

# Zoning Amendment #1

## Fluvial Erosion Hazards

**Amendment 1** - To amend Article III - Zones to add Section 3.100, Overlays, Zone FEH - Fluvial Erosion Hazard District; FURTHER to amend Article III, Section 3.300, Overlay Zones, Districts and Applications, by adding Section 3.330 through 3.332, Zone FEH - Fluvial Erosion Hazard District, which creates an overlay district, the boundaries of said district being delineated on plans kept on file with the Town of Raymond, the purpose of the ordinance includes the protection of public and private property within the zone and to prevent risk within the zone by limiting new development; FURTHER to amend Article IV, Uses and Standards, to add Section 4.900 through 4.912, Fluvial Erosion Hazard District to create a series of definitions of relevant terms including Fluvial Erosion Hazard, to regulate such new development by defining exempt uses, prohibited purposes, allowed uses, or, alternatively, to require a conditional use permit from the Planning Board where certain requirements are met; FURTHER to provide a system whereby the delineation of the zone can be reviewed by the Zoning Board of Adjustment; FURTHER to provide a system where variances can be requested from the Zoning Board of Adjustment; FURTHER to provide a system whereby applicants may appeal decisions of the Planning Board, on conditional use permits. Changes made to the draft ordinance following the December 17, 2009 public hearing include adding a further explanation regarding the process to delineate properties which fall within the overlay zone, a process to change the FEH under appropriate circumstances identified in the ordinance, a process for a property owner to challenge map delineation before the ZBA, adding certain definitions including certified plot plan, further information on the process to obtain a conditional use permit, further discussion on when applicants might be required to pay for professional studies, a further description of the variance requirements which operate under the statute. A copy of the draft ordinance incorporating the changes made by the Planning Board will be available by December 28, 2009.

**Town of Raymond, Fluvial Erosion Hazard Overlay District**

DRAFT Zoning Ordinance Amendment

A. Amend Article III – Zones to read as follows:

**3.100 CLASSES OF ZONES**

**OVERLAYS**

**ZONE FEH Fluvial Erosion Hazard District**

**3.330 ZONE FEH – FLUVIAL EROSION HAZARD DISTRICT**

**01 AUTHORITY:** The Town of Raymond hereby adopts this Ordinance pursuant to the authority granted under RSA 674:16 and 17, and the review of by the Planning Board of Conditional use permits applications under RSA 674:21 I.J. and pursuant to the authority granted under RSA 674:56.II.(a) and (b) relative to the adoption of fluvial erosion hazard Ordinances.

**02 PURPOSE:** In the interest of public health, safety, and general welfare, and to minimize existing and prevent future erosion and damage from erosion both in the Town of Raymond and downstream, this District is created to address existing and to prevent future Fluvial Erosion Hazards by:

- a. Protecting mapped river and stream corridors that are highly subject to erosion due to naturally occurring stream channel migration and adjustment;<sup>1</sup>
- b. Encouraging channel assessment and management practices that restore or promote the natural equilibrium and stability of rivers and streams;
- c. Protecting existing public and private property located in fluvial erosion hazard zones by regulating land uses within those zones;
- d. Preventing risk within fluvial erosion hazard zones by limiting new development within those zones; and
- e. Avoiding the need for costly and environmentally degrading stream channelization and bank stabilization measures.

**3.331 FUVIAL EROSION HAZARD DISTRICT**

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<sup>1</sup> By virtue of their sensitivity to migration and adjustment, some corridors are highly subject to erosion based on a specific group of geomorphic conditions and other scientific factors too numerous to mention here.

The Fluvial Erosion Hazard District (hereinafter “FEH Overlay District”) is an Overlay District which is superimposed over the underlying zoning and includes within its boundaries all lands in the Town of Raymond that are identified as Fluvial Erosion Hazard Areas in the *Exeter River Geomorphic Assessment and Watershed-Based Plan*, March 20, 2009, (the Plan). The Plan describes studies, conducted by Bear Creek Environmental, LLC and Fitzgerald Environmental Associates, LLC, based on the protocols for field investigation of fluvial erosion hazards endorsed by the New Hampshire Department of Environmental Services and includes the data collected from such studies. The protocols, as referenced in RSA 674:56 (II) (a) and (b) define the characteristics which identify a specific parcel of land as being within the FEH Overlay District.

