



ENVIRONMENTAL ASSESSMENT WORKSHEET RECORD OF DECISION

SUMMERLAND PLACE DEVELOPMENT

SHAKOPEE, MN 55379

May 5, 2020

Proposer:
Summergeate Properties
17305 Cedar Ave #200
Lakeville, MN 55044

RGU:
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

WSB PROJECT NO. 014914-000



FINDINGS OF FACT, CONCLUSIONS, AND RECORD OF DECISION

SUMMERLAND PLACE
EAW

For:

CITY OF SHAKOPEE

May 5, 2020

Prepared by:



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I. ADMINISTRATIVE BACKGROUND

Pursuant to Minnesota Rule 4410.4300, the City of Shakopee has prepared an Environmental Assessment Worksheet (EAW) for the proposed Summerland Place project (Project). This Record of Decision addresses the State of Minnesota environmental review requirements as established in Minnesota Rule 4410.1700. The City of Shakopee is the project proposer and the Responsible Governmental Unit (RGU).

The EAW was filed with the Minnesota Environmental Quality Board (EQB) and circulated for review and comments, to the required EAW distribution list. A Notice of Availability for the initial EAW was published in the EQB Monitor on February 18, 2020. Notices of Availability were published on the City of Shakopee Website on February 18, 2020.

The public comment period ended March 18, 2020. Comments were received from the Metropolitan Council, Scott County Transportation Services, Minnesota Pollution Control Agency (MPCA), State Historic Preservation Office (SHPO), Minnesota Department of Natural Resources (DNR), and one Shakopee resident. All comments were considered in determining the potential for significant environmental impacts. Summaries of the comments received and the City of Shakopee responses to those comments are provided in **Section III**.

II. FINDINGS OF FACT AND CONCLUSIONS

As to the need for an Environmental Impact Statement (EIS) on this project and based on the record in this matter, including the EAW and comments received, the City of Shakopee makes the following Findings of Fact and Conclusions:

A. PROJECT DESCRIPTION

Summergeate is proposing a phased residential development on 115 acres in the City of Shakopee. The project includes developing 300 apartment units, 68 townhome units, and 222 detached unit lots totaling 590 housing units over five phases. The project also includes associated utilities, stormwater basins, parking lots, internal roads, an apartment office building, and an apartment community building.

B. PROJECT HISTORY

- The project was subject to a mandatory EAW per Minnesota Rule 4410.4300 Subpart 19D – Residential Development.
- The EAW was distributed to the EQB and to the EQB mailing list on February 18, 2020.
- Public notices containing information about the availability of the EAW for public review were provided to City of Shakopee Website on February 18, 2020.
- Hard copies of the EAW were provided for public review at City of Shakopee City Hall, Scott County – Shakopee Library, and the Environmental Conservation Library. An electronic copy of the EAW was available on the City's website.
- A notice was published for the EAW in the February 18, 2020 *EQB Monitor*. The public comment period ended March 18, 2020. Comments were received from Metropolitan Council, Scott County Transportation Services, MN Pollution Control Agency, State Historic Preservation Office, MN Department of Natural Resources, and one Shakopee resident. Copies of these comment letters are hereby incorporated for reference and included in **Appendix A**.

C. CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS.

Minnesota Rule 4410.1700, subp. 1, states “An EIS [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 City of Shakopee must consider the four factors set out in Minnesota Rule 4410.1700, subp. 7. With respect to each of these factors, the City of Shakopee finds the following:

1. MINNESOTA RULE 4410.1700, SUBP. 7.A – TYPE, EXTENT, AND REVERSIBILITY OF ENVIRONMENTAL EFFECTS

- a. The type of environmental impacts and mitigation efforts anticipated as part of this project include:

Zoning and Special Districts: The EAW inaccurately defined the planned land use of this site, based on the 2030 Comprehensive Plan. City of Shakopee adopted the 2040 Comprehensive Plan on November 19, 2019, which identifies this site as Suburban Residential (3-6 units per acre) and Mixed Residential (6-30 units per acre). The project proposes 5.01 – 8 units per acre across the entire project area. The project will need apply for a Planned Unit Development through the City of Shakopee.

Soil Disturbance: The project will involve soil disturbance. The site will be graded in phases as development occurs to prevent unnecessary soil erosion. A National Pollutant Discharge Elimination System (NPDES) permit will be required and erosion control best management practices (BMPs) such as silt fence, inlet protection, and a stabilized construction entrance will be in place during construction to reduce sedimentation and prevent erosion from the site. A Development Application/Land Disturbance Plan will need to be reviewed and approved by the City.

Wastewater: The proposed development is estimated to generate an average wastewater flow of 103,130 gallons per day. Approximately 105 residential units will ultimately be connected to an existing 15-inch sanitary sewer main owned by the City of Shakopee. The 15-inch City sewer main connects to MCES Interceptor 9206-1 near the northwestern corner of the proposed development. An estimated 485 residential units will be directly connected to the MCES Interceptor through a new 8-inch connection about 1200 feet west of Eagle Creek Boulevard. Wastewater from the site will be treated at the Blue Lake Wastewater Treatment Plant (WWTP). Blue Lake WWTP has a design capacity of 32 million gallons per day. The current treatment volume is an average of 27 million gallons per day. The Blue Lake WWTP has the capacity to accommodate the additional flow from this development.

Water Supply: The development will connect to the municipal water supply at the north and south/southwest portions of the development. The Shakopee Public Utilities Commission (SPUC) will be the service provider.

Water Quality: The proposed concept plan shows a mixture of single-family homes, townhomes and apartment buildings. The estimated total amount of impervious for this development is 46.3 acres.

The City of Shakopee regulates stormwater runoff rate, volume and water quality. These regulations are detailed in the City of Shakopee Design Criteria, dated October 2017 and City of Shakopee Chapter 54 Ordinance: Water Resources Management. The site is located within the Lower Minnesota Watershed District. This watershed district has adopted standards that must be implemented by the City of Shakopee but does not

currently have a permitting program of their own.

The site must meet the following criteria:

- Capture and retain on site 1.0 inches of runoff from the new impervious surfaces in post-construction conditions.
- Maintain existing flow rates for the 2, 10, and 100-year 24-hour Atlas 14 storm events.
- It is required to have a no net increase from pre-project conditions of TSS and TP. The water quality control standards shall be considered satisfied if the volume control standard has been satisfied.
- If ponding is used, a permanent pool pond volume equal to 2.5 inches of rainfall over the entire contributing drainage area, assuming full development.
- Pretreatment must be provided if infiltration or filtration is being used.

Because of the project site's location within both a high vulnerability Drinking Water Supply Management Area and MDH Wellhead Protection Area it is not considered suitable for infiltration. The city does not require infiltration or reuse but will consider irrigation reuse and incorporate measures as feasible. The project currently proposes filtration basins to treat stormwater.

Fish and Wildlife: Few natural habitats such as forests, native grass meadows, or water resources are located within the project area or the surrounding vicinity that would benefit wildlife. The project involves tree removal but is not located within a township known have northern long-eared bat maternity roosts or hibernaculum. This project is not expected to impact fish or wildlife.

The project will result in the construction of several stormwater ponds, which may provide habitat for wildlife. The city typically recommends surmountable curbing in new developments with low traffic and will recommend the use of this curbing type in areas where is it reasonable. This measure will accommodate the need for movement of any new wildlife through the development.

Noise: The project is located adjacent to US Highway 169. Noise levels are expected to increase in the future with development to the west. The development has been designed to provide an approximately 700-foot-wide buffer, in the form of gardens and stormwater basins, between the US 169 and the nearest housing units. The City of Shakopee will request that the developer complete a preliminary noise assessment prior to development to document existing noise at the site and will require that noise attenuating windows be incorporated into the design of the units nearest US 169.

During construction, noise levels will temporarily increase because of grading and construction. Use of this equipment will be limited to daytime hours consistent with the City's construction and noise ordinances. Construction equipment will be fitted with mufflers that will be maintained throughout the construction process.

Transportation: The proposed development is expected to generate approximately 303 a.m. peak hour, 389 p.m. peak hour, and 4,226 daily site trips. Additional development may occur east of the Summerland development, which may account for more daily trips, especially retail and non-retail trips. This additional traffic may cause operational issues at the intersections of CR 83/Eagle Creek Boulevard and CR 16/Independence Drive.

