

HOMESTEAD NORTH PHASE I PRELIMINARY PLAN

LETTER OF INTENT

NOVEMBER 2020, REVISED AUGUST 2021

OWNER/APPLICANT:

SR Land
20 Boulder Crescent St. Suite 102
Colorado Springs, CO. 80903

CONSULTANT:

N.E.S. Inc.
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REQUEST

SR Land, LLC. requests approval of the following applications:

1. A Preliminary Plan for Homestead North; a 147-unit single-family development, the construction of portions of Briargate Parkway and Sterling Ranch Road to include the channel crossings, and 11 tracts for landscaping, drainage and utilities on approximately 77.7136 acres.
2. A request for Pre-development site grading and wet utilities for a portion of Homestead North upon approval of Preliminary Plan, approximately 26.69 acres. (LDC Chapter 6.2.6 Pre-Development Site Grading)
3. Administrative Approval of subsequent Final Plats.
4. A finding of Water Sufficiency.

LOCATION

The Homestead North Phase 1 is located east of Vollmer Road. The residential portion of the site is north of Briargate Parkway. The majority of the Briargate Parkway and Sterling Ranch Road portion of the site is located east of the Sand Creek Channel.

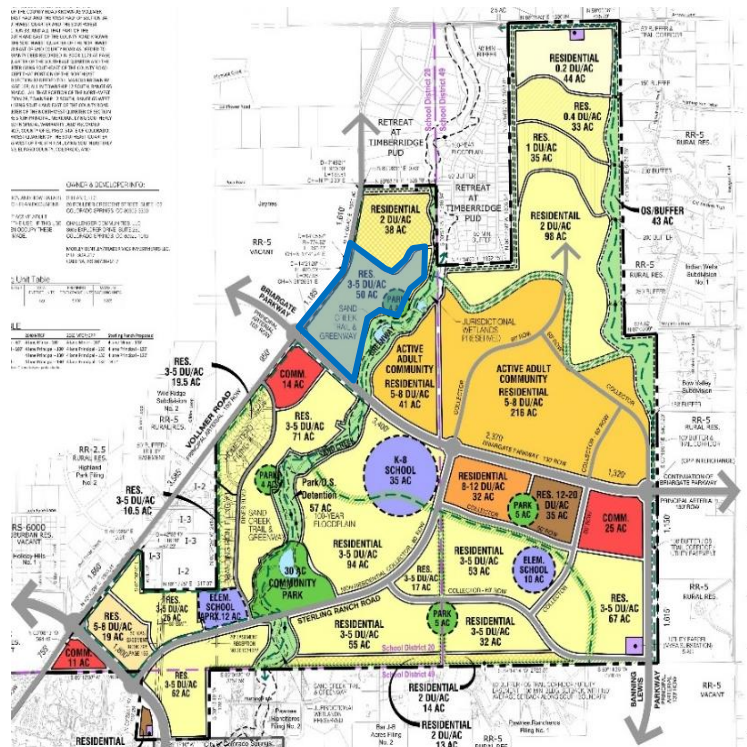


PROJECT DESCRIPTION

Background

The Sterling Ranch Sketch Plan for 5,225 dwelling units on 1,444 acres was approved November 13, 2008. The Homestead North area is identified on the Sketch Plan with a density range of 3-5 du/acre, a park, and preservation of the Sand Creek Channel.

A zone change from RR-5 to RS-6000 for 65.3 acres of the Homestead North Phase 1 area was approved by the Board of County Commissioners on June 15, 2021 (resolution no. 21-239). The zone change transitions from the Retreat at Timber Ridge PUD zoning to the north and east and the Sterling Ranch RS-5000 zoning to the south. This development continues the urban density approved with the Sterling Ranch Phase I Preliminary Plan through to the urban density approved with the Retreat at Timber Ridge PUD.