The Plan also includes maps entitled “Fluvial Erosion Hazard Areas Exeter River Watershed – Raymond, New Hampshire.” From this Plan and data, the Southern New Hampshire Planning Commission, in cooperation with the New Hampshire Geological Survey, produced geographic information system (GIS) “Fluvial Erosion Hazard Areas, Exeter River - Index Map” and “Fluvial Erosion Hazard Areas, Fordway Brook - Index Map” and supporting maps (December 2009) (hereinafter “Overlay Maps”), which are on file with the Town of Raymond Planning Department and may be amended from time to time by the Raymond Planning board as outlined below.

a) Further, the Raymond Planning Board shall consider, but not be required to solicit a map review and/or a new map copy at least once every five years should the Raymond Planning Board deem that watershed changes or new technology call for said review from the New Hampshire Department of Environmental Services (hereinafter “DES”). Thereafter, DES, together with the Southern New Hampshire Planning Commission, or some similar qualified organization, may be required to determine whether the studies, data and overlay map described above require amendment, consistent with DES’ protocols in effect at the time of the requested map review, and if such amendments are advised by DES, then the amended studies, data and/or map shall be forwarded to the Planning Board for review and a vote of acceptance;

b) Further, the Raymond Planning Board may, following a request from the Zoning Board of Adjustment, request the New Hampshire Department of Environmental Services to amend the Overlay Maps to remove a specific parcel, or portion thereof, where such parcel (or portion thereof) was erroneously included in the FEH Overlay zone and provided that the issue has reached final adjudication as set forth below in Section 3.332 and Section 4.910. If an Overlay Map is revised by New Hampshire Department of Environmental Services, the Planning Board shall vote to accept same.

- c) Any FEH delineation change decision must be reported to the Planning Board who will advise the New Hampshire Geological Survey, as the repository of Raymond's FEH Overlay Map and supporting data, of the amendment;
- d) The Raymond Planning Board Office shall retain copies of all FEH boundary dispute information, including applicant requests, advisory letters and advisory maps, final ZBA decisions, and letters of information to the New Hampshire Geological Survey.

### **3.332 DELINEATION OF FEH DISTRICT BOUNDARIES**

A landowner of property located within the FEH Overlay District may submit a building permit application to the Code Enforcement Officer. The Code Enforcement Officer shall, as a threshold matter, determine whether the parcel or a portion of the parcel is included within the FEH zone. The Code Enforcement Officer may request a certified plot plan to show where the proposed development will occur. If such a determination is challenged, either as to the parcel as a whole, or a portion thereof, then the administrative decision of the Code Enforcement Officer shall be appealed to the Zoning Board of Adjustment pursuant to the provisions of Section 4.910 of this Ordinance

*B. Amend Article IV Uses and Standards to read as follows:*

## **4.900 FEH – FLUVIAL EROSION HAZARD DISTRICT**

### **4.901 DEFINITIONS**

The following definitions include technical terms specific to fluvial geomorphology which are compiled from the Glossary of Terms, ¶182 et seq., from the *Exeter River Assessment and Watershed Plan* (2009) and/or from the DES and contained in *Innovative land Use Planning Techniques: A Handbook for Sustainable Development* (2008), and are based upon accepted scientific methods of terminology.