To address the future capacity and/or queuing issues identified, the following improvements are recommended:

1. CR 83/Eagle Creek Boulevard Intersection
 - Construct an advanced turn-lane from the US 169 South Ramp intersection through the CR 83/Eagle Creek Boulevard intersection. The advanced turn-lane is provided by extending the inside northbound right-turn lane at the US 169 South Ramp intersection to Eagle Creek Boulevard and constructing an additional northbound thru lane at Eagle Creek Boulevard that feeds into the extended northbound right-turn lane. Note that this improvement was previously identified in the Canterbury Commons Areawide Transportation Assessment. This improvement will be assumed to be completed under the year 2040 intersection capacity analysis.
2. CR 16/Independence Drive
 - Monitor the CR 16/Independence Drive intersection to determine if/when a traffic signal should be considered.

The project will involve connections to CH 16 and work within the County's right-of-way. A County Access Permit and permits for work within right-of-way will need to be obtained.

Pedestrian access to 17th Avenue will be provided from the development via Phillip Drive. Internal sidewalks and/or trails will be located within the development to Phillip Drive. Pedestrians can cross 17th Avenue at Phillip Drive and access the trail along the south side of 17th Avenue, which connects to Mystic Lake Drive. The existing trail on the north side of 17th Avenue will be extended east to the east end of the development. As development occurs additional connections to the east, north of 17th Avenue, to Mystic Lake drive will be made.

The extent and reversibility of environmental impacts for the proposed project are consistent with those of a typical residential development. Impacts will be minimized to the extent practical, with regulatory approvals and/or mitigation required for those impacts which cannot be avoided to resources.

2. MINNESOTA RULE 4410.1700, SUBP. 7.B – CUMULATIVE POTENTIAL EFFECTS OF RELATED OR ANTICIPATED FUTURE PROJECTS

The City is not currently aware of any other specific foreseeable future projects that would result in cumulative effects from this project. Cumulative environmental effects from this development will not occur.

3. MINNESOTA RULE 4410.1700, SUBP. 7.C – THE EXTENT TO WHICH ENVIRONMENTAL AFFECTS ARE SUBJECT TO MITIGATION BY ONGOING PUBLIC REGULATORY AUTHORITY

- a) The following permits or approvals will be required for the project:

Unit of Government	Type of Application	Status
State		
Department of Natural Resources	Water Appropriation Permit	To be obtained, if needed
Pollution Control Agency	NPDES/SDS Stormwater Permit	To be obtained
	Sanitary Sewer Extension	To be obtained
Department of Health	Watermain Plan Review	To be obtained, if needed
Metropolitan Council Environmental Services	Sanitary Sewer Extension Concurrence	To be obtained
	Direct Connection Permit	To be obtained

Unit of Government	Type of Application	Status
County		
Scott County	Final Plat Approval	To be obtained
	Right-of-Way Permit	To be obtained
	Access Permit	To be obtained
Local		
City of Shakopee	Development Application/Land Disturbance Plan	To be obtained
	Planned Unit Development Application Approval	To be obtained
	Preliminary and Final Plat Approval	To be obtained

- b) The City of Shakopee finds that the potential impacts identified as part of the proposed Summerland Place project can be addressed through the regulatory agencies as part of the permitting process.
4. MINNESOTA RULE 4410.1700, SUBP. 7.D – THE EXTENT TO WHICH ENVIRONMENTAL EFFECTS CAN BE ANTICIPATED AND CONTROLLED AS A RESULT OF OTHER AVAILABLE ENVIRONMENTAL STUDIES UNDERTAKEN BY PUBLIC AGENCIES OR THE PROJECT PROPOSER, INCLUDING OTHER EISs.

The City finds:

1. The proposed project includes various measures to reduce adverse impacts to the environment and existing natural resources.
2. The project is subject to local, regional, state, and federal requirements.
3. The developer will secure all necessary permits and will adhere to all requirements of the permits.
4. Considering the results of environmental review and permitting processes for similar projects, the City of Shakopee finds that the environmental effects of the project can be adequately anticipated, controlled, and mitigated.

D. CONCLUSIONS

The Summerland Place EAW and comments received have generated information adequate to determine that the proposed project does not have the potential for significant environmental effects.

The EAW has identified areas where the potential for environmental effects exist, but appropriate mitigation measures can be incorporated into the project plans and the required approvals and permits to mitigate these effects will be obtained. If the project cannot be approved by regulating agencies as currently conceptualized, the applicant may need to revise the restoration plan to meet regulatory requirements. The project will comply with all local, county, and federal review agency requirements.

Based on the criteria established in Minnesota Rule 4410.1700, and the Findings of Fact and Conclusions, the project does not have the potential for significant environmental effects to trigger the need for an Environmental Impact Statement (EIS). Therefore, an EIS is not required for the Summerland Place project. City Council concurrence by Resolution R2020-059, declaring a negative need for an Environmental Impact Statement, is included in **Appendix B**.

Pursuant to Minnesota Rules Part 4410.1700, Subpart 5, a copy of this RGU Record of Decision is being provided, within 5 days, to all persons on the MEQB Distribution List, to persons commenting and to persons who requested a copy. This Record of Decision will also be made available on the City of Shakopee's website.

III. AGENCY COMMENTS AND CITY OF SHAKOPEE RESPONSES

A 30-day comment period for the Summerland Place EAW ended on March 18, 2020. The comments obtained through the EAW process can inform the permitting process and future steps for projects like this one. Comments were received from the Metropolitan Council, Scott County Transportation Services, Minnesota Pollution Control Agency (MPCA), State Historic Preservation Office (SHPO), Minnesota Department of Natural Resources (DNR), and one Shakopee resident. Responses are provided to comments related to the environmental review and analysis of the project. Comment summaries and responses are provided below. Comment letters are included in **Appendix A**.

Metropolitan Council

Comment 1: Project Description: TAZ

The site is part of Transportation Analysis Zone (TAZ) #2128, between Highway 169 and County Road 16. The City's TAZ allocation, submitted in 2019, expects 573 total households added in the zone. Should this development proceed, Council staff recommend the TAZ #2128 allocation be slightly increased, with additional households and population, and that TAZ allocations be offset with reductions in zones elsewhere in the City. A forecast change to City totals is not necessary. The TAZ table can be revised through correspondence with Council staff.

Response 1: The city will coordinate with Met Council on updating the TAZ table, as necessary.

Comment 2: Project Description: Utilities

Council staff recommends that this development be used as an opportunity to apply section 3B of the Resilience chapter goals and strategies of the City's 2040 Plan. As a reference, section 3B states: "Utilize environmentally-friendly landscaping practices in roadway projects. Ensure vegetation is selected for its natural resilience and ability to provide additional benefits, such as to pollinators."

Response 2: This comment has been noted and the city will require that the developer utilize environmentally friendly landscaping practices where feasible and will review their landscaping plans prior to approval.

Comment 3: Land Use

While the EAW correctly identifies the existing land use of this site as Agricultural, it inaccurately describes the planned land use as Single Family Residential (3-5 units per acre) and Medium Density Residential (5.01-12 units per acre), based on the 2030 Comprehensive Plan. The City of Shakopee's 2040 Plan has been authorized by the Metropolitan Council and adopted by the City on November 19, 2019. Therefore, the 2030 Plan is no longer in effect. The EAW needs to reference the current adopted plan, which is the 2040 Plan. The 2040 Plan identifies this site as Suburban Residential (3-6 units per acre) and Mixed Residential (6-30 units per acre). Additionally, all other future land use references of the surrounding sites need to be corrected to reflect the adopted 2040 Plan.

Response 3: This comment has been noted and the 2040 plan will be utilized. Land use references have been updated.

Comment 4: Land Use

Based on the project concept plan, the net density of this project is 6.3 units per acre, which is consistent with the Suburban Residential land use category. However, this density is outside of the allowable density range for the Mixed Residential land use category, which covers part of this site. Therefore, the City will need to amend their 2040 Plan accordingly to ensure consistency with the Plan and accommodate the development of this project.

Response 4: The City understands the concern and will address the density through the PUD zoning process.

Comment 5: Water Resources: Wastewater

The EAW shows a direct connection to the Metropolitan Council Interceptor (9206-1). As acknowledged by the EAW, before direct connection to the Metropolitan Council Interceptor, a Sewer Connection Permit will be required. To obtain a Sewer Connection Permit; prior to initiating this project, preliminary plans should be sent to Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at the Metropolitan Council Environmental Services.

Response 5: This comment has been noted and the preliminary plans will be submitted to Metropolitan Council Environmental Services prior to obtaining the Sewer Connection Permit.