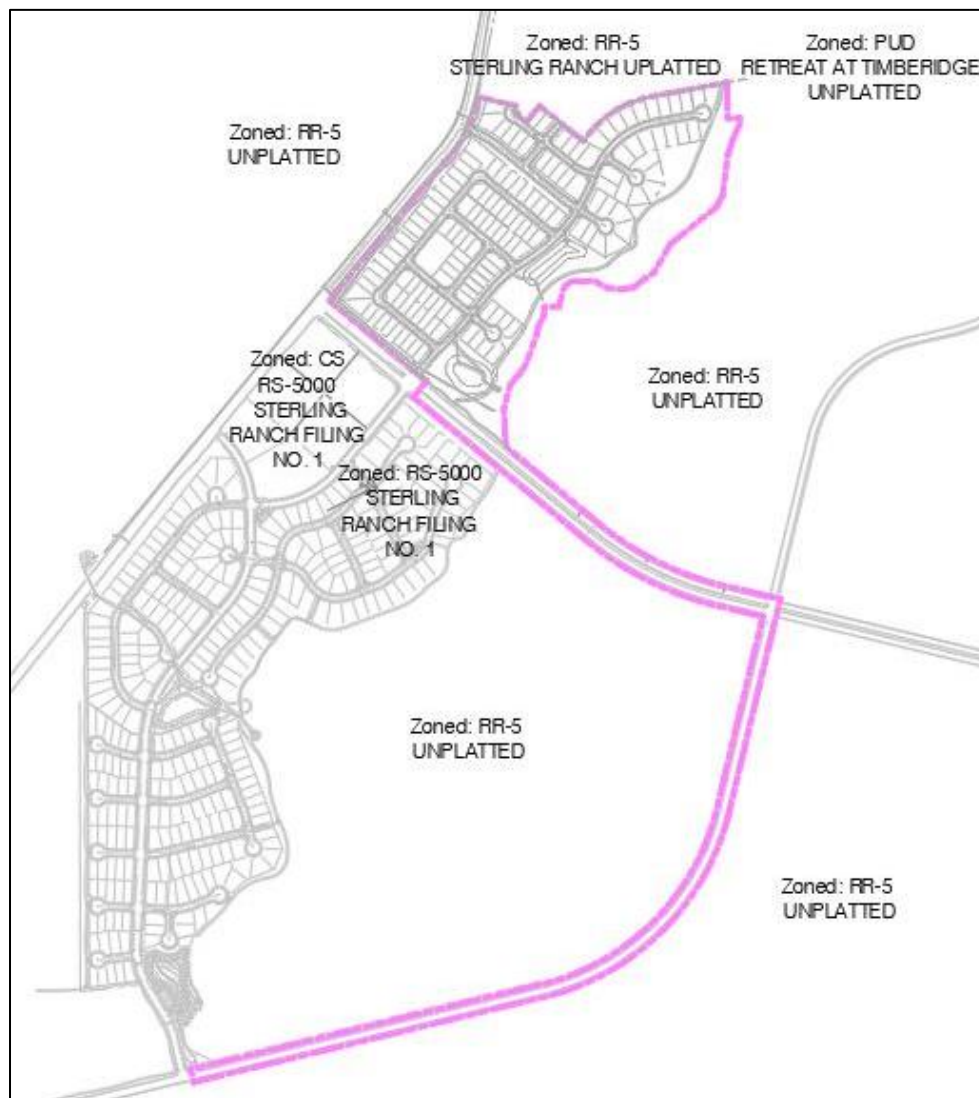


Project Description

The Homestead North Phase I request includes three applications for a Preliminary Plan including 147 units at a proposed density of 2.25 dwelling units per acre. This is below the 3-5 du/acre density permitted in the approved Sketch Plan. The Preliminary Plan also includes the construction of portions of Briargate Parkway and Sterling Ranch Road. Separate CDs are being requested for approval for Briargate Parkway and Sterling Ranch Road under this Preliminary Plan if approved by the Board of County Commissioners. It is anticipated that the Homestead North will consist of two plats and pre-development site grading and wet utilities is requested for the 26.69 acres that will comprise Filing No. 1. A finding of water sufficiency is requested with the Preliminary Plan and the administrative approval of subsequent final plats.

To the south of the project is Sterling Ranch Phase I zoned RS-5000. Phase I includes the Branding Iron and Homestead Filings 1 & 2 with an average gross density of 3.95 acres. To the north and east is the Retreat at Timber Ridge zoned PUD with a gross density of 0.8 du/ac. The Retreat at Timber Ridge PUD has five phases, two of which are adjacent to Sterling Ranch. Phase B to the north includes 29 lots with a minimum lot size of 2.5 ac. Phase D to the east includes 145 lots with a minimum lot size of 12,000 sq. ft. To the west along Vollmer Road is an 88 acres property zoned RR-5. Landscape setbacks are provided along Vollmer Road and Briargate Parkway. The Preliminary Plan provides a transition from the PUD

zoning to the north and east and the RS-5000 zoning to the south. This development continues the urban density approved with the Sterling Ranch Phase I Preliminary Plan through to the urban density approved with the Retreat at Timber Ridge PUD.



