amphitheater. The project also requires the Crane parcel for future parking; thus, this building will be removed as well once Swervo owns the parcel. The 712 Building was developed in the mid-1990's as a 62,000-square-foot light industrial office building. It was vacated on December 3, 2021, purchased on December 6, 2021, and demolished during December 2021 by the City of Shakopee. The area to the south of the amphitheater that will surround the new event parking will continue to contain the remaining Canterbury Park horse barns.

The project is proposed in cooperation and coordination with Canterbury Park. Canterbury Park supports the project as a venue independent from its operations and is working with Swervo to provide the necessary land and create shared parking and access. Swervo has provided traffic and noise studies for the project, which are further detailed in other sections of the EAW. The studies show the design of the amphitheater and sound system can meet state noise standards and amphitheater traffic is adequately supported by the proposed roads and improvements to CR 83. A pedestrian corridor is planned in the northwest corner of the site to provide a pedestrian walkway when shared parking is used for an event. Amphitheater events will be coordinated with Canterbury Park to accommodate pedestrian and traffic circulation. All other utility infrastructure can be accommodated by existing City of Shakopee services.

The Project is planned to start construction in the Summer of 2022 with an opening date scheduled for the Summer of 2023.

2.2 Clarifications and Changes Since Publication of the EAW

Clarifications to information provided in the EAW are listed below (see also responses to comments in Appendix C). There have been no changes in the project design since distribution of the EAW to the EQB distribution list.

- Table 2 in EAW Item 7: Climate Adaptation and Resilience described climate trends in the general location of the project. Table 2 was revised to exclude flooding for the following reason: the initial preparation of the table considered the broader area of the region as having increased flooding. Table 2 was adjusted to address site-specific conditions as indicated by the flood factor mapping.
- Table 5 in EAW Item 8: Cover Types was updated to include the number of trees removed and the number of new trees planted. These numbers were not available at the time of the EAW submittal, this allows for a comparison of pre and post construction tree cover.
- Item 13.b has a statement added that solid and hazardous waste will be managed in accordance with Scott County's Solid and Hazardous Waste ordinances as well as state requirements.
- Item 14 text was revised to include comments from the MN Department of Natural Resources (DNR) to include lighting recommendations to avoid negative impacts to protected bird species.
- Item 14.d was updated to include DNR recommendations for protection of state-listed species which could be present in the project vicinity during construction.
- Item 20.a was updated to reflect the Minnesota Valley Transit Authority (MVTA) special event services to/from the park-and-ride lots and events.

Chapter 3 Agency and Public Comments on the EAW

The City of Shakopee received ten agency comment letters and one citizen comment letter during the EAW comment period (see Appendix B). Written responses are provided for all substantive comments submitted during the EAW 30-day comment period, which concluded on March 10, 2022 (see Appendix C). Responses were not provided for comments of general opinions or statements of preference, or issues outside of the project.

3.1 Summary of Comments from the Public

One public comment was received during the EAW comment period. The following topics summarize the issues identified in the public comment letter:

- Purchase of the CAP and Social Services buildings related to this project
- The amphitheater as part of Canterbury Park
- Groundwater elevations and [potential impacts to Well Head Protection areas
- Greenhouse gas emissions
- Solid and hazardous waste generation, recycling and management
- Noise impacts to people and horses at the horse barns
- Event traffic impacts

3.2 Summary of Comments from Agencies

Comment letters were received from the following state and local agencies:

- Minnesota Department of Transportation (MnDOT)
- DNR
- Mn Pollution Control Agency (MPCA)
- Metropolitan Council
- Lower Minnesota River Watershed District (LMRWD)
- Scott County Transportation Services
- Mn Department of Agriculture
- MVTa
- Office of the State Archaeologist
- City of Eden Prairie

The following topics summarize the issues identified in the agency comment letters:

- Stormwater management
- Tree planting, landscaping and increased impervious areas
- NPDES and DNR Water Appropriation permit questions
- Concerns about depth to bedrock, groundwater impacts and protection of drinking water management areas
- Design and mitigation strategies to protect birds and state-listed species, and support pollinators.
- Emissions estimates
- Noise impacts to nearby residents and communities
- Traffic management and shuttle services during events
- Additional details on the event management plan and the effectiveness of proposed mitigations
- Pedestrian and bicyclist safety and movement during events

Chapter 4 Decision Regarding Need for an Environmental Impact Statement

Minnesota Rules 4410.1700 provides that an environmental impact statement shall be ordered for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the following four factors described in Minnesota Rules 4410.1700, subp.7 shall be considered:

- A. Type, extent, and reversibility of environmental effects;
- B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
- D. The extent to which environmental effects can be anticipated and controlled because of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Key findings with respect to each of these criteria are set forth below:

4.1 Type, Extent, and Reversibility of Impacts

The City of Shakopee finds that the analysis completed for the EAW is adequate to determine whether the project has the potential for significant environmental effects. The EAW described the type and extent of impacts to the natural and built environment anticipated to result from the proposed Canterbury Park Eastern Development Project. The information in the EAW and public/agency comments received during the public comment period (see Appendix B) were considered in considering the type, extent, and

reversibility of project impacts. Following are the key findings regarding potential environmental impacts of the proposed project and the design features included to avoid, minimize, and mitigate these impacts:

4.1.1 Water Resources

Stormwater Management

The amphitheater site will be developed with an impervious coverage of 85-percent. The site is located within a low vulnerability Drinking Water Supply Management Area (DWSMA); therefore, infiltration is the preferred method of stormwater management. For the anticipated 42.3-acres of proposed impervious surfaces, the required volume reduction is 3.5 acre-feet (approximately 154,000 cubic feet). The proposed public road site is located within moderate and high vulnerability DWSMAs; therefore, infiltration may be restricted. Infiltration feasibility and the use of alternative volume reduction BMPs will be evaluated as part of the design process. The project will be required to meet the City's and Watershed District's requirements for volume reduction, rate control, and water quality. Applicable BMPs will be provided to meet these requirements. The preferred stormwater management approach will be determined through design coordination with the City throughout the entitlement process. A National Pollutant Discharge Elimination System (NPDES) permit will be obtained for the project, and all design and construction will adhere to NPDES permitting requirements.

Groundwater

Groundwater is located approximately 45 feet below the land surface and generally flows north towards the Minnesota River Valley. The bedrock is comprised of the Prairie du Chien group at a depth of 50 feet. Soil borings performed in the project area for the Phase I Environmental Site Assessment (ESA) indicate that groundwater is well below the depth of excavations for the project.

Most of the Project Area is in a DWSMA and Shakopee Wellhead Protection Area. Most of the project area is within a low to moderate vulnerability DWSMA. The southern portion of the project area is identified as a high vulnerability DWSMA. The Minnesota Department of Health (MDH) Well Index lists one unverified well (ID 787917) within the project Area.

Water Appropriation

This project proposes to have water supplied by the Shakopee Public Utilities Commission (SPUC). A DNR water appropriation permit is not proposed.

since the existing appropriation permit held by SPUC has the capacity to cover this project. SPUC was consulted to verify that SPUC has the capacity to provide drinking water for the project. Dewatering is not anticipated to be required due to depth to groundwater.

The projected peak water usage for the Project is 350 gallons per minute for 40 to 60 annual events. With event durations of 12 hours or less, total yearly quantity would be 14,212,800 gallons per year. The Project is planning a sustainability strategy which will include reuse of stored stormwater for plant watering and will adjust water usage during times of water stress or shortages.

During construction, there may be a minor amount of water used for dust control during earth moving operations, with an assumed usage of 10,000 gallons per day for 30 days giving a total of 300,000 gallons. This water would also come from SPUC distribution system and appropriation permit.

Surface Water Bodies

A review of DNR geospatial data determined that no lakes, trout streams or trout lakes, wildlife lakes, migratory waterfowl feeding/resting lakes, or outstanding resource value waters are present within the project area. No DNR Public Waters are located within the project area. No 303d impaired water designated by the Minnesota Pollution Control Agency (MPCA) were identified within the project area based on the draft 2022 impaired waters list. The regulated 100-year floodplain and floodway associated with the Minnesota River is located a half mile to the north of the project area. The project would not impact areas within the designated regulated 100-year floodplain and floodway.

4.1.2 Erosion and Sedimentation

Sediment and erosion control measures will be implemented as identified in the SWPPP. Erosion control measures will be in place at the beginning of construction and maintained throughout the entire construction period. Erosion control will utilize temporary sediment basins with ditches and check dams (sized per permit guidance), temporary ground cover where construction has paused, and perimeter control to avoid erosion and sedimentation throughout the site. Stockpiles will be stabilized when not in use and have the stockpile perimeter controlled. All permanent slopes 4:1 or steeper will have erosion control blanket installed. After construction, all disturbed areas will be sodded or seeded, leaving temporary erosion control structures in place until vegetation has been established.

4.1.3 Wetlands

Based on a review of National Wetland Inventory (NWI) data and time-lapsed aerial imagery, one aquatic resource borders the western boundary of the site. This NWI feature is an excavated stormwater pond and is classified as a permanently flooded palustrine aquatic resource with an unconsolidated bottom (PUBHx). Within Canterbury Park, west of the project area, NWI resources are present including several excavated stormwater features. No natural wetlands are present in the project area.

4.1.4 Contamination/Hazardous Materials/Wastes

Potential for impacts to the project from contaminated properties has been considered, but because of the project location and nature of the planned work, there is little potential for encountering contaminated materials. The project will not have a high risk of causing direct or indirect impacts to human health or sensitive environmental resources due to encountering contaminated materials. Any potentially contaminated materials encountered during construction will be handled and treated in accordance with applicable state and federal regulations.

Project Related Generation/Storage of Solid Wastes

Any excess soil material that is not suitable for use on the project site will be disposed of in accordance with state and federal requirements. Excess materials and debris generated by the project, such as concrete and asphalt, will be disposed of in accordance with Minnesota Rule 7035.2825.

Project Related Use/Storage of Hazardous Materials

The project would not include permanent hazardous materials storage. Appropriate measures will be taken during construction to avoid spills that could contaminate groundwater or surface water in the project area. In the event a leak or spill occurs during construction, it will be responded to in accordance with MPCA containment and remedial action procedures.

4.1.5 Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)

No native plant communities are within the preliminary construction limits.

The DNR identified two rare features, the loggerhead shrike and the gopher snake with the potential to be in the project area. The loggerhead shrike is state-listed endangered bird that was documented breeding in the project area in 1994. The gopher snake, a state-listed species of special concern, has been

documented in the project area, and could be found onsite. The Northern long-eared bat is the only federally-listed threatened and endangered species that may be within or near the project corridor.

4.1.6 Historic Properties

A cultural resources review was completed by the State Historical Preservation Office (SHPO) in April 2021. No properties listed in the National Register of Historic Places (NRHP) or archaeological properties were identified in the study area.

4.1.7 Visual

There are no scenic views or vistas from the project site. The Project site is situated amongst industrial land, the racetrack and arterial roads to the north and south. The project will generate light from the stage and parking lots during evening events. All light poles and fixtures will meet City lighting codes with downcast or shielded covers. The City codes states mitigative measures shall be employed to limit glare and spill light to protect neighboring lots and to maintain traffic safety on streets. The City's PUD review process will review the light pollution impact of evening events. The City currently regulates entertainment venues including Canterbury Downs and Valley Fair and is familiar with mitigation measures that are appropriate for such venues through their planning process.

4.1.8 Air

Vehicle Emissions

The primary pollutant of concern related to the proposed Canterbury Event District project and vehicle emissions includes carbon monoxide (CO). CO concentrations are the highest where vehicles are idling for extended periods of time, such as at signalized intersections where vehicles are stopped and waiting to travel through the intersection. Emissions also are generally highest in parking facilities where vehicles may be parked and idling or navigating the parking area at low speeds. Vehicle emissions are dispersed by the wind; concentrations decrease rapidly with increasing distances from the source.

A traffic operations mitigation plan has been identified for the project. This mitigation plan includes a parking management plan, a routing and wayfinding plan, traffic and pedestrian management, traffic control improvements, rideshare/shuttle services, and event management plans (EMP). Pre-event and post-event congestion would still be anticipated with

these measures; however, this congestion is anticipated to be less than the “no mitigation” scenario. Measures that minimize event-related congestion would reduce idling and are anticipated to minimize vehicle-related emissions.

Dust and Odors

Dust generated during construction will be minimized in accordance with City of Shakopee ordinances and NPDES construction stormwater permitting requirements. After construction is complete, dust levels are anticipated to be minimal because all soil surfaces exposed during construction will be in permanent cover conditions.

The project would not generate odors during construction or operations.

4.1.9GHG Emissions

GHG emissions were estimated for vehicle emissions, off-site electricity generation, and off-site waste management. Vehicle emissions were estimated using MnDOT’s MICEToolV2, which is routinely used for vehicle emissions on MnDOT projects. The USEPA Greenhouse Gas Equivalencies Calculator was used to estimate off-site electricity generation. Additional guidance came from [EQB EAW Guidance](#), and the EPA GHG Emissions Factor Hub. Swervo is developing a Green Nation Sustainability Program, of which recycling is a key component. The plan is to reduce their waste 45% through recycling in support of the Minnesota Next Generation Energy Act goals.

4.1.10 Noise

Construction Noise

Construction activities associated with the proposed project would result in increased noise levels over the existing conditions. These impacts would primarily be associated with construction equipment such as backhoes, front loaders, dozers, graders, and scrapers. This equipment is primarily associated with site grading/site preparation. It is not anticipated that night construction will be required as part of this project. The duration of construction will be determined during the final design of the project.

Operations Noise

The proposed sound system for the amphitheater is designed to cover the entire seating area with a complex of line array loudspeakers that focus the sound on the seating areas only. The sound directed from the front of the stage will be contained within the adjacent industrial area while sound behind the stage will be contained within the track area of Canterbury Park. The L10

contours show that concert sound levels are expected to be below the State Noise Standards for commercial and industrial land uses.

The Proposer has taken measures in the positioning and design of the amphitheater and its systems to minimize noise impacts to the surrounding area, as detailed in the noise study included in the EAW. The City of Shakopee has zoning standards for noise to which the project will be subject as part of the PUD.

An assessment of the potential traffic noise associated with the amphitheater was conducted based on the projected traffic volumes. The analysis showed no conflict with State of Minnesota noise rules. The assessment evaluated 11 residential receptors along Eagle Creek Boulevard and Shenandoah Drive. The analysis showed small increases (1-2 dBA) along Eagle Creek Boulevard with greater increases along Shenandoah Drive due to traffic traveling to Highway 101.

4.1.11 Transportation

The project is expected to have approximately 40 to 60 annual events from May to October, eight (8) to 12 of which are expected to be maximum capacity events. The EAW transportation study focused on maximum capacity events, as they represent a worse-case scenario from a transportation and parking perspective.

Access to the development is proposed at four (4) locations; two (2) access locations along CR 83, one (1) access along Unbridled Avenue, and one (1) access along 12th Avenue. The Unbridled Avenue access will feed directly into the main Amphitheater parking lot, and the 12th Avenue access is expected connect into the existing Disc Drive intersection.

As part of the Amphitheater development project, an internal roadway network is expected to be constructed and will connect the CR 83 access locations to 12th Avenue. The internal roadway network is critical for event management and will help facilitate future area development.

The project is planning to provide 3,500-parking spaces adjacent to the site, which could accommodate a 10,000-capacity event. Therefore, additional parking spaces are needed for events over 10,000 people. Based on discussions with project stakeholders, Canterbury Park (Lots A-C) and Minnesota Valley Transit Authority (MVTA) Park-and-Ride parking lots (i.e. Marschall, Eagle Creek, and Southridge) are expected to be utilized and assigned during larger events, when parking demand exceeds the on-site Amphitheater parking. MVTA would provide special event services to/from

the park-and-ride lots and the event, whereas event patrons parked at Canterbury Park are expected to walk to/from the site.

An operations analysis was conducted for both pre-event and post-event conditions during a maximum capacity weeknight event to determine the potential transportation impacts associated with the increased pedestrian and vehicular traffic.

Based on the results of the operations analysis, mitigation strategies are primarily focused on reducing congestion on typical major routes by making better use of under-utilized roadways. This means routing/directing event traffic from US 169 to CR 101 and using Shenandoah Drive instead of CR 83 to access the Canterbury parking lots. This will be accomplished by assigning parking and providing suggested routing to these parking lots as part of the ticket purchasing process. Additional on-street wayfinding will be provided to help reinforce these suggested routes. With the mitigation plan the roadway network is expected to be cleared in one (1) hour to one (1) hour and 15 minutes, rather than the approximately two (2) hours anticipated with no mitigation.

A traffic operations mitigation plan has been identified for the project. This mitigation plan includes a parking management plan, a routing and wayfinding plan, traffic and pedestrian management, traffic control improvements, rideshare/shuttle services, and event management plans (EMP).

4.1.12 Finding with Respect to Criteria

City of Shakopee finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to the resources evaluated in the EAW and in the Findings summary above. Project impacts will be mitigated as described in the EAW and the Findings above.

4.2 Cumulative Potential Effects

As discussed in Item 21 of the EAW, there is a potential for cumulative impacts related to:

- Stormwater management
- Sewer capacity
- Traffic congestion

However, each of these mitigation measures has already been evaluated as part of this project which will mitigate potential impacts for each of the planned developments.

Stormwater management was evaluated as part of the overall Canterbury site. Stormwater management and capacity was determined with an eye to potential future developments on the Canterbury site, and with a detailed understanding and evaluation of the existing stormwater system in the City.

The project team worked closely with the City to evaluate a range of options for onsite sewage management that supported the existing sewer system in Shakopee while maintaining adequate capacity for future developments.

Stormwater management must meet permit requirements. Sewage management is reviewed as part of approving building plans. These regulatory requirements and reviews provide a built-in check to allow for multiple developments in the vicinity of the project.

The proposed traffic mitigations and infrastructure improvement will support more efficient movement of vehicles following the short-term events at the Amphitheater, and these will also support better traffic movement in the immediate project vicinity, thus mitigating cumulative impacts from the other developments.

Climate change has the potential to exacerbate any project-specific or cumulative impacts. This Project and other area developments will need to adapt to these projected climate conditions. The cumulative benefit of the planned sustainability program for this project, as well as whatever other sustainability, resilience or adaptation programs developed for the other projects and/or by the City of Shakopee, can have a cumulative beneficial effect on mitigating impacts of climate change.

4.3 Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The mitigation of environmental impacts will be designed and implemented in coordination with regulatory agencies and will be subject to the plan approval and permitting process. Table 4.1 lists permits and approvals that have been obtained or may be required prior to project construction. The permits listed in Table 4.1 include general and specific requirements for mitigation of environmental effects of the project. Therefore, the City of Shakopee finds that the environmental effects of the project are subject to mitigation by ongoing regulatory authority.

Table 4.1 Permits and Approvals and Current Status

Unit of Government	Type of Application	Status
State		
Minnesota Department of Natural Resources (DNR)	Water Appropriation Permit (if necessary)	To be completed
	MN Natural Heritage Database Review	Complete
Minnesota Pollution Control Agency (MPCA)	Stormwater Pollution Prevention Plan (SWPPP)	To be completed
	NPDES/SDS Construction Stormwater (CSW) General Permit Sanitary Sewer Extension	To be obtained
State Historic Preservation Office	Archaeological/Historic Sites Review	Completed
Metropolitan Council	Sanitary Sewer Extension	To be obtained
MN Department of Health (MDH)	Watermain Extension Abandonment of Water Well	To be obtained, as necessary
Local		
City of Shakopee	Preliminary Plat	To be completed
	Final Plat	
	Grading permit	
	Planned Unit Development Overlay	
	Site/Building Plan Review	
	Building Permit Wetland Conservation Act approval	
City of Shakopee	EAW	Approval
	EIS Need Decision	To be completed
Shakopee Public Utilities Commission	Water Main	To be completed
Lower Minnesota River Watershed District	Stormwater treatment and erosion control review	To be completed

4.4 Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Environmental Studies

Similar projects in the City of Shakopee have been designed and constructed in the project vicinity. The City of Shakopee finds that the environmental effects of the project can be anticipated and controlled because of assessment of potential issues during environmental review, and experience in addressing similar issues on previous projects.

Chapter 5 Conclusions

1. City of Shakopee has jurisdiction in determining the need for an environmental impact statement on the Canterbury Park Eastern Development Project.
2. All requirements for environmental review of the proposed project have been met.
3. The EAW, proposed mitigation activities, and the permit development processes related to the project have generated information which is adequate to determine whether the project has the potential for significant environmental effects.
4. Areas where potential environmental effects have been identified and will be addressed during ongoing mitigation planning and the final design of the project. Mitigation will be provided where impacts are expected to result from project construction, operation, or maintenance based on requirements in place at that time. Mitigation measures will be incorporated into project design and will be coordinated with state and federal agencies during the permitting process.
5. Based on the criteria in Minnesota Rules 4410.1700, subp. 7, the project does not have the potential for significant environmental effects.
6. An Environmental Impact Statement is not required for the proposed Bailey Road Management and Safety Project.

Based on the Findings of Fact and Conclusions contained herein and on the entire record, City of Shakopee hereby determines that the proposed Canterbury Park Eastern Development Project will not result in significant environmental impacts, and that the project does not require the preparation of an environmental impact statement.