Comment 6: Water Resources: Stormwater

The EAW states that the Project may not be able to provide stormwater runoff water quality treatment volume reduction on-site via infiltration, because of the site's location within both a high vulnerability Drinking Water Supply Management Area and MDH Wellhead Protection Area. If incorporation of this stormwater best management practice will not be possible, Council staff recommends consideration of redesign of the stormwater basins for reuse of the water for site irrigation, in lieu of commitment of City-supplied potable water for that use. The Stormwater Reuse Design Calculator was developed for Ramsey-Washington Metro Watershed District (RWMWD) for use in the design of such facilities. The Project proposer is encouraged to contact RWMWD for further information on the recommended design and facility specifications.

Response 6: This comment has been noted. The city does not require infiltration or reuse but will consider irrigation reuse and incorporate measures as feasible.

Comment 7: Fish, wildlife, plant communities, and sensitive ecological resources (rare features)

Council staff recommends that surmountable curbing (Minnesota Department of Transportation Curb and Gutter Design No. Type D or S curbs) be used for all proposed project roadway medians and curbing. The more than seven acres of new stormwater basins may provide a habitat for wildlife found in nearby wetlands, lakes, ponds, and the Minnesota Valley National Wildlife Refuge corridor. Surmountable curbing will accommodate the need for movement of any new wildlife.

Response 7: This comment has been noted. The city typically recommends surmountable curbing in new developments with low traffic and will recommend the use of this curbing type in areas where it is reasonable.

Comment 8: Transportation

The EAW correctly notes park and rides in the area, however it fails to clearly note the availability of transit service and bus stops on the east side of the proposed development along Mystic Lake Drive within walking distance. Council staff recommend redesigning the internal sidewalk(s) to provide connection to the bus stops. Additionally, there is currently MVTA express service on 17th Avenue East. While there are currently no stops along this section, the internal sidewalks network should be designed to connect to 17th Avenue East.

Response 8: There will be internal sidewalks and/or trails that connect to 17th Avenue, which will provide access to the MVTA bus stops.

Comment 9: Transportation

There are currently no sidewalks planned along the north side of 17th Avenue East and the west side of Mystic Lake Drive. Council staff recommends sidewalks to be included as part of the proposed development in these areas.

Response 9: Currently, the development will provide pedestrian access to 17th Avenue via Phillip Drive. Pedestrians can cross 17th Avenue at Phillip Drive and access the trail along the south side of 17th Avenue, which connects to Mystic Lake Drive. The existing trail on the north side of 17th Avenue will be extended east to the east end of the development. As development occurs additional connections to the east, north of 17th Avenue, to Mystic Lake drive will be made.

Scott County Transportation Services

Comment 1: Approvals and Permits Required

The table does not include a County Access Permit or County permits for any work within the County right-of-way.

Response 1: Permit will be obtained. Will be addressed during final plat.

Comment 2: Any access onto CH 16 is required to be a Public Street

Response 2: This comment has been noted.

Comment 3: The east access shall be permitted as a full public street access to CH 16 with a right turn lane on CH 16 to be constructed by the development.

Response 3: This comment has been noted.

Comment 4: The west access shall be a right in right out only public street. This requires a right turn lane on CH 16 to be constructed by the development and closure of the median opening and left turn lane.

Response 4: This will be a condition of plat approval.

Comment 5: The minimum County right-of-way to be dedicated for CH 16 is 75' from centerline.

Response 5: Comment noted.

Comment 6: A trail along CH 16 shall be required to be constructed per County requirements.

Response 6: Comment noted. A trail is proposed along the north side of CH 16 to the east edge of the development.

Comment 7: Any work within the County right-of-way shall require a County permit.

Response 7: Comment noted. Permits will be obtained prior to construction.

Comment 8: Noise issues may arise as traffic volumes increase on the County roadway over time. Noise attenuation is the responsibility of the City and/or developer.

Response 8: The city will be requesting that the developer conduct a preliminary noise assessment to document current noise levels at the site. The development proposes landscaping and stormwater ponds around the exterior of the development provide noise buffer from surrounding roadways.

State Historic Preservation Office

Comment 1: Historic

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 his project.

Response 1: This comment has been noted.

Minnesota Pollution Control Agency (MPCA)

Comment 1: Project Description

Please note that chloride (salt) is a growing issue for lakes, streams, and groundwater around the state. Chloride can come from both de-icing salt and water softener salt. For the proposed Project, the MPCA recommends smart salting practices for de-icing streets and driveways during the winter weather months and water softening best practices be used year-round. Additional resources are available at:

<https://www.pca.state.mn.us/water/statewide-chloride-resources>.

Response 1: This comment has been noted.

Comment 2: Wastewater

The EAW should include the design capacity and actual current flow for the Metropolitan Council Environmental Services (MCES) Blue Lake Wastewater Treatment Plant (WWTP) and a map showing the sewer connection to the City and regional system and location of the MCES Blue Lake WWTP.

Response 2: Blue Lake WWTP has a design capacity of 32 million gallons per day. The current treatment volume is an average of 27 million gallons per day. The development's sanitary will connect to the city's system at two locations. An estimated 105 residential units will be connected to an existing 15-inch sanitary sewer main owned by the City of

Shakopee. The 15-inch City sewer main connects to MCES Interceptor 9206-1 near the northwestern corner of the proposed development. An estimated 485 residential units will be directly connected to the MCES Interceptor through a new 8-inch connection about 1200 feet west of Eagle Creek Boulevard. The attached figure shows the location of the Blue Lake WWTP in relation to the development connections.

Comment 3: Regarding Table 6 of the EAW, flow calculations for average flow appear to be on the low side. MCES sewer access charge (SAC) usually uses 274 gallons per day per home for flow estimates. Questions regarding wastewater should be directed to Dave Sahli and 651-757-2687 or David.Sahli@state.mn.us.

Response 3: Summerland Place used the following flow estimates for each residence type. These flow estimates were discussed with Mr. Sahli and determined to be appropriate.

Residence Type	Number of Bedrooms bed/unit	Population Density (p/bed)	Loading (gpcd)	Number of Units	Flow per Unit (gpd)	Flow (gpd)
Villas	2	1.00	75	107	150	16050
Single Family	3	1.13	75	115	255	29325
Town Homes	2.5	1.00	75	68	188	12750
Apartments	2	1.00	75	300	150	45000
Total						103125

Comment 4: Stormwater

The EAW currently proposes the use of stormwater ponds for treatment of runoff from the new impervious surfaces, but also discusses possible use of infiltration as a volume reduction practice. Infiltration systems or other volume reduction practices must first be considered unless prohibited for reasons identified in parts 16.4 through 16.21 of the National Pollution Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) prior to considering wet sediment basins. The EAW discusses soils onsite that may be suitable for infiltration. However, additional analysis is needed for the site, including soil borings, along with field testing in the location of the infiltration area to ensure permeability rates do not exceed 8.3 inches per hour unless the soils are amended to reduce the infiltration rate. Other volume reduction methods that should be considered include harvest and reuse of stormwater.

Response 4: Comment noted. Infiltration is not proposed on this project due to the location within the Drinking Water Supply Management Area and Wellhead Protection Area. The City does not require infiltration or reuse of stormwater. The project currently proposes filtration basins to treat stormwater.

Comment 5: The EAW also states that the site is within a Drinking Water Supply Management Area (DWSMA) classified as having very high vulnerability. In this case, infiltration is prohibited if the Minnesota Department of Health also defined the DWSMA as an Emergency Response Area (ERA), unless the regulated MS4 permittee either performed or approved a higher level of engineering review sufficient to provide a functioning treatment system to prevent adverse impacts groundwater. Therefore, having a high vulnerability DWSMA, along, may not prohibit the use of infiltration.

Response 5: Comment noted. Infiltration is not proposed on this project due to the location within the Drinking Water Supply Management Area and Wellhead Protection

Area. The City does not require infiltration or reuse of stormwater. The project currently proposes filtration basins to treat stormwater.

Comment 6: It is advisable that the permittees incorporate green infrastructure practices into the design plans to maintain the existing hydrology of the site and protect water quality. Questions regarding Construction Stormwater should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Response 6: Comment noted. City staff will review stormwater management plans and make recommendations for green infrastructure practices where possible.