Schools: Two school sites are identified on the Sketch Plan within the District 20 boundary. The Branding Iron Filing 2 Plat includes a site for an elementary school which is consistent with the Sketch Plan. Recent discussions with School District 20 indicate that they still have a need for the Branding Iron school site and that the 11.53 acres identified and the proposed location northwest of Sterling Ranch Road and Dines Boulevard is acceptable. A second 35-acre K-8 school site located east of the Sand Creek Channel on Briargate Parkway is identified on the Sketch Plan and is anticipated to serve this development in the future.

Trails and Open Space: An interconnected system of trails and open space was proposed with the Sterling Ranch Sketch Plan. This project provides a 6' wide sidewalk along Briargate Parkway and Vollmer Road, which will connect to the trail network south of Briargate Parkway and to the 15' trail and

maintenance access road proposed with the Sand Creek Channel design providing a regional trail connection. This system of trails and open space is intended to provide a comprehensive off-street pedestrian circulation system to supplement the standard sidewalks along streets and provide an amenity to the residents. Trails and Open Space will be maintained by the Sterling Ranch Metropolitan District.

Traffic: A Traffic Impact Analysis was prepared by LSC Transportation Consultants, Inc. for Homestead North (*Homestead North Traffic Impact Study, March 2021*). Access to the project area is provided by two full movement access points one from Briargate Parkway onto the northern portion of Wheatland Drive and another from Vollmer onto Sam Bass Drive. Vollmer is proposed to be improved to a 4-lane urban minor arterial cross section from the Sterling Ranch boundary south of Dines Boulevard to Sam Bass Drive. From Sam Bass Drive north to the property line, Vollmer is proposed to be improved and provide transitions from the 4-lane to a 2-lane cross section at the site boundary. Briargate Parkway from Vollmer to Wheatland is planned in the short term as a partial cross-section constructed with the Homestead Filing 2 development. The Preliminary Plan interior roadways will be constructed as part of their respective filings. The project will be part of the 10 mil PID and participate in the Countywide Transportation Improvement Fee Program.

A deviation request from ECM section 2.3.2 Design Standards is requested for the Urban Local Intersection spacing requirement of 175 feet for an Urban Local street and 125 feet for an Urban Local Low Volume street. The intersection spacing along Wheatland Drive between Perry Owens Dr. and Robert Allison Cir. is 129 feet. Robert Allison Circle is a short cul-de-sac serving only 5 lots. The layout is designed to be harmonious with the topography and the nearby creek and adjacent lots. The TIS prepared by LSC reflects this alignment and notes no concerns with the intersection spacing.

Drainage: The drainage improvements associated with Homestead North Phase I are consistent with the Preliminary Drainage Report. The drainage improvements are designed to the most current El Paso County Engineering Criteria Manual, the Sand Creek Drainage Basin Study, the City of Colorado Springs/El Paso County Drainage Criteria Manual, and the Urban Storm Drainage Criteria Manual.

Utilities: The property is located within the boundaries of Sterling Ranch Metropolitan District No. 2. water, wastewater, storm water and park/recreational services will be provided by Sterling Ranch Metropolitan District No. 1 pursuant to an intergovernmental agreement with Sterling Ranch Metropolitan District No. 2.

Mountain View Electric Association, Inc. will supply electricity service and Colorado Springs Utilities will supply natural gas.

Geologic Hazards: The site was found to be suitable for development. Some areas of the proposed subdivision have been found to be impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading or through proper engineering design and construction methods. A map of the hazard areas and proposed mitigation measures can be found in the Soils, Geology, and Geologic Hazard Study prepared by Entech Engineering Inc., dated July 22, 2020.

Floodplain: The eastern portion of this Preliminary Plan area, adjacent to Sand Creek, is mapped within Zone A of the FEMA Floodplain Map No. 08041C0533G, dated December 7, 2018. The remainder of the Preliminary Plan area is within Zone X, which is determined to be outside the 500-year floodplain. There are no lots shown within the 100-year floodplain.

Wetlands: The Sand Creek drainageway and jurisdictional wetlands were identified on the original 2008 Sketch Plan and preserved as a natural feature. The Channel is currently undergoing design and review of proposed improvements and is anticipated to be a naturalized channel. This Phase of development will not impact the main Sand Creek Channel or existing wetlands.