- 01 ACCESSORY BUILDING OR USE:** A building or use located on the same lot as the principal building or use, and use of which is considered incidental and subordinate to those of the principal building, such as, but not limited to, detached garages, swimming pools (above and below ground) and equipment sheds. In FEH zones accessory buildings and uses also include playgrounds, gazebos, and playground equipment because buildings /uses can cause damage on or off the subject property in the event of fluvial erosion.
- 02 BUILDING:** Any structure that has a roof on it and is intended or used for the shelter, housing or enclosure of persons, animals or property.
- 03 CERTIFIED PLOT PLAN:** In addition to the requirements of “certified plot plan” as defined under Article II, Section 2.100, a licensed geologist or professional, with the qualifications described in Section 4.910 (2) shall depict

the location of the proposed structure and/or use in relation to the boundary of the FEH Overlay District.

- 04 CHANNEL:** The area that contains continuously or periodically flowing water that is confined by banks and contained within a defined streambed.
- 05 CHANNEL EVOLUTION:** A series of stages used to describe the erosional or depositional processes that occur within a stream or river in order to regain a dynamic equilibrium following a disturbance.
- 06 CHANNELIZATION:** The process of changing (usually straightening) the natural path of a waterway, river or stream.
- 07 CHANNEL CENTERLINE:** The middle point of the channel. This point will change over time as a result of channel evolution.
- 08 BANKFULL WIDTH:** The width of a river or stream channel between the highest banks on either side of a river or stream.
- 09 BANKFULL DISCHARGE:** The river or stream discharge corresponding to the water stage that overtops the natural banks, occurring on average once every 1 to 2 years, and, given its frequency and magnitude is responsible for the shaping of most stream or river channels.
- 10 EQUILIBRIUM CONDITION:** The state of a river or stream reach in which the upstream input of energy (flow of water) and materials (sediment and debris) is equal to its output to downstream reaches. Natural river or stream reaches without human impacts tend towards a “stable” state where predictable channel forms are maintained over the long term under varying flow conditions.
- 11 DEVELOPMENT:** Means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operation or storage of equipment or materials.
- 12 FILL:** Any rock, soil, gravel, and or other similar material free from hazardous or toxic substances that has been deposited or carried to be deposited by human activity. Any deposited material that changes the natural grade or contour or increases elevation of the land surface, or diminishes the flood storage capacity at a site.
- 13 FLUVIAL:** Of or pertaining to flowing water in streams and rivers.

- 14 FLUVIAL EROSION:** The wearing away of river beds and banks by action of the water, which can be accelerated to rates harmful to life, property, and infrastructure during high flow conditions.
- 15 FLUVIAL EROSION HAZARD:** Fluvial erosion hazard (FEH) refers to major streambed and streambank erosion associated with the often catastrophic physical adjustment of stream channel dimension and location that can occur during flooding.
- 16 FLUVIAL EROSION HAZARD (FEH) ZONE (Area):** The land area adjacent to stream and/or river channels subject to fluvial erosion processes or other channel adjustments as delineated on the current Fluvial Erosion Hazard (FEH) Area Map(s) prepared and on file with the Town of Raymond. (see 3.332 for Delineation of FEH Overlay District Boundaries)
- 17 FLUVIAL GEOMORPHOLOGY:** The study of how running water within river channels shapes the landforms on the Earth's surface.
- 18 IMPROVE HORIZONTAL SEPARATION:** For the purposes of this Ordinance, distance from the FEH zone boundary may need to increase or decrease to improve horizontal separation, depending on the location of the zone; for example, decreasing the distance to the FEH Zone boundary for structures that lie completely inside the FEH zone or, for structures that lie outside the FEH zone, increasing the distance from the zone boundary. In all cases, measure from the FEH zone boundary that lies on the development's side of the river.
- 19 LOW IMPACT DEVELOPMENT (LID):** As recommended by the New Hampshire Environmental Services in *Innovative Land Use Planning Techniques: A Handbook for Sustainable Development* (October 2008) and by the University of New Hampshire Stormwater Center (2007 Annual Report and updates), LID is a core set of principles based on the concept that opportunities exist within the developed landscape to control and treat the quality of stormwater runoff close to the source in ways that retain natural hydrologic functions. The goals of LID are to: minimize disturbance, preserve and recreate natural landscape features, reduce effective impervious cover, preserve and/or increase hydrologic connections, maintain natural drainage flow paths, and create decentralized detention and infiltration opportunities.
- 20 MINOR ADDITIONS:** Any addition which increases the original footprint of an existing structure, the cost of which is less than fifty (50) percent of the market value of the structure.

- 21 MINOR IMPROVEMENT:** Any repairs, reconstruction, or improvement of an existing structure, the cost of which is less than fifty (50) percent of the market value of the structure.
- 22 RIPARIAN AREA:** The upland area adjacent to streams, rivers, lakes and ponds.
- 23 REACH:** A section of a river or stream having relatively uniform physical attributes, such as valley confinement, valley slope, sinuosity, dominant bed material, and bed form, as determined by fluvial geomorphology.
- 24 STREAM:** A general term for a body of water flowing by gravity; natural watercourse containing water at least part of the year. In hydrology, the term is generally applied to the water flowing in a natural narrow channel as distinct from a canal. Stream banks are features that define the channel sides and contain stream flow within the channel; this is the portion of the channel bank that is between the toe of the bank slope and the bankfull elevation. The banks are distinct from the streambed, which is normally wetted and provides a substrate that supports organic organisms.
- 25 STRUCTURE:** A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above, or below the surface of land or water. For the purposes of this Ordinance, structures may be principal (essential to the fundamental use of the property) or accessory. (See Accessory Structure).
- 26 SUBSTANTIAL DAMAGE:** Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% (percent) of the market value of the structure before the damage occurred.
- 27 TOP OF BANK:** The vertical point along a bank where an abrupt change in slope is evident when the stream or river is below bankfull discharge. For streams in wider valleys it is the point where the stream is generally able to overflow the banks and enter the floodplain. For steep and narrow river and stream valleys, top of bank can be, but is not always, the same as top of slope.

#### **4.902 APPLICABILITY**

This Ordinance applies to all uses in the Fluvial Erosion Hazard District, except for those uses exempt under Section 4.904 of this Ordinance. The regulations in this Ordinance shall overlay and supplement the regulations in the Town of Raymond Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this Ordinance differs or appears to conflict with any provision of the Zoning Ordinance, the Town of Raymond's Floodplain Development Ordinance, or any other Ordinance or

regulations, the provision imposing the greater restriction or more stringent standard shall be controlling.

#### **4.903 ALLOWED USES**

The following uses are allowed within the Fluvial Erosion Hazard District and are not subject to Conditional Use Permit submittal under Section 4.907 of this Ordinance:

- 01** The removal of a structure in whole or part.
- 02** Minor additions or improvements to existing principal structures:
  - a. that do not cumulatively increase the total footprint of the structure existing at the time of enactment of the FEH Ordinance by more than 576 square feet (reflects a: 24 x 24 square foot addition or a two-car attached garage), and
  - b. that do not extend the added footprint of the structure more than twenty-four (24) feet in the direction of the stream or river (reflects: a 24 x 24 square foot addition or a two-car attached garage which may be located on the river or stream side of the principal structure).
  - c. may include a driveway or access road from the street to the allowed minor addition or improvement, and its culvert, as long as the driveway meets criteria b. above. Low Impact Development is encouraged in the design of all driveways, additions and improvements.
- 03** The establishment of pedestrian and bicycle trails no wider than 6 feet for which no grading or filling and minimal removal of vegetation is necessary.
- 04** New accessory structures that:
  - a. are secured to the ground by concrete footings or other means; and
  - b. do not require fill that will change the grade or drainage pattern of the land; and
  - c. in total, have a combined, cumulative footprint area of no more than 576 square feet; and
  - d. match or improve the horizontal separation distance between the nearest point of the existing principal structure and the nearest FEH district boundary that lies on the development side of the stream or river; and
  - e. when replacing existing substantially damaged accessory structures, maintain the same or smaller footprint of the structure and match or improve the horizontal separation between the nearest point of the existing principal structