

APPENDIX D

DRAFT AUAR COMMENT LETTERS

(Separate Document)



HUEMOELLER, GONTAREK & CHESKIS, PLC



ATTORNEYS AT LAW
16670 FRANKLIN TRAIL
P.O. BOX 67
PRIOR LAKE, MINNESOTA 55372
(952) 447-2131 (Office)
(952) 447-5628 (Fax)
Email: bdh@priorlakelaw.com

ANTON CHESKIS
ALLISON J. GONTAREK
BRYCE D. HUEMOELLER
MARK W. OSTLUND

January 11, 2022

Mr. Michael Kerski
Community Development Director
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

VIA REGULAR MAIL and
EMAIL: mkerski@shakopeemn.gov

RE: Southern Shakopee Draft Alternative Urban Areawide Review (“AUAR”),
dated December 2021

Dear Mr. Kerski:

This letter provides comments to the draft AUAR on behalf of Terry and Kitty Hauer and TK & Co., LLLP (collectively “Hauers”), the owners of Tax Parcels 27-9200050/51 (“Hauer Land”), comprising 80 undeveloped acres in the West Half of the Northeast Quarter of Section 20, Township 115, Range 22.

1. OVERVIEW. The AUAR evaluates issues and impacts from the future development of six parcels that includes a 435-acre AUAR area, but excludes significant land to the south of the AUAR area that is the critical source of many of the issues raised in the AUAR. By excluding the southerly land, the AUAR excessively restricts, limits and diminishes the value of the 435-acre AUAR area in a way that is inconsistent with existing Shakopee ordinances and historic and individual property rights.
2. EXISTING ORDINANCES. The AUAR fails to consider the standards for approval of plats under the Shakopee Subdivision Ordinance (“SSO”), Chapter 150, in the Development Scenarios A and B described in the AUAR (“AUAR Scenarios”). The standards are stated in SSO Section 150.08C2b(2), of which the following factors are particularly relevant to the AUAR:
 - (A) Whether the layout of streets, lots, utilities, and public improvements, and their relation to the topography of the land, reflect good planning and development for the city;

- (B) Whether the subdivision preserves the site's important existing natural features;
- (C) Whether the proposed plat will facilitate the use and future development of the adjoining lands; and
- (D) Whether the subdivision can be economically served with streets, public services, and utilities.

As highlighted in this letter, the AUAR Scenarios unreasonably and disproportionately saddle the 435 AUAR acres with the burden of resolving issues that arise outside of the AUAR area, indicating that the AUAR size is inadequate and thereby illegally over-burdens the included land and particularly the Hauer Land.

3. **STORM WATER.** The existing drainage ditch crossing the southeast corner of the Hauer Land and bending easterly through the adjacent O'Laughlin property to CSAH 83 (Mystic Lake Drive) is already overburdened by flowage from the land south of the AUAR area from as many as six existing culverts under, and other sources north of, CSAH 42, as depicted on the attached sketch ("Hauer Sketch"). The volume of flowage into the ditch has already required the City of Shakopee (at its cost) to install two 42" culverts under the access to the O'Laughlin property to prevent flooding of the access, flooding a portion of the north Hauer fields, and water issues with some homes north of Valley View Road. The current flowage is not natural, but the result of projects or actions by local government and others. The ponding for the drainage ditch system shown on the AUAR Scenarios is not adequate, and will unreasonably, unnecessarily and illegally burden the Hauer and AUAR Land, particularly if drainage from the South Half of Section 20 continues to increase. The only realistic solution is to direct the flow unimpeded through the existing drainage ditch system. The attached representative example of a development plan for the Hauer Land that conforms to the SSO ("Hauer Plan") clearly shows the potential for development of the Hauer Land using diffused holding areas to handle internal runoff from the development while preserving the existing drainage ditch system to handle the impacts from pass-through offsite drainage that would otherwise illegally burden the Hauer and AUAR Land. To the extent that modifications (or ponding) to the drainage ditch system is required to manage the pass-through offsite drainage shown on the Hauer Sketch, the cost of such management facilities (or ponding) will need to be borne by local governmental or others outside of the AUAR area. The failure of the AUAR to identify and quantify the various sources and impacts of offsite runoff that affects the AUAR area is a material and critical deficiency of the draft AUAR that could lead to demands that the land within the AUAR area absorb a disproportionate share of the responsibility for the facilities and cost to manage the existing and future offsite runoff.
4. **DENSITY.** The AUAR Scenarios purport to reduce the potential density of the Hauer Land by excessively increasing the ponding and green areas within the Hauer Land to establish collector streets, holding ponds, waterway and green areas to resolve or deal with issues that emanate from adjacent properties outside of the AUAR area and exceed

the impact of the development of the Hauer and other AUAR Land on available or proposed public utility and street systems. The AUAR Scenarios would effectively reduce the density of the Hauer Plan by approximately 25%, which does not promote “good” and “economical” planning consistent with the SSO, or the need for affordable housing within the City.

5. **STREETS.** The AUAR Scenarios would route collector streets, particularly the easterly extension of Wood Duck Trail, in a manner that reflects poor planning by the failure to follow existing natural features and at an unnecessarily excessive cost. The proposed route for Wood Duck Trail could and should run easterly (verses northeasterly) through a natural “cut” south of the O’Laughlin homestead and agricultural operation and preserve existing natural features and avoid expensive and unnecessary condemnation proceedings. This route is depicted on the attached Stantec drawing of the AUAR area. The easterly route from Wood Duck Trail minimizes conflict with Hauers over compensation for lost density and the cost of a collector street that raises a potential taking claim incidental to the development of the Hauer Land. Locating the collector street south of the O’Laughlin agricultural operation will facilitate earlier resolution of the looping issue with the water service and the earlier installation of the collector street. On balance, avoiding the economic, sequencing and other issues that arise from routing the Wood Duck Trail collector extension through the Hauer Land and O’Laughlin property will expedite the development of the AUAR area, and do so at a lower aggregate cost to the City, landowners, developers and ultimately homeowners.
6. **SANITARY SEWER.** City Staff and the AUAR suggest that the development of the AUAR land, and specifically the Hauer Land, will require an easterly extension of a sanitary sewer line along the south side of Valley View Road for almost three-fourths of a mile. The Hauers have confirmed, through conversations with other developers and their engineers, that there is adequate sanitary sewer capacity to serve the Hauer Land in the 12” sewer line running north in the Independence Drive right-of-way from Valley View Drive to the main Interceptor that runs along STH 169 to the Blue Lake treatment facility. Historically, the Hauers were told that the 12” line was intended to serve their land and have recently been advised that the line has existing capacity to accommodate the flow from the Hauer Land. This information, which is accessible to the City, is not reflected in the AUAR.
7. **WATER SERVICE.** The Shakopee Public Utilities Commission has confirmed with the Hauers that there is adequate capacity for water service to the Hauer Land; and the existing utility easement along the south boundary of the Hauer Land can be used to extend water service without the necessity of routing Wood Duck Trail southeasterly through the Hauer Land. This facilitates development of the Hauer Plan, or one similar to it, and requires material modifications to the AUAR Scenarios.
8. **SUMMARY.** The strategies proposed by the Hauers for changes to the draft AUAR are consistent with the factors in the SSO for approval of developments within the AUAR area, with sound financial management, and the avoidance or mitigation of potential environmental impacts noted in this letter consistent with Minn. Rule 4410.3600. It should also be noted that a further material and significant defect of the draft AUAR is

(a) its failure to consider the impacts of the existing offsite storm water on the AUAR area and the use and ultimate development of the SMSC land in the South Half of Section 20, and (b) the presumption in the AUAR that the financial and other (such as lost development density) costs incidental to such use will be borne by the owners of the land within the 435-acre AUAR. The issues arising from the land adjacent to the AUAR area need to be faced and dealt with, by and at the cost of local government, and not ignored as is evident by the draft AUAR.

Sincerely yours,



Bryce D. Huemoeller

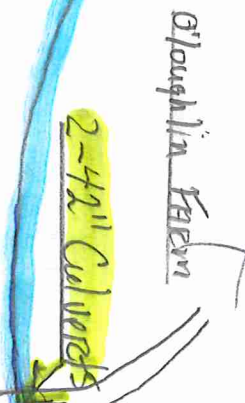
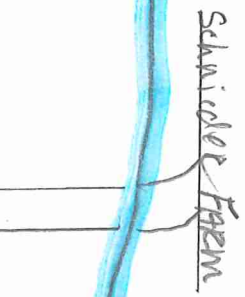
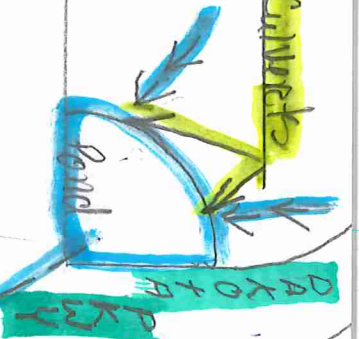
BDH;jd

Enclosure

cc: Beth Elliott via Email: beth.elliott@stantec.com
Mark Noble via Email: mnoble@shakopeemn.gov
Terry and Kitty Hauer via Email: terryhauer57@gmail.com; kshauer@aol.com

Mystic Lake DR

County Rd 42



Huvers

Marshall Rd

N

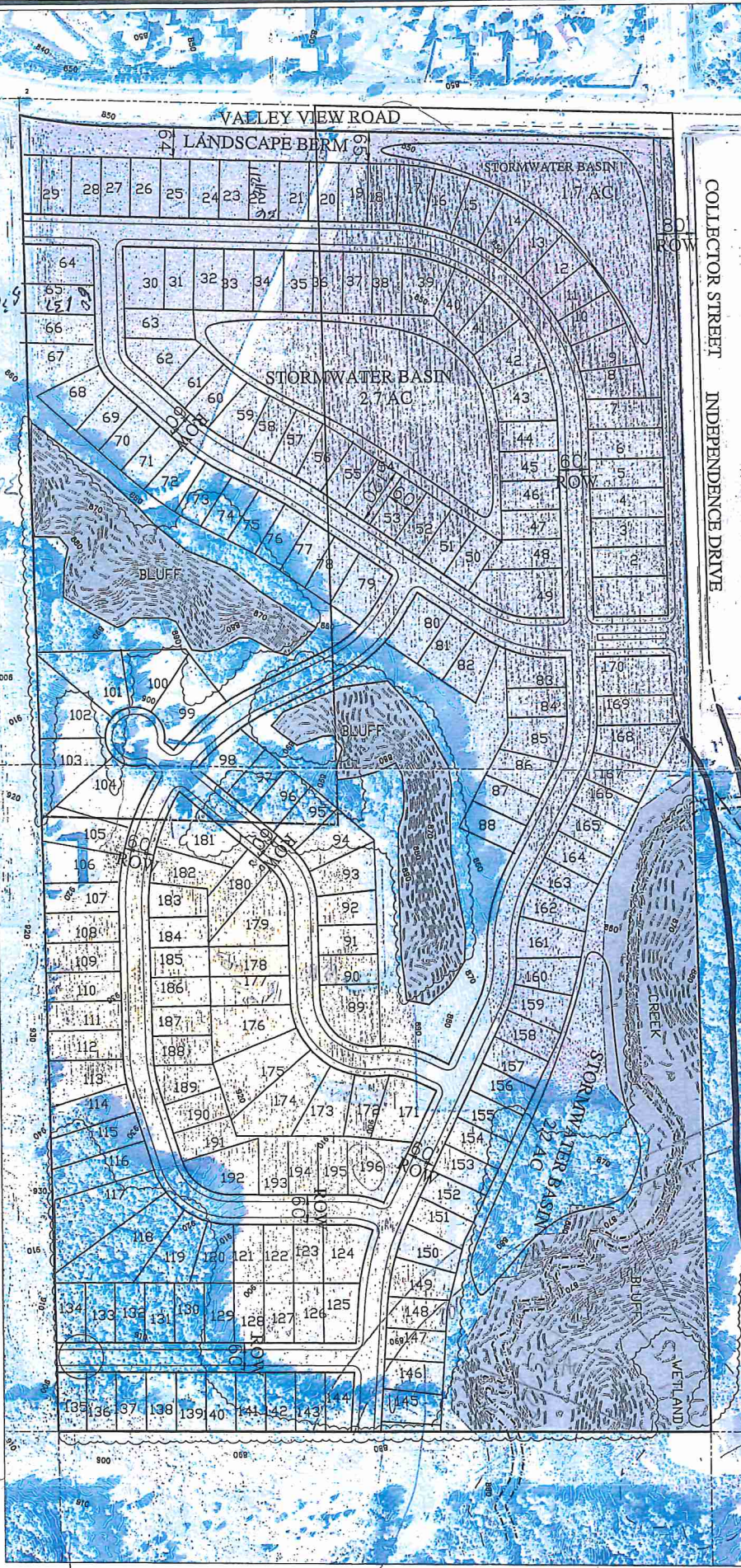
SITE DATA:

GROSS AREA: 480 ACRES
BLUFF, CHANNEL, PONDS AND COLLECTOR STREET: #19.4 ACRES
NET AREA: 460.6 ACRES

EXISTING ZONING: RR
EXISTING GUIDE PLAN: SINGLE FAMILY RESIDENTIAL (3.0-5.0 UNITS/ACRE)
PROPOSED ZONING: R-1A



PROPOSED STANDARDS:
LOT WIDTH: 60' x 120' MIN.
FRONT SETBACK: 25'
REAR SETBACK: 30'
SIDE YARD: 20' CORNER, 7.5' SIDE YARD
PROPOSED LOTS: 198
NET DENSITY: #3.23 UNITS/ACRE
PROPOSED POND SURFACE AREA: #8 ACRES
PROPOSED ROW LENGTH (60'): 8,560 LF
(80'): 1,244 LF



PIONEER engineering
1000 Mountain View
Rochester, NY 14623
(516) 481-1010
www.pioneereng.com

CONCEPT PLAN #2

TERRY HAUER PROPERTY
SANDRA JOHNSON

1 OF 1

LEGEND

-  AUAR Project Boundary
-  SMSC Property
-  Development Area
-  Water / Stream
-  Open Space
-  Proposed Street
-  Existing Power-line Easement

SITE SUMMARY

435 Acres +/- Site Area

17,000 LF +/- | 2.2%

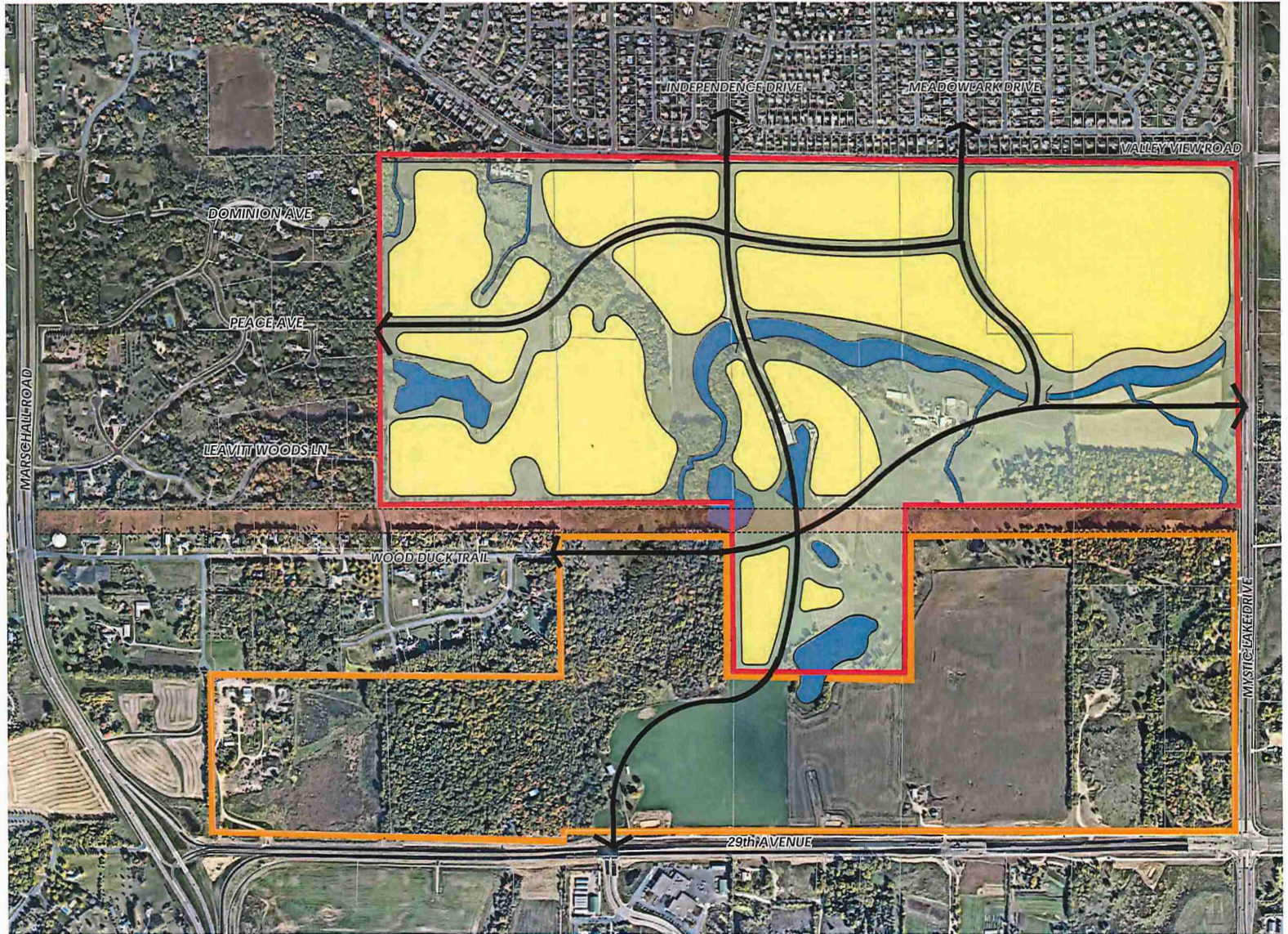
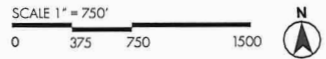
New Street

217 Acres +/- | 50%

Developable Area

209 Acres +/- | 47.8%

Open Space / Easement Area



January 12, 2022

Michael Kerski, Community Development Director
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

RE: City of Shakopee – Draft Alternative Urban Areawide Review (AUAR) – Southern Shakopee
Metropolitan Council Review File No. 22710-1
Metropolitan Council District No. 4

Dear Michael Kerski:

The Metropolitan Council received the Southern Shakopee Draft AUAR on December 10, 2021. Council staff completed the review of the Draft AUAR to determine its accuracy and completeness in addressing regional concerns. Staff concludes that the Draft AUAR is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. However, staff offers the following comments for your consideration:

Item 6.c: Project Description (*Eric Wojchik, 651-602-1330*)

The development layout in Scenario B (connected roadway network) represents a more compact, efficient use of land and infrastructure, therefore preserving areas of open space for wildlife habitat and recreation. The cul-de-sac development layout in Scenario A creates more habitat fragmentation, higher VMT and emissions due to reduced traffic connectivity, and is less compact in terms of infrastructure provision and land use patterns. Scenario A is therefore likely to create a higher environmental impact than Scenario B.

Item 6.c: Project Description (*Todd Graham, 651-602-1322*)

The Draft AUAR discusses two development scenarios: Scenario A with 787 single-family lots and Scenario B with 885 single-family lots. The site is part of the Transportation Analysis Zone (TAZ) #2173. TAZ allocations for 2040 were prepared by the City in 2019 as part of its 2040 Comprehensive Plan (Plan). The City's Plan expects TAZ #2173 to grow by +695 households and +2,125 population during 2020-2040. If either scenario is implemented, the TAZ #2173 allocation should be increased for 2030 and 2040. City staff are invited to contact Council staff with any questions.

Item 8: Permits and Approvals Required (*Raya Esmaeili, 651-602-1616*)

The Draft AUAR identifies the need for a comprehensive plan amendment. However, given that both scenarios are consistent with the City's 2040 Plan, a comprehensive plan amendment does not seem to be necessary. City staff can connect with Council staff to discuss this point further, if needed.

Item 9.a.i: Land Use (*Colin Kelly, 651-602-1361*)

There are no existing or planned regional parks or trails within 0.5 mile of the project area. The Scott West Regional Trail, which includes both existing and planned segments, is approximately 0.6 mile to the west of the project area. The Draft AUAR refers to this regional trail as the "Big Woods Regional Trail" on page 12. While Council staff appreciate the City's acknowledgement of this regional trail and

recognize regional park implementing agencies' authority to request a regional trail name change, the latest version of the *2040 Regional Parks Policy Plan* does not include the "Big Woods Regional Trail." Therefore, Council staff encourage the City to refer to the "Scott West Regional Trail, also known as the Big Woods Regional Trail" in the Land use section on page 12.

Item 11.a.i: Water Resources – Surface Water (*Joe Mulcahy, 651-602-1104*)

Given the presence of intermittent streams and an existing ditch on the site, stormwater management may be complex. The Draft AUAR lists requirements to meet for stormwater management but gives few additional details on how these requirements will be met. The City should require detailed calculations or modeling of the stormwater management practices for the entire site before proceeding with the project.

Item 11.b.iv: Water Resources – Surface Water (*Eric Wojchik, 651-602-1330*)

The Draft AUAR identifies National Wetlands Inventory (NWI) designated wetlands are present within the AUAR area. The open space layout within both Scenarios A and B largely align with the location of NWI wetland features. In line with mitigation measures in Question 11, the developer should aim to preserve wetlands in order to maintain the existing hydrology of the site and sustain existing biodiversity.

Item 13.b: Fish, wildlife, plant communities, and sensitive ecological resources (rare features) (*Eric Wojchik, 651-602-1330*)

The Draft AUAR identifies mature deciduous woodland habitat on steep slopes within the site area. It also identifies tree growth along existing fence lines that is contiguous with the Shakopee Mdewakanton Sioux Community (SMSC) property to the south. In line with mitigation measures outlined in Question 13, efforts should be made to preserve mature tree stands on slopes to minimize erosion potential. Additionally, efforts should be made to preserve trees across property boundaries to maintain existing species migration patterns between the site and areas to the south.

Item 18: Transportation (*Steve Mahowald, 612-349-7775*)

The Draft AUAR states that "Metro Transit route 495 operates on CSAH 83 (Mystic Lake Drive)." The correct transit provider for this area is the Minnesota Valley Transit Authority.

The Council will not take formal action on the Draft AUAR. If you have any questions or need further information, please contact Raya Esmaeili, Principal Reviewer, at 651-602-1616 or via email at Raya.Esmaeili@metc.state.mn.us.

Sincerely,



Angela R. Torres, AICP, Manager
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division
Deb Barber, Metropolitan Council District No. 4
Judy Sventek, Water Resources Manager
Raya Esmaeili, Sector Representative/ Principal Reviewer
Reviews Coordinator

N:\CommDev\LPA\Communities\Shakopee\Letters\Shakopee 2022 Southern Shakopee Draft AUAR 22710-1.docx

January 12, 2022

Michael Kerski
Community Development Director
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

RE: Southern Shakopee Draft AUAR
T115 R22 S20 NE, Shakopee, Scott County
SHPO Number: 2022-0556

Dear Michael Kerski:

Thank you for providing this office with a copy of the Southern Shakopee Draft AUAR. As we understand it, residential developers are negotiating with existing property owners to construct single-family home developments in the 435-acre study area. The AUAR will help evaluate the broader context related to a roadway network, municipal services, areawide stormwater management, and public amenities such as parks and trails.

Due to the nature and location of the proposed developments, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

We will reconsider the need for survey if the area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

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.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson, Environmental Review Program Specialist, at kelly.graggjohnson@state.mn.us.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager



SCOTT COUNTY Environmental Services

GOVERNMENT CENTER 114 • 200 FOURTH AVENUE WEST • SHAKOPEE, MN 55379-1220
(952) 496-8177 • Fax (952) 496-8496 • Web www.scottcountymn.gov

January 12th, 2022

Dear Ms. Elliot:

Scott County has reviewed the draft Alternative Urban Areawide Review for the proposed 435 acre residential development in the City of Shakopee. Scott County staff has the following comments for your consideration:

Water Resources

Wastewater

- The existing homes located within the project area are all on well and septic. According to the development plans it appears all the existing houses/structures will be demolished; at time of development the septic systems will need to be properly abandoned and documentation of abandonment sent to Scott County Environmental Services.

Sincerely,

Jesse Krzenski
Scott County Environmental Services
952-496-8361

January 13, 2022

Michael Kerski
Community Development Director
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

Re: Southern Shakopee Alternative Urban Areawide Review

Dear Michael Kerski:

Thank you for the opportunity to review and comment on Alternative Urban Areawide Review (AUAR) for the Southern Shakopee project (Project) in the city of Shakopee, Scott County, Minnesota. The Project consists of a 435 acre mixed use 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.

Cover Types

- This section of the EAW indicates the Project proposes 38 acres of tree removal. As you may be aware, trees store carbon and transform it into biomass, making them an excellent source of climate change mitigation. Leaving the forested area intact, and planning the developments around the forested area, would help to reduce the Project's greenhouse gas footprint, as well as make the Project site aesthetically more pleasing. In addition, trees can reduce urban heat island effects, energy usage of nearby buildings, noise impacts and flooding. Trees can also improve air quality. The MPCA encourages the city of Shakopee and future developers to rethink how to complete development of this area in a manner that is more environmentally beneficial.
- The MPCA encourages the development of pollinator friendly plantings or habitat wherever possible.

Permits and Approvals (Item 8)

- The list of required permits under this section is incorrect. The City already has an MS4 Stormwater permit so application for this permit is not required for the new development area.
- The Stormwater Pollution Prevention Plan (SWPPP) for the Project is not an application; rather Project developers prepare it prior to submitting an application for the MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit).
- Because the Project appears to be only a residential development, an Industrial Stormwater Permit is not required from the MPCA.

Water Resources (Item 11)

- The AUAR does not discuss the Fish Bioassessment impairment for Lake O'Dowd located within one mile of the site. This impairment requires additional Best Management Practices (BMPs) as described in the CSW Permit that must be specified in the SWPPP for the Project. Because of this impairment, individual projects or Common Plans of Development that disturb 50 or more acres of land, require review and approval of the SWPPP by MPCA prior to obtaining CSW Permit coverage.

- The AUAR states detention ponds with an infiltration bench will be constructed to manage stormwater runoff from the site. The CSW Permit requires that a volume reduction method, such as infiltration, is considered before resorting to detention ponds unless prohibited as defined in the permit. Based on the presence of A and B soils on the site, it appears that infiltration may be possible. If detention ponds are constructed, they could discharge to an infiltration area. Note that wetlands at the site may not be utilized for stormwater treatment unless they have gone through the wetland mitigation process.
- The City is also strongly encouraged to incentivize use of low impact development methods to increase resilience to heavier rainfall and potential flooding in the development. Reducing impervious areas by constructing narrower residential streets or using pervious pavements can help reduce stormwater runoff, as well as winter salting and chloride pollution. Maximizing open space and preserving mature trees at the site to help soak up rainwater and encourage individual property owners to plant native vegetation. Please direct questions regarding CSW Permit requirements to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Contamination/Hazardous Materials/Wastes (Item 12)

Please be aware that farmsteads have the potential for releases or threatened releases of agricultural chemicals. The Minnesota Department of Agriculture (MDA) is the regulatory agency charged with managing the response and cleanup of fertilizers and pesticides. Information regarding the MDA is available on the website at:

<http://www.mda.state.mn.us/en/chemicals/spills/incidentresponse/emergresponse.aspx>. For questions regarding agricultural chemicals, please contact Cathy Villas-Horns with the MDA at 651-201-6697. For questions regarding waste pesticide containers, please contact Jane Boerboom with the MDA at 651-201-6540.

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 AUAR, please contact me by email at Karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

This document has been electronically signed.

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:rs

cc: Dan Card, MPCA, St. Paul
Roberta Getman, MPCA, Rochester
Cathy Villas-Horns, MDA, St. Paul
Jane Boerboom, MDA, St. Paul

Division of Ecological and Water Resources
Region 3 Headquarters
1200 Warner Road
Saint Paul, MN 55106

Transmitted by Email

January 13, 2022

Michael Kerski
Community Development Director
City of Shakopee
485 Gorman Street
Shakopee, MN 55379

Dear Michael Kerski,

Thank you for the opportunity to review the Southern Shakopee Draft AUAR regarding future development in Scott County. The DNR respectfully submits the following comments for your consideration:

1. Page 8, Cover Types. It is unclear in Table 7-1 how forests, grassland, wetlands, and lakes will be impacted by each development scenario. We recommend revising this table to reflect the final acreage of each land type under both scenarios rather than lumping these together as "Undeveloped/ Open Space".
2. Page 19, Geology, Soils, and Topography/Landforms. Please note that a portion of the project area is mapped as a region prone to surface karst feature development.
3. Page 22, Surface Water. Please note that the need to conduct dewatering/diversion to allow the construction of bridges or culverts could need a DNR Water Appropriation Permit should the volumes of water exceed 10,000 gallons per day, or one million gallons per year.
4. Page 23, Groundwater. It is likely that there is a surficial water table near the surface as indicated by wetlands and streams in the development area.
5. Page 23, MDH Wellhead Protection Area. Due to the area being within the City of Shakopee Wellhead Protection Area, great care should be used in handling materials that could pollute groundwater.
6. Page 25, Stormwater. The DNR recommends that water from the stormwater ponds be used for irrigating landscaping, as is commonly done in the Cities of Medina and Hugo.
7. Page 25, Stormwater. The planned increase in impervious surfaces will also increase the amount of road salt used in the project area. 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

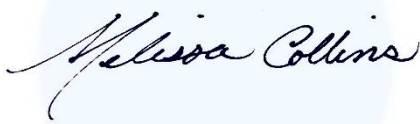
participation in the Smart Salting Training offered through the Minnesota Pollution Control Agency. There are a variety of classes available for road applicators, sidewalk applicators, and property managers. More information and resources can be found at this [website](#). Many winter maintenance staff 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.

We also encourage cities and counties to provide public outreach to reduce the overuse of chloride. Here are some [educational resources](#) for residents as well as a [sample ordinance](#) regarding chloride use.

8. Page 36, Question 13 Mitigation Strategies. We appreciate that native plantings will be utilized in landscaping. We recommend using BWSR-approved, weed-free, native [seed mixes](#) to the greatest degree possible in stormwater features, parkland, and landscaping in order to provide habitat for the federally endangered rusty patched bumblebee and other pollinators. The Board of Water and Soil Resources' Lawns to Legumes [website](#) has many excellent resources related to selecting seed mixes and establishing pollinator habitat. Please also see this statewide [Pollinator Plan](#) and consider how the City of Shakopee can incorporate pollinator-friendly practices and ordinances into local projects. Stormwater features in particular provide an excellent opportunity to replace standard turf with a diverse plant mix that provides greater wildlife and water quality benefits.
9. Page 49, Dust Control. Please note that taking more than 10,000 gallons of water per day from the ground, or from nearby surface waters, for dust control will need to be approved under a DNR Water Appropriation Permit.

Thank you again for the opportunity to review this document. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Collins". The signature is written in black ink on a light blue rectangular background.

Melissa Collins
Regional Environmental Assessment Ecologist | Ecological and Water Resources
Minnesota Department of Natural Resources
1200 Warner Road
St. Paul, MN 55106
Phone: 651-259-5755
Email: melissa.collins@state.mn.us

Equal Opportunity Employer

From: [Michael Kerski](#)
To: [Mark Noble](#); [Elliott, Beth](#)
Subject: Fwd: AUAR west of 83
Date: Thursday, January 13, 2022 4:41:15 PM

Get [Outlook for iOS](#)

From: Michael Kerski <MKerski@shakopeemn.gov>
Sent: Thursday, January 13, 2022 4:40 PM
To: Jenson, Craig
Cc: TWiniecki
Subject: Re: AUAR west of 83

Ok, thank you. We will build that cost into future development.

Get [Outlook for iOS](#)

From: Jenson, Craig <CJenson@co.scott.mn.us>
Sent: Thursday, January 13, 2022 4:39:51 PM
To: Michael Kerski <MKerski@shakopeemn.gov>
Cc: TWiniecki <twiniecki@co.scott.mn.us>
Subject: AUAR west of 83

Michael,

I don't believe we have any comments on the AUAR.
We will need to work thru timing and how development/AUAR area will pay for the future signal at 83 and Valley View described in the mitigation.

Thank you,

Craig Jenson

Transportation Planning Manager

Scott County

952/496-8329



Shakopee Mdewakanton Sioux Community

2330 SIOUX TRAIL NW • PRIOR LAKE, MINNESOTA 55372
TRIBAL OFFICE: 952.445.8900 • FAX: 952.233.4256

OFFICERS
Keith B. Anderson
Chairman

Cole W. Miller
Vice-Chairman

Rebecca Crooks-Stratton
Secretary/Treasurer

January 19, 2022

City of Shakopee
Mr. Michael Kerski
Director of Planning and Development
485 Gorman Street,
Shakopee, MN, 55379

**Re: Southern Shakopee
Draft Alternative Urban Areawide Review (AUAR)**

Dear Mr. Kerski;

The Shakopee Mdewakanton Sioux Community (SMSC), pursuant to the Southern Shakopee Alternative Urban Areawide Review dated December 2021, submits this response during the 30 day public comment period. The SMSC provides these comments with the understanding that both the City of Shakopee and the SMSC's long range plans are subject to modification, and that the SMSC's comments should not be construed as an agreement or consent, and that proper permits and approvals would still be required.

I. General Comment:

Recent property acquisitions by the SMSC are not reflected accurately in the mapping. The SMSC can provide accurate updates of boundaries if required.

II. 6. Project Magnitude: (Page 7)

AUAR: Development Scenario A. depicted in Figure 6.1, proposes a total of 787 single-family residential lots arranged around a typical suburban cul-de-sac street network. Development Scenario B, depicted in Figure 6.2, proposes a total of 885 single-family residential and connected street network.

SMSC Comment: Development Scenario A is the preferred option, as it will have the least amount of impact on SMSC adjoining land to the west. Scenario A includes larger buffers between development parcels and woodland and wetland plant communities than Scenario B. This land is being preserved as a natural area, which may include hunting. A reduced buffer portrayed in Scenario B, will impact allowable space for

usable hunting lands for tribal members. Higher density development has potential to result in increases in trespassing in the adjacent forested areas owned by the Tribe.

III. 10. Geology, Soils, and Topography/Landforms:

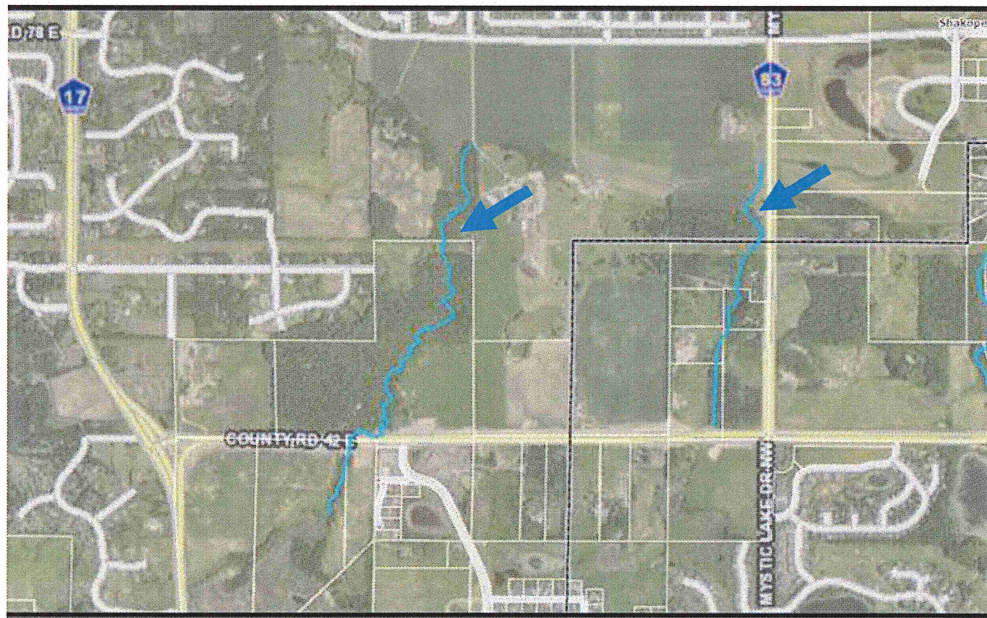
AUAR: Table 10-1. Soil Types and Acreages (Page 20)

SMSC Comment: The vast majority of soils within this area are hydrologic group A and B so infiltration is warranted and should be promoted through design strategies.

IV. 11. Water Resources:

a.) AUAR: (Pages 6, 12, 16, 18, 61, 63, 64, 65, 66, 67, 69, 71)

SMSC Comment: Stream system shown is missing a section that goes under CR42 with a northern route through the AUAR area.



b.) Water Appropriation (Page 26)

SMSC Comment: While piping stormwater through the study area to the 83 culvert will result in stable soils it will negate the beneficial effects of the preponderance of hydrologic group A and B soils. It should be a goal to infiltrate the maximum amount of runoff as possible.

c.) Water Appropriation (Page 28)

SMSC Comment: while 0.1 cfs/acre and 0.33cfs/acre are the minimum requirements the goal should be to maximize infiltrate where feasible to prevent water quality and quantity issues downstream.

V. 13. Wildlife, plant communities, and sensitive ecological resources (rare features): (Page 35)

AUAR: dense tree growth occurs along the fence lines associated with the west 160-acres of the AUAR are considered “High priority” for preservation based upon the City of Shakopee Tree Preservation Regulations (151.113).

Plant Communities: Both Development Scenarios would result in the removal of approximately 4 acres of contiguous woodland with high priority trees (oak, hackberry, basswood, sugar maple). Scenario A includes larger buffers between development parcels and woodland and wetland plant communities than Scenario B, which is anticipated to lessen potential invasive species and soil erosion impacts if the buffers are planted and maintained with native vegetation.

SMSC Comment: SMSC supports preservation of significant forest land and natural spaces to support the native landscape. Forested land with large ash trees has been documented in the area with age estimates of 100+ years.

VI. 18. Transportation:

The eastbound left turn movement at CSAH 83/Valley View Rd operates at LOS F during the a.m. and p.m. peak hours due to development. Mitigation strategies recommend installation of a traffic signal.

SMSC Comment: SMSC agrees a traffic signal is warranted based on the impacts to the LOS of this intersection by development.

VII. Appendix A: Figure 11-2. Sanitary Sewer Map (Page 70)

AUAR: illustrates a 15” gravity trunk sewer transecting south to north across a forested patch of SMSC land. This is in contrast to SMSC forest preservation goals. Please locate an alternate route of the gravity trunk sewer.

RE: Southern Shakopee Draft AUAR
January 19, 2022

Thank you for considering the SMSC's comments to the Draft South Shakopee AUAR. We look forward to our governments continuing to work together to pursue a shared community vision. Should you have any questions or concerns, please reach out to SMSC staff.

Sincerely,



Keith B. Anderson
Chairman

cc: Beth Elliott, Stantec