Wildlife: Wildlife that has been viewed on the site and surrounding areas including rodents, deer, and carnivores. Potential for several species of mammals, rodents, fish, and vegetation is possible but unlikely to be impacted by the project. As development occurs within Sterling Ranch, care will be taken to minimize human and wildlife conflicts within reasonable limits.

Wildfire: The primary wildland fuel type is grassland with scattered trees. The Colorado State Forest Service has determined a moderate-high wildfire hazard potential and listed as a moderate risk with one small pocket of high risk near the northeast corner.

Districts Serving the Property:

- Academy School District 20
- Mountain View Electric
- City of Colorado Springs Utilities – Gas
- Black Forest Fire Protection District
- Sterling Ranch Metropolitan District No. 2
- El Paso County Conservation District
- Pikes Peak Library District

PROJECT JUSTIFICATION

The relevant County Plans for Sterling Ranch are the County Policy Plan, the Water Master Plan, and the Black Forest Preservation Plan. A detailed analysis of the relationship of the Sterling Ranch Sketch Plan and the goals and objectives of these plans was previously provided with the Sketch Plan. These include the provision of adequate buffers and transitions from lower, rural density residential development, the provision of adequate urban services by Sterling Ranch Metropolitan District, an interconnected system of trails, open spaces and neighborhood parks, and the preservation of open space.

Homestead North is compatible with the approved Sketch Plan. The proposed density is 2.25 du/ac which is just below the identified 3-5 dwelling units on the Sketch Plan. The density and development standards of the RS-6000 zone and the Land Development Code (“LDC”) are adhered too with the Preliminary Plan.

County Policy Plan

The Homestead North Phase 1 Preliminary Plan is consistent with the following County Plan policies:

Policy 6.1.3: Encourage new development which is contiguous and compatible with previously developed areas in terms of factors such as density, land use and access.

Policy 6.1.8: Encourage incorporating buffers or transitions between areas of varying use or density where possible.

Policy 6.1.11: Plan and implement land development so that it will be functionally and aesthetically integrated within the context of adjoining properties and uses.

Policy 13.1.1: Encourage a sufficient supply and choice of housing at varied price and rent levels through land development regulations.

Policy 13.1.2: Support the provision of land use availability to meet the housing needs of county residents.

The proposed development provides an additional housing choice in an urbanizing area. The County Plan encourages a variety of housing options that allows for a balance of mutually supportive land uses in a more urban area of the County. Compatibility is defined as “a state in which two things are able to exist or occur together without problems or conflict.” It does not mean that the two things have to be identical. The Preliminary Plan transitions from the PUD zoning to the north and to the RS-5000 zoning to the south. This development continues the urban density approved with the Sterling Ranch Phase I Preliminary Plan through to the urban density approved with the Retreat at Timber Ridge PUD.

Black Forest Preservation Plan Goals & Policies

The project area is primarily within the Gateway unit boundary of the Black Forest Preservation Plan and is specifically described as “area is perceived as more urban in nature”. The Gateway area borders the Transition unit providing a buffer in land uses and densities from the forested timbered area and the urbanizing area proposed.

Goal 1.2 Allow nodes of higher density residential, commercial, and industrial development only in those areas designated on the Concept Plan and described in the Land Use Scenario.

Goal 1.4 Provide for a mix of compatible uses within designated urban density areas.

Goal 3.2 Give careful consideration to clustering alternatives in areas appropriate for subdivision as a means of preserving more open space, minimizing costs and environmental impacts and promoting aesthetic quality.

Goal 3.5 Generally support residential development which compliments and enhances the area’s terrain, vegetation, and natural resources.

The zoning provides for an additional housing option and transition in density for this urbanizing area. The proposed single-family residential zoning and density is compatible with the recently approved and

developing subdivisions. By providing smaller lots and clustering them near the intersection of Vollmer and Marksheffel, the project provides preservation of the Sand Creek Channel and opportunity for trail connections and open space in the area.

Water Master Plan

Goal 1.1 – Ensure an adequate water supply in terms of quantity, dependability and quality for existing and future development.

Goal 6.0 – Require adequate water availability for proposed development.

Policy 6.0.8 – Encourage development patterns and higher density, mixed use developments in appropriate locations that propose to incorporate meaningful water conservation measures.

Policy 6.0.11 – Continue to limit urban level development to those areas served by centralized utilities.

Sterling Ranch Metro District has sufficient supply and infrastructure in the area to serve this development. The total commitment of the Sterling Ranch System includes 1,087.5 SFE in the Sterling Ranch Service Area and 167 SFE in the Retreat service area. The total Sterling commitments stand at 442.52 acre-feet and available supply is now 697.39 acre-feet.

The Sterling Ranch System includes both decrees and determinations. Local groundwater rights are associated with three service area portions; Sterling Ranch, The Retreat, and The Ranch. The system includes a central system and some well and septic systems. The Water Resources report primarily focuses on the central supply and does not include the 41 rural style lots in the Retreat served by wells in the calculations.

The project is located within Region 3, Falcon Area, containing 4 growth areas projected to be completed by 2040, three areas to be completed by 2060, and two other growth areas located on the north and south sides of Falcon Highway directly east of Falcon. Specifically, the Water Master Plan states:

“Region 3 contains four growth areas west of Falcon projected to be completed by 2040. Other areas of 2040 growth are projected for the north-central part of the region west of Highway 24 extending from Falcon to 4-Way Ranch. North of Falcon along Highway 24, growth is projected by 2060 on both sides of the highway. Just west of Falcon, another small development is projected by 2060 on the north and south sides of Woodmen Road. On the east side of Highway 24, three separate areas of growth are projected for development by 2060, with the largest of the three spanning from south of Judge Orr Road to east of Peyton Highway into Region 4c. This development will likely consist of 35-acre lots that will require individual wells to use Denver Basin groundwater. The other two growth areas will be located on the north and south sides of Falcon Highway directly east of Falcon. See Figure 5.5 for Region 3 growth map projections.”

Region 3 has a current water supply of 7,164-acre feet per year and a current demand of 4,494-acre feet per year. The 2040 water supply is projected to be 7,921-acre feet per year and the project demand is

6,403-acre feet. The 2060 water supply is projected to be 8,284-acre feet per year and the projected demand is 8,307-acre feet.

The Sterling Ranch System is expected to serve 3,710 single-family equivalent (SFE) homes in the year 2040 requiring 1,310 annual acre-feet. In the year 2060 the system is expected to serve 7,310 single-family equivalent homes requiring 2,580-acre feet per year.

In order to meet future demands, contractual arrangements have been made to obtain additional legal and physical supply including contracts with McCune Water SR Water LLC. And the Bar X Water. In addition to adding off-site sources, additional priority is to acquire and invest in additional renewable water supplies. Future supply has been contracted for and implementation is under way. A substantial amount of Not Non-tributary water is available on the Sterling Ranch site and is the purpose of a pending augmentation plan. This water rights case will result in a gain of 9,215 acre-feet of water. This case is expected to be needed by 2029 and expected to be completed by 2022. This provides adequate service for the development of 1,828 SFE. Beyond the 1,828 will require the completion of the Bar X Northern Delivery Project providing physical and legal water to Sterling.

The Sterling System has opportunity to connect with both the Cherokee Metro District and Woodmen Hills Metro District storage and delivery facilities. Sterling wastewater is discharged into the Meridian System which in turn has potential to convert some reusable flows to available physical supplies.

Preliminary Plan Review Criteria Chapter 7.2.1.D.2.e

1. THE PROPOSED SUBDIVISION IS IN GENERAL CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE MASTER PLAN;

As stated previously, the project is in conformance with approved plans.

2. THE SUBDIVISION IS CONSISTENT WITH THE PURPOSES OF THIS CODE;

The stated purpose of the Code is to preserve and improve the public health, safety and general welfare of the citizens and businesses of El Paso County. Land use compatibility with this purpose is determined through zoning. This subdivision is consistent with recent RS-6000 rezoning and the approved Sketch Plan.

3. THE SUBDIVISION IS IN CONFORMANCE WITH THE SUBDIVISION DESIGN STANDARDS AND ANY APPROVED SKETCH PLAN;

The subdivision design is compatible with the approved Sterling Ranch Sketch Plan. The standards of the LDC and ECM are met with the exception of the intersection deviation request for a small portion of Wheatland.

A deviation request from ECM section 2.3.2 Design Standards is requested for the Urban Local Intersection spacing requirement of 175 feet for an Urban Local street and 125 feet for an Urban Local Low Volume street. The intersection spacing along Wheatland Drive between Perry Owens Dr. and Robert Allison Cir. is 129 feet. Robert Allison Circle is a short cul-de-sac serving only 5 lots. The

layout is designed to be harmonious with the topography and the nearby creek and adjacent lots. The TIS prepared by LSC reflects this alignment and notes no concerns with the intersection spacing.

- 4. A SUFFICIENT WATER SUPPLY HAS BEEN ACQUIRED IN TERMS OF QUANTITY, QUALITY, AND DEPENDABILITY FOR THE TYPE OF SUBDIVISION PROPOSED, AS DETERMINED IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THE WATER SUPPLY STANDARDS [C.R.S. §30-28-133(6)(A)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE;**

A sufficient water supply is available as demonstrated by the water supply commitment letter provided by Sterling Ranch Metropolitan District and the Water Resources Report provided by JDS Hydro. Analysis of the water supply is described above.

- 5. A PUBLIC SEWAGE DISPOSAL SYSTEM HAS BEEN ESTABLISHED AND, IF OTHER METHODS OF SEWAGE DISPOSAL ARE PROPOSED, THE SYSTEM COMPLIES WITH STATE AND LOCAL LAWS AND REGULATIONS, [C.R.S. §30-28-133(6) (B)] AND THE REQUIREMENTS OF CHAPTER 8 OF THIS CODE;**

A Wastewater Disposal Report was prepared by JDS Hydro for the development. The purpose of the report was to show that the proposed wastewater discharge is within the acceptance criteria of the Sterling Ranch Metro District. The sanitary sewer system, design, and modeling results conform to all applicable criteria set forth by El Paso County. A commitment letter from the SRMD to provide wastewater service to the Homestead North Subdivision is included with this submittal.

- 6. ALL AREAS OF THE PROPOSED SUBDIVISION, WHICH MAY INVOLVE SOIL OR TOPOGRAPHICAL CONDITIONS PRESENTING HAZARDS OR REQUIRING SPECIAL PRECAUTIONS, HAVE BEEN IDENTIFIED AND THE PROPOSED SUBDIVISION IS COMPATIBLE WITH SUCH CONDITIONS. [C.R.S. §30-28-133(6)(c)];**

Some areas of the proposed subdivision have been found to be impacted by geologic conditions. These conditions impose some constraints on development, which can be mitigated by avoidance, regrading or through proper engineering design and construction methods such as over excavation and replacement of soils, drilled pier foundations, and underdrain systems. These matters are addressed in the Geohazard Evaluation Report prepared by Entech Engineering Inc., dated June 25, 2020.

- 7. ADEQUATE DRAINAGE IMPROVEMENTS COMPLYING WITH STATE LAW [C.R.S. §30-28- 133(3)(c)(VIII)] AND THE REQUIREMENTS OF THIS CODE AND THE ECM ARE PROVIDED BY THE DESIGN;**

These matters are addressed in the Preliminary Drainage Report prepared by JR Engineering

- 8. THE LOCATION AND DESIGN OF THE PUBLIC IMPROVEMENTS PROPOSED IN CONNECTION WITH THE SUBDIVISION ARE ADEQUATE TO SERVE THE NEEDS AND MITIGATE THE EFFECTS OF THE DEVELOPMENT;**

The proposed location and design of the public improvements provide adequate services and mitigate any effects. The lots will be accessible by new public streets that will comply with LDC and ECM standards for the roadway design, with the exception of one proposed deviation to intersection spacing as described previously.

9. LEGAL AND PHYSICAL ACCESS IS OR WILL BE PROVIDED TO ALL PARCELS BY PUBLIC RIGHTS-OF-WAY OR RECORDED EASEMENT, ACCEPTABLE TO THE COUNTY IN COMPLIANCE WITH THIS CODE AND THE ECM;

All lots will be accessible by new public streets that comply with the LDC and ECM except where deviations are requested to the intersection spacing between Perry Owens Dr. and Robert Allison Cir. Street names have been approved by El Paso–Teller County 911 Authority.

10. THE PROPOSED SUBDIVISION HAS ESTABLISHED AN ADEQUATE LEVEL OF COMPATIBILITY BY

a. INCORPORATING NATURAL PHYSICAL FEATURES INTO THE DESIGN AND PROVIDING SUFFICIENT OPEN SPACES CONSIDERING THE TYPE AND INTENSITY OF THE SUBDIVISION;

The Sand Creek drainage way is identified on the original 2008 Sketch Plan and preserved as a natural feature. The corridor is incorporated as part of the open space system and an extension of the Sand Creek Trail east of this Homestead North area. A 404 Permit was issued in 2016 authorizing work and channel improvements within the main stem of the Sand Creek and the development impact on the jurisdictional wetlands.

b. INCORPORATING SITE PLANNING TECHNIQUES TO FOSTER THE IMPLEMENTATION OF THE COUNTY'S PLANS, AND ENCOURAGE A LAND USE PATTERN TO SUPPORT A BALANCED TRANSPORTATION SYSTEM, INCLUDING AUTO, BIKE AND PEDESTRIAN TRAFFIC, PUBLIC OR MASS TRANSIT IF APPROPRIATE, AND THE COST EFFECTIVE DELIVERY OF OTHER SERVICES CONSISTENT WITH ADOPTED PLANS, POLICIES AND REGULATIONS OF THE COUNTY;

Appropriate provisions are made in this regard in accordance with the Sketch Plan and surrounding area. Sidewalks are incorporated along the roadways for pedestrian connectivity. A County Regional Trail connection is provided along the east portion of the site along Sand Creek and provides pedestrian and bicycle connections to trails within Sterling Ranch and future trails to the south. A trail connection is shown along the north side of Briargate Parkway to connect the regional trail and the overall Sterling Ranch development. Local streets are accessed from a network of arterial roads and provide access to the individual lots. Sterling Ranch Metro District provides cost effective delivery of water and wastewater services.

c. INCORPORATING PHYSICAL DESIGN FEATURES IN THE SUBDIVISION TO PROVIDE A TRANSITION BETWEEN THE SUBDIVISION AND ADJACENT LAND USES;

As necessary, appropriate landscaping setbacks are provided along Vollmer and Briargate as required by the LDC. This plan incorporates a 25-foot Landscape setback on Briargate Parkway and Vollmer Road.

d. INCORPORATING IDENTIFIED ENVIRONMENTALLY SENSITIVE AREAS, INCLUDING BUT NOT LIMITED TO, WETLANDS AND WILDLIFE CORRIDORS, INTO THE DESIGN; AND

The Sand Creek drainage way is identified on the original 2008 Sketch Plan and preserved as a natural feature. The corridor is incorporated as part of the open space system and an extension of the Sand Creek Trail east of this Homestead North area. A 404 Permit was issued in 2016

authorizing work and channel improvements within the main stem of the Sand Creek and the development impact on the jurisdictional wetlands.

- e. INCORPORATING PUBLIC FACILITIES OR INFRASTRUCTURE, OR PROVISIONS THEREFORE, REASONABLY RELATED TO THE PROPOSED SUBDIVISION SO THE PROPOSED SUBDIVISION WILL NOT NEGATIVELY IMPACT THE LEVELS OF SERVICE OF COUNTY SERVICES AND FACILITIES;**

The Traffic Impact Study prepared by LSC identifies the improvements for the surrounding roadways. The report demonstrates no negative impact to existing conditions in the area. The reports relating to water supply, wastewater treatment and drainage demonstrate that there will be no negative impact on existing service and facilities.

- 11. NECESSARY SERVICES, INCLUDING POLICE AND PROTECTION, RECREATION, UTILITIES, OPEN SPACE AND TRANSPORTATION SYSTEM, ARE OR WILL BE AVAILABLE TO SERVE THE PROPOSED SUBDIVISION;**

Water and sanitary sewer service are to be provided by Sterling Ranch Metropolitan District. Electric Service is provided by Mountain View Electric Association Inc. The site is entirely within Colorado Springs Utility territory for natural gas services. The required Will Serve letters are included with the submittal. Recreation opportunities are provided through a pocket park, trail connections, and preserved open space along the Sand Creek Greenway.

- 12. THE SUBDIVISION PROVIDES EVIDENCE TO SHOW THAT THE PROPOSED METHODS FOR FIRE PROTECTION COMPLY WITH CHAPTER 6 OF THIS CODE; AND**

The site lies within the Black Forest Fire Rescue Protection District. A Fire Protection Report and Fire Commitment Letter is included with this submittal.

- 13. THE PROPOSED SUBDIVISION MEETS OTHER APPLICABLE SECTIONS OF CHAPTER 6 AND 8 OF THIS CODE.**

The proposed subdivision meets the applicable sections of these parts of the Code.