Comment 7: Noise

The MPCA appreciates the Project proposer's attention to construction noise, as well as the state noise standards. However, since the proposed Project is strictly residential, and so close to Highway 169 and other high-traffic areas, the MPCA recommends that the proposer do a preliminary noise monitoring to determine if further mitigation may be needed for residences along the northern and/or southeastern boundaries of the proposed area (south of 169 and north of 17th Avenue). Even with the elevation difference and proposed garden and stormwater basins, it would be a best practice to understand baseline ambient noise in the proposed Project area. Doing so could help prevent issues into the future, particularly if traffic is expected to increase in the area. For noise related questions, please contact Fawkes Steinwand at 651-757-2327 or Fawkes.Steinwand@state.mn.us.

Response 7: City will request that developer conducts a preliminary noise study. If needed, the City will require noise attenuating windows be incorporated into the units nearest TH 169.

Minnesota Department of Natural Resources

Comment 1: Project Description

A DNR Water Appropriation Permit will be needed for the pumping of more than 10,000 gallons per day, or one million gallons per year, of groundwater, surface water, or stormwater for the grading of the site, the installation of footings or utilities, or the construction of the stormwater ponds & system, for the development.

Response 1: This comment has been noted. The developer will apply for a DNR Water Appropriation permit if the above thresholds are exceeded.

Comment 2: Geology, Soils and Topography.

The presence of ponds near the northern boundary of the site suggest that there are areas within the development where the depth to groundwater could be close to the ground surface. The EAW states that the site is located within an area identified by the Minnesota Karst Land Map as being prone to surface karst feature development, and that the use of infiltration basins could exacerbate this and present a risk for groundwater contamination. More mitigation of this risk should be discussed beyond sediment and erosion control. The Minnesota Stormwater Manual states, "The Construction Stormwater Permit prohibits infiltration of stormwater runoff 'within 1,000 feet up-gradient or 100 feet down-gradient of active karst features. Active karst is defined as areas underlain by carbonate bedrock with less than 50 feet of sediment cover.'" Please refer to the

Minnesota Stormwater Manual for more information and guidance regarding stormwater BMP's in karst geology: <https://stormwater.pca.state.mn.us/index.php/Karst>

Response 2: Infiltration is not proposed on this project due to the location within the Drinking Water Supply Management Area and Wellhead Protection Area. The City does not require infiltration or reuse of stormwater. The project currently proposes filtration basins to treat stormwater.

Comment 3: Sections 10 and 11 reference boring logs and a Geotechnical Report (April 2019). This should be included with the EAW and attached in the Appendix.

Response 3: The Geotechnical Report and boring logs were provided to the DNR for review. These documents will be provided to others upon request.

Comment 4: Groundwater

Seven stormwater basins are proposed 4-10 feet below grade in an area where groundwater may be present 10-20 feet below grade. The site is also located within a "High Vulnerability" Drinking Water Supply Management Area (DWSMA) that is within 0.3 miles of five City wells and in the direct vicinity of 12 domestic wells (Figure 12). We requested that a DNR groundwater specialist review the project location and the geotechnical report that was sent to us by the proposer. Please see the internal memo from Scott Pearson, PG, Groundwater Specialist, which recommends that further geotechnical review be conducted as a next step in evaluating the proposal. He also notes that the geotechnical report did not evaluate the suitability of the site for stormwater infiltration. The DNR feels that further investigation should be done in order to determine if infiltration basins would be suitable for the site, and if they would pose potential risk to groundwater.

Response 4: Infiltration is not proposed on this project. The project currently proposes filtration basins to treat stormwater. The City does not require infiltration or reuse of stormwater.

Comment 5: Groundwater

The EAW notes the site is within a "High Vulnerability" DWSMA, and that stormwater BMP design must follow the process for determining applicability for onsite infiltration. However, this process is not detailed or described. This should be addressed in the EAW and approval status should be known in order to effectively evaluate this proposal.

Response 5: Infiltration is not proposed on this project. The project currently proposes filtration basins to treat stormwater. The City does not require infiltration or reuse of stormwater.

Comment 6: Relevant Regulations and Considerations.

The EAW refers several times to "DNR Wellhead Protection Area," but this should be "Minnesota Department of Health Wellhead Protection Area".

Response 6: This comment has been noted.

Comment 7: The planned increase in impervious surfaces will also increase the amount of road salt used in the project area, which is especially vulnerable to groundwater contamination. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic

wildlife and plants. Consider promoting local business and city applicator participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. More information and resources can be found at this website. Many winter maintenance staff who have attended the Smart Salting training — both from cities and counties and from private companies — have used their knowledge to reduce salt use and save money for their organizations.

Response 7: This comment has been noted and participation in the Smart Salting Training will be considered.

Shakopee Resident

Comment 1: [Resident is] disappointed that the city only looks at a small section of roadways when considering the traffic implications. Our neighborhood has only one exit that allows us to go onto CH 16 and then south on CH 83, and one exit onto northbound CH 83. This project, and the gravel pit project, will have a significant impact on the intersection of CH 16/Kinlock Drive/Dean Lakes Trail and CH 83 and Kinlock Drive. It is dangerous already for us to drive out, and even more so as pedestrians to cross CR 16 to use the walking paths at Dean Lakes. Several thousand more vehicle trips with an uncontrolled intersection at County Road 16/Kinlock/Dean Lakes Trail significantly increases the danger for the 160 homes in our community and should be included in traffic considerations for this project as well as the gravel pit. There have been several accidents involving vehicles leaving our neighborhood as well as the Dean Lakes Shopping Area.

Response 1: The development is expected to add minor traffic volumes at the Kinlock Drive intersections. The directional analysis in the traffic study shows that a low volume of trips (5%, 211 daily trips) will go south on CH 83, past Kinlock Drive. In addition, only 15% of trips (634 daily trips) are expected to travel past the intersection of CH 16/Kinlock Drive/Dean Lakes Trail. Most traffic (60%) is expected to go either east or west along 17th Avenue and then north to TH 169 along either CH 83 or CH 17.

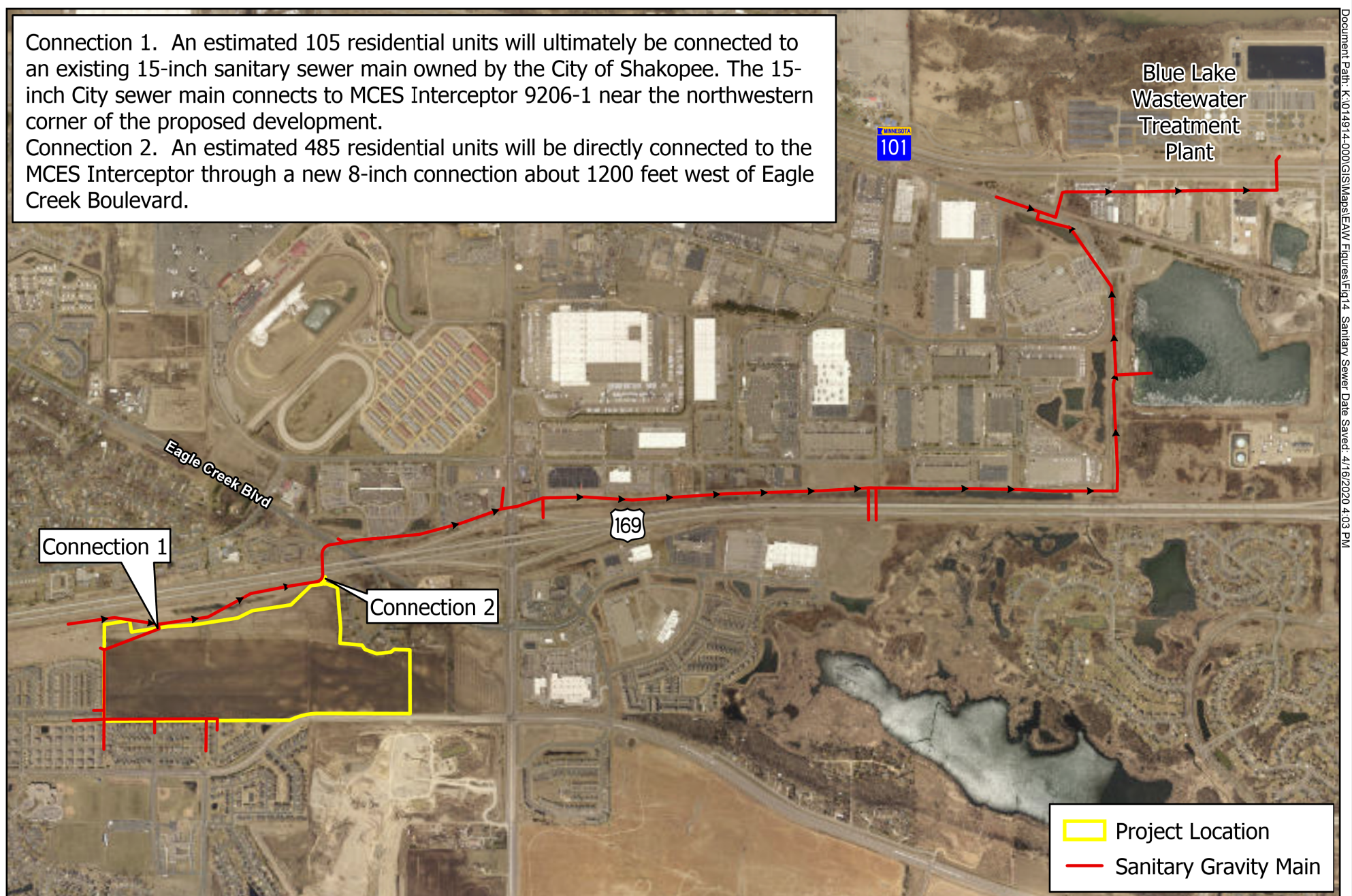
Regarding pedestrian safety, the city does not recommend pedestrians cross 17th Avenue at Kinlock Drive/Dean Lakes Trail to access the walking paths at Dean Lakes. There are six lanes of traffic and no pedestrian crossing marked at this location. Pedestrians should be crossing at the signals provided at the controlled intersection of CH 83 and 17th Avenue.

Comment 2: [Resident is] disappointed that the city would work with Summergate, a small company that has left many new owners in our community with sub-par workmanship, unanswered requests for warranty repairs, and a host of other issues. The HOA is considering legal action against them for several items they refuse to address. They are people that left the city and county out to dry mid-development. They are not equipped for a project this size.

Response 2: Comment noted.

Connection 1. An estimated 105 residential units will ultimately be connected to an existing 15-inch sanitary sewer main owned by the City of Shakopee. The 15-inch City sewer main connects to MCES Interceptor 9206-1 near the northwestern corner of the proposed development.

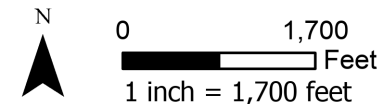
Connection 2. An estimated 485 residential units will be directly connected to the MCES Interceptor through a new 8-inch connection about 1200 feet west of Eagle Creek Boulevard.



Document Path: K:\014914-000\GIS\MapSeries\EA\W Figures\Fig14 Sanitary Sewer Date Saved: 4/16/2020 4:03 PM



Figure 14: Sanitary Sewer Connection
Summergate Development EAW
Shakopee, MN



APPENDIX A
Comment Letters

March 18, 2020

Mark Noble, Senior Planner
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

RE: City of Shakopee Environmental Assessment Worksheet (EAW) – Summerland Place

Metropolitan Council Review No. 22427-1
Metropolitan Council District No. 4

Dear Mr. Noble:

The Metropolitan Council received the EAW for the Summerland Place project in the City of Shakopee on February 14, 2020. The proposed project is located north of 17th Avenue East, west of Canterbury Road South, and south of U.S. Highway 169. The proposed development consists of 114.3 acres on 10 parcels of currently agricultural land. The project proposes 300 apartment units, 68 townhomes, and 222 detached units, totaling 590 units over five phases.

While we find that an EIS is not necessary for regional purposes, the staff review finds that the EAW contains some inaccuracies that should be corrected prior to finalizing the document.

We offer the following comments for your consideration.

Item 6 – Project Description: TAZ (Todd Graham, 651-602-1322)

The site is part of Transportation Analysis Zone (TAZ) #2128, between Highway 169 and County Road 16. The City's TAZ allocation, submitted in 2019, expects 573 total households added in the zone. Should this development proceed, Council staff recommend the TAZ #2128 allocation be slightly increased, with additional households and population, and that TAZ allocations be offset with reductions in zones elsewhere in the City. A forecast change to City totals is not necessary. The TAZ table can be revised through correspondence with Council staff.

Item 6 – Project Description: Utilities (Cameran Bailey, 651-602-1212)

Council staff recommends that this development be used as an opportunity to apply section 3B of the Resilience chapter goals and strategies of the City's 2040 Plan. As a reference, section 3B states: *"Utilize environmentally-friendly landscaping practices in roadway projects. Ensure vegetation is selected for its natural resilience and ability to provide additional benefits, such as to pollinators."*

Item 9 – Land Use (Raya Esmaeili, 651-602-1616)

- While the EAW correctly identifies the existing land use of this site as Agricultural, it inaccurately describes the planned land use as Single Family Residential (3-5 units per acre) and Medium Density Residential (5.01-12 units per acre), based on the 2030 Comprehensive Plan. The City of Shakopee's 2040 Plan has been authorized by the Metropolitan Council and adopted by the City on November 19, 2019.

Therefore, the 2030 Plan is no longer in effect. The EAW needs to reference the current adopted plan, which is the 2040 Plan. The 2040 Plan identifies this site as Suburban Residential (3-6 units per acre) and Mixed Residential (6-30 units per acre). Additionally, all other future land use references of the surrounding sites need to be corrected to reflect the adopted 2040 Plan.

- Based on the project concept plan, the net density of this project is 6.3 units per acre, which is consistent with the Suburban Residential land use category. However, this density is outside of the allowable density range for the Mixed Residential land use category, which covers part of this site. Therefore, the City will need to amend their 2040 Plan accordingly to ensure consistency with the Plan and accommodate the development of this project.

Item 11.b.i – Water Resources: Wastewater (Roger Janzig, roger.janzig@metc.state.mn.us)

The EAW shows a direct connection to the Metropolitan Council Interceptor (9206-1). As acknowledged by the EAW, before direct connection to the Metropolitan Council Interceptor, a Sewer Connection Permit will be required. To obtain a Sewer Connection Permit; prior to initiating this project, preliminary plans should be sent to Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at the Metropolitan Council Environmental Services.

Item 11.b.ii – Water Resources: Stormwater (Judy Sventek, 651-602-1156)

The EAW states that the Project may not be able to provide stormwater runoff water quality treatment volume reduction on-site via infiltration, because of the site's location within both a high vulnerability Drinking Water Supply Management Area and DNR Wellhead Protection Area. If incorporation of this stormwater best management practice will not be possible, Council staff recommends consideration of redesign of the stormwater basins for reuse of the water for site irrigation, in lieu of commitment of City-supplied potable water for that use. The Stormwater Reuse Design Calculator was developed for Ramsey-Washington Metro Watershed District (RWMWD) for use in the design of such facilities. The Project proposer is encouraged to contact RWMWD for further information on the recommended design and facility specifications.

Item 13.d. Fish, wildlife, plant communities, and sensitive ecological resources (rare features) (Cameran Bailey, 651-602-1212)

Council staff recommends that surmountable curbing (Minnesota Department of Transportation Curb and Gutter Design No. Type D or S curbs) be used for all proposed project roadway medians and curbing. The more than seven acres of new stormwater basins may provide a habitat for wildlife found in nearby wetlands, lakes, ponds, and the Minnesota Valley National Wildlife Refuge corridor. Surmountable curbing will accommodate the need for movement of any new wildlife.

Item 18 – Transportation (Steve Mahowald, 651-602-1322)

- The EAW correctly notes park and rides in the area, however it fails to clearly note the availability of transit service and bus stops on the east side of the proposed development along Mystic Lake Drive within walking distance. Council staff recommend redesigning the internal sidewalk(s) to provide connection to the bus stops. Additionally, there is currently MVTA express service on 17th Avenue East. While there are currently no stops along this section, the internal sidewalks network should be designed to connect to 17th Avenue East.

- There are currently no sidewalks planned along the north side of 17th Avenue East and the west side of Mystic Lake Drive. Council staff recommends sidewalks to be included as part of the proposed development in these areas.

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 Raya Esmaeili, Principal Reviewer, at 651-602-1616.

Sincerely,



Angela R. Torres, AICP, Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Deb Barber, Metropolitan Council District 4
Raya Esmaeili, Principal Reviewer/Sector Representative/Reviews Coordinator

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SCOTT COUNTY TRANSPORTATION SERVICES

600 COUNTRY TRAIL EAST · JORDAN, MN 55352-9339
(952) 496-8346 · Fax: (952) 496-8365 · www.scottcountymn.gov

March 17, 2020

Mark Noble
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

**RE: Summerland EAW
CH 16, West of CH 83**

Dear Mark:

We have reviewed the EAW and offer the following comments:

- ◆ Under table 3 Approvals and Permits Required, the table does not acknowledge a County access permit or County permits for any work within the County right-of-way.
- ◆ Any access to CH 16 is required to be a Public Street.
- ◆ The east access shall be permitted as a full public street access to CH 16 with a right turn lane on CH 16 to be constructed by the development.
- ◆ The west access shall be a right in right out only public street. This requires a right turn lane on CH 16 to be constructed by the development and closure of the median opening and left turn lane.
- ◆ The minimum County right-of-way to be dedicated for CH 16 is 75' from centerline.
- ◆ A trail along CH 16 shall be required to be constructed per County requirements.
- ◆ Any work within the County right-of-way shall require a County permit.
- ◆ Noise issues may arise as traffic volumes increase on the County roadway over time. Noise attenuation is the responsibility of the City and/or developer.

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

Sincerely,

Craig Jenson
Transportation Planner

March 19, 2020

Mr. Mark Noble
Senior Planner
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

RE: EAW - Summerland Place Residential Development; on current agricultural land
T115 R22 S8, 9
Shakopee, Scott County
SHPO Number: 2020-1171

Dear Mr. Noble:

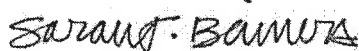
Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

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 Environmental Review Program at (651) 201-3285 if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager

March 16, 2020

Mark Noble
Senior Planner
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

Re: Summerland Place Environmental Assessment Worksheet

Dear Mark Noble:

Thank you for the opportunity to review and comment on the Environmental Assessment Worksheet (EAW) for Summerland Place project (Project) in the city of Shakopee, Scott County, Minnesota. The Project consists of a 115-acre residential development. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility or other interests, the MPCA staff has the following comments for your consideration.

Project Description (Item 6)

Please note that chloride (salt) is a growing issue for lakes, streams, and groundwater around the state. Chloride can come from both de-icing salt and water softener salt. For the proposed Project, the MPCA recommends smart salting practices for de-icing streets and driveways during the winter weather months and water softening best practices be used year-round. Additional resources are available at <https://www.pca.state.mn.us/water/statewide-chloride-resources>.

Water Resources (Item 11)

Wastewater

- The EAW should include the design capacity and actual current flow for the Metropolitan Council Environmental Services (MCES) Blue Lake Wastewater Treatment Plant (WWTP) and a map showing the sewer connection to the City and regional sewer system and location of the MCES Blue Lake WWTP.
- Regarding Table 6 of the EAW, flow calculations for average flow appear to be on the low side. MCES sewer access charge (SAC) usually uses 274 gallons per day per home for flow estimates. Questions regarding wastewater should be directed to Dave Sahli at 651-757-2687 or David.Sahli@state.mn.us.

Stormwater

- The EAW currently proposes the use of stormwater ponds for treatment of runoff from the new impervious surfaces, but also discusses possible use of infiltration as a volume reduction practice. Infiltration systems or other volume reduction practices must first be considered unless prohibited for reasons identified in parts 16.4 through 16.21 of the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) prior to considering wet sediment basins. The EAW discusses soils onsite that may be suitable for infiltration. However, additional analysis is needed for the site, including soil borings, along with field testing in the location of the infiltration area to ensure permeability rates do not exceed 8.3 inches per hour unless the soils are amended to reduce the infiltration rate. Other volume reduction methods that should be considered include harvest and reuse of stormwater.

- The EAW also states that the site is within a Drinking Water Supply Management Areas (DWSMA) classified as having a very high vulnerability. In this case, infiltration is prohibited if the Minnesota Department of Health also defined the DWSMA as an Emergency Response Area (ERA), unless the regulated MS4 permittee either performed or approved a higher level of engineering review sufficient to provide a functioning treatment system to prevent adverse impacts to groundwater. Therefore, having a high vulnerability DWSMA, alone, may not prohibit the use of infiltration.
- It is advisable, that the permittees incorporate green infrastructure practices into the design plans to maintain the existing hydrology of the site and protect water quality. Questions regarding Construction Stormwater should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Noise (Item 17)

The MPCA appreciates the Project proposer's attention to construction noise, as well as the state noise standards. However, since the proposed Project is strictly residential, and so close to Highway 169 and other high-traffic areas, the MPCA recommends that the Project proposer do preliminary noise monitoring to determine if further mitigation may be needed for residences along the northern and/or southeastern boundaries of the proposed area (south of 169 and north of 17th Avenue). Even with the elevation difference and proposed garden and stormwater basins, it would be a best practice to understand baseline ambient noise in the proposed Project area. Doing so could help prevent issues into the future, particularly if traffic is expected to increase in the area. For noise related questions, please contact Fawkes Steinwand at 651-757-2327 or Fawkes.Steinwand@state.mn.us.

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
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Dave Sahli, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Fawkes Steinwand, MPCA, St. Paul

Groundwater Consult Memorandum

Date: 03/17/2020
To: Joe Richter, Hydrologist; Nicole Lehman Area Hydrologist
From: Scott R. Pearson PG, EWR Groundwater Specialist

Summerland Place EAW – Scott County

This memorandum has been prepared to discuss groundwater information requested by DNR staff regarding the Summerland Place EAW. Summerland Place consists of multiple adjoined parcels located in Shakopee in Scott County (Figure 1). To summarize, the project consist of converting 115 acres into 590 housing units including storm water basins, parking lots, roads and apartments.

The surficial geology at the parcels consists of an alluvial terrace deposit (Figure 2). To the south, the higher elevations mark the edge of the river valley and glacial till is present at the surface. These materials may range from clay, silt, sand and gravel. A geotechnical evaluation report by Braun Intertech (4/17/2019) indicates twelve soil borings were drilled to a shallow depth 14.5 feet across the properties. It appears that the main focus of the report was to evaluate and recommend types of building foundations. Groundwater was not encountered in these borings. The geotechnical report (page 22) specified; *“This geotechnical evaluation does not constitute a review of site suitability for storm water infiltration or evaluate the potential impacts, if any, from infiltration of large amounts of storm water.”* During the boring investigation silty sandy clays were encountered beneath the top soil ranging in thickness from 2 to 6 feet. The hydraulic properties of the clay on-site was not evaluated. Perched surface waters may occur. Sand and silty sands were encountered beneath the clay.

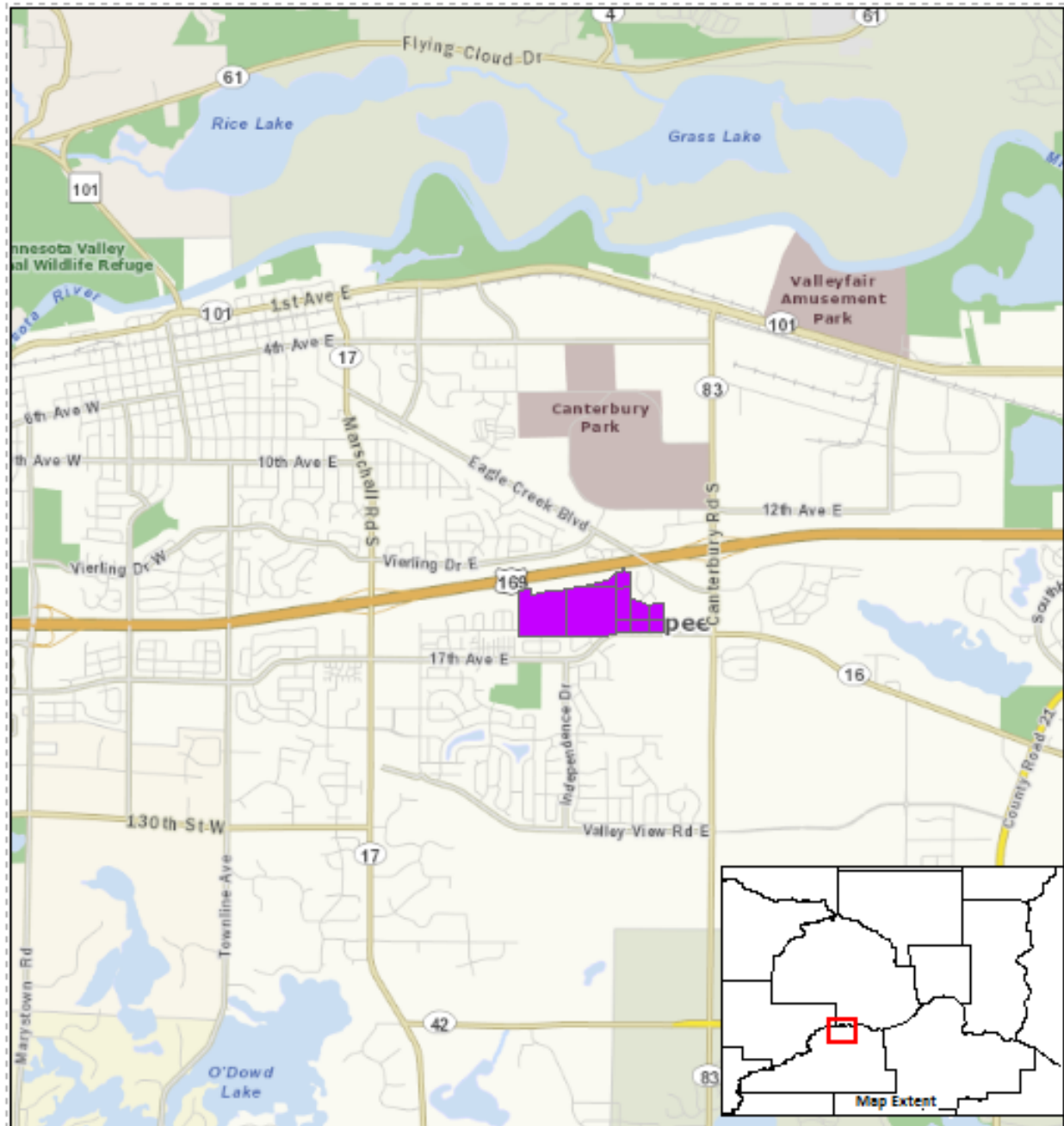
A gravel pit is located along the southern parcel boundary. A 1981 soil boring log located at the pit area (unique 228358) indicates first water was found at a depth of 75 feet, in the limestone bedrock. Water well records for two city production wells 6 and 7 located to the northeast indicate Prairie du Chien bedrock occurs within 3 feet of the surface and the depth to water is 35 feet. This information suggests the first groundwater in the Prairie du Chien aquifer occurs under unconfined conditions.

The depth to bedrock is variable. Bedrock is near surface to the north and deepens to the south. The Prairie du Chien Group and the Jordan sandstone form a regional aquifer system used for water supply by the City of Shakopee (Figure 3). Production wells are located less than one mile from the parcels. Minnesota Department of Health indicates Shakopee’s water supply wells are vulnerable to contamination. A geological cross section using water well information from the Minnesota Well Index is included as Figure 4.

A large portion of the Shakopee area is mapped as being prone to karst feature development. Summerland Place properties lie along the southern boundary of this area (Figure 5). However, there have been no karst features identified in the Shakopee area. The nearest karst feature which has been verified is located 12 miles east.

Should additional groundwater review be required, a groundwater technical review could be considered as a potential next step.

Figure 1. Site Location Map

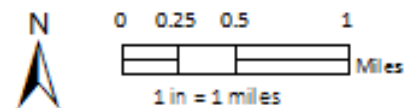


Legend

Summerland Place

Figure 1. Location map

DNR groundwater technical



mn DEPARTMENT OF
NATURAL RESOURCES

Figure 2 Lidar Hillshaded DEM



Figure 3 Shakopee Water Supply Installations

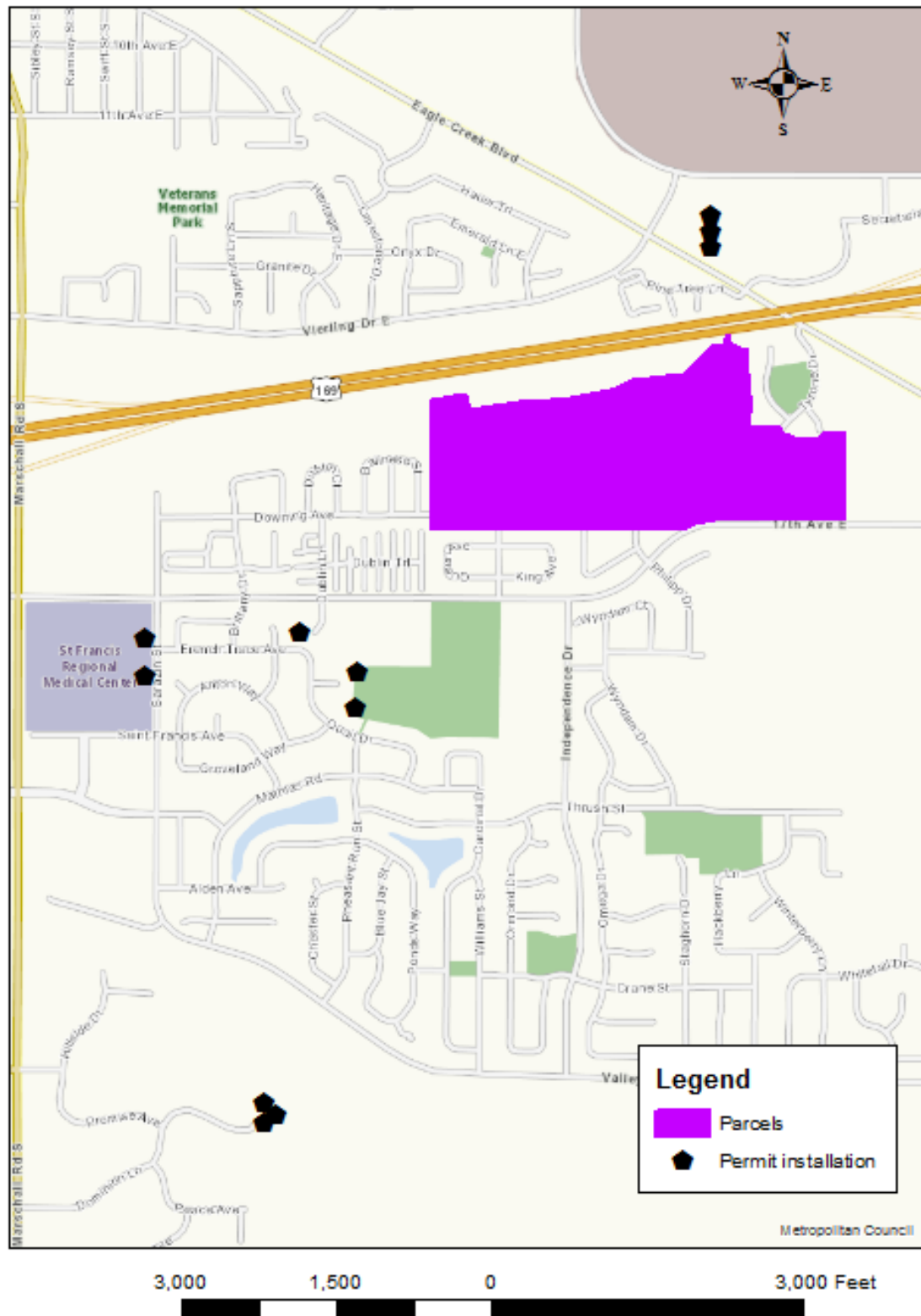


Figure 4. Geological cross-section

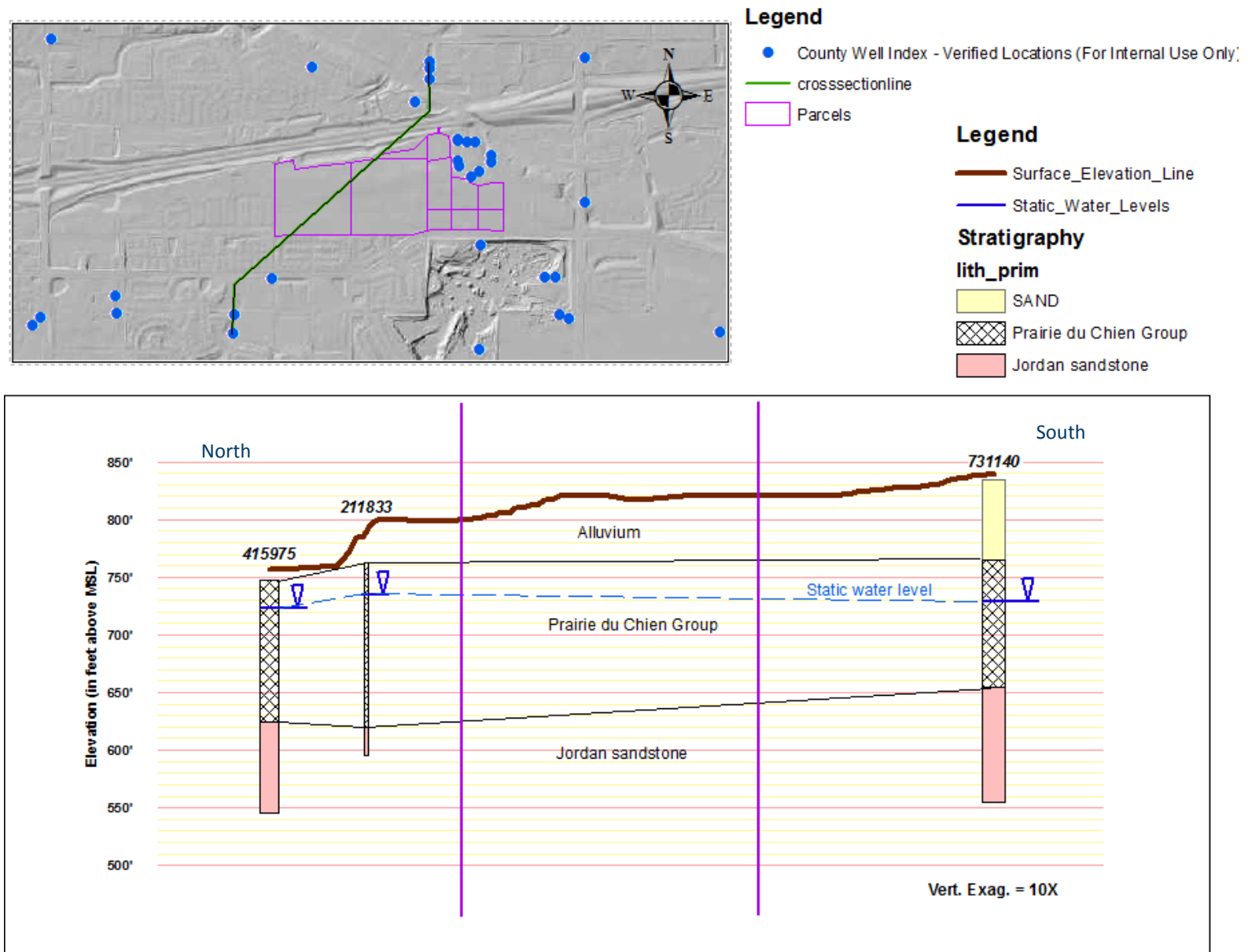
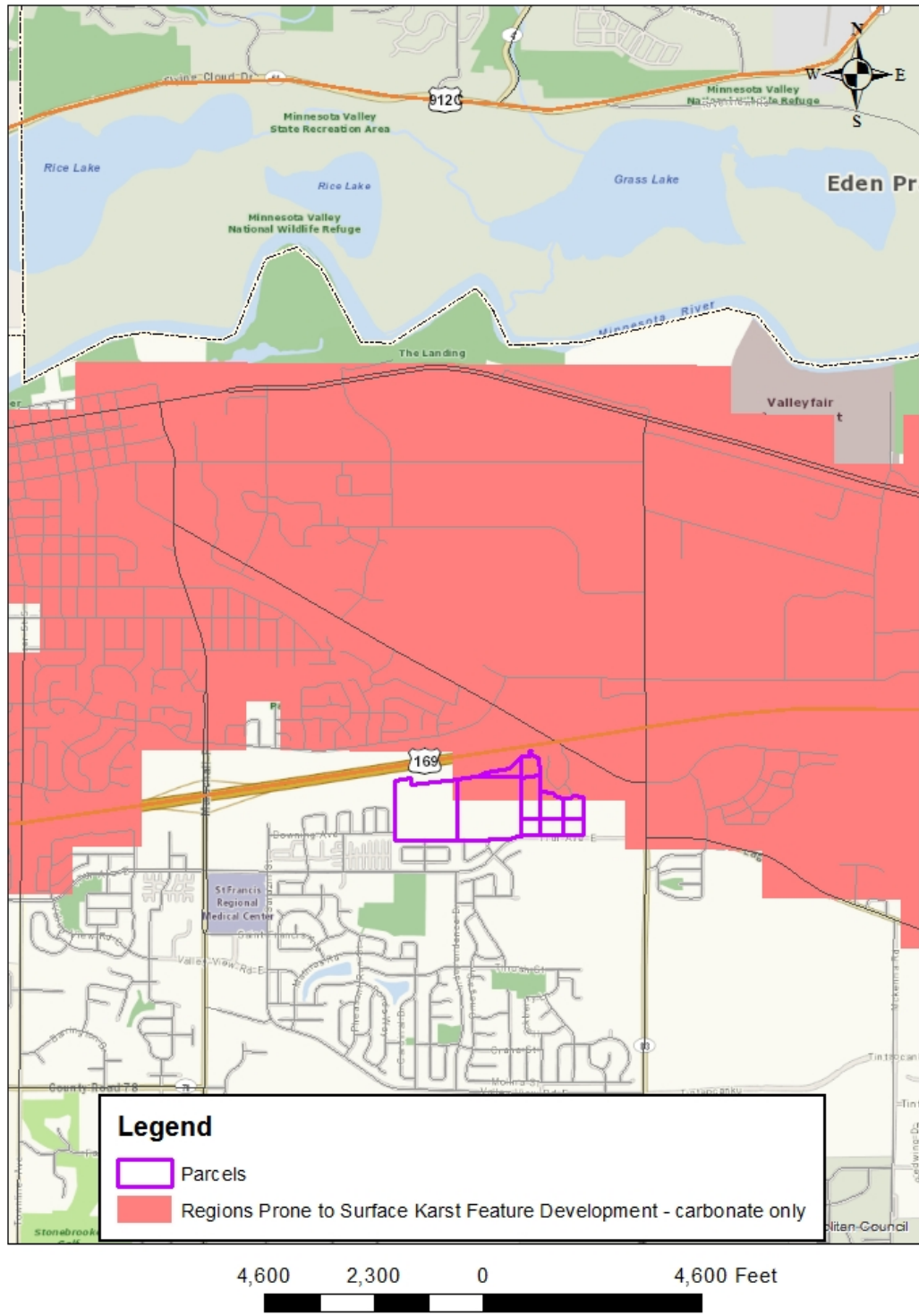


Figure 5 Regions Prone to Karst Feature Development



February 19, 2020

Mark Noble, Senior Planner
City of Shakopee
485 Gorman St.
Shakopee, MN 55379

Regarding: Public Comment on Summerland Place EAW

Hello Mr. Noble,

I am a resident of Church Addition HOA/Blakewood Townhomes that were built by Summergate Development, the same builder of Summerland Place.

I am disappointed that the city only looks at a small section of roadways when considering the traffic implications. Our neighborhood has only one exit that allows us to go onto Cty Road 16 and then south on Cty Road 83, and one exit onto northbound Cty Road 83. This project, and the gravel pit project, will have a significant impact on the intersection of County Road 16/Kinlock Drive/Dean Lakes Trail and Cty Road 83 and Kinlock Drive. It is dangerous already for us to drive out, and even more so as pedestrians to cross Cty Road 16 to use the walking paths at Dean Lakes.



Several thousand more vehicle trips with an uncontrolled intersection at County Road 16/Kinlock/Dean Lakes Trail significantly increases the danger for the 160 homes in our community and should be included in traffic considerations for this project as well as the gravel pit. There have been several accidents involving vehicles leaving our neighborhood as well as the Dean Lakes Shopping Area.

On another note, I am disappointed that the city would work with Summergate, a small company that has left many new owners in our community with sub-par workmanship, unanswered requests for warranty repairs and a host of other issues. The HOA is considering legal action against them for several items they refuse to address. They are people that left the city and county out to dry (same dirty players just a new company name) mid-development. They are not equipped for a project this size – especially when they can't handle the issues at this one.

Thank you for your time,

A handwritten signature in cursive script that reads "Lori Smith". The ink is dark and the signature is fluid.

Lori Smith
4101 Jarmann Lane
Shakopee MN 55379

APPENDIX B

Resolution R2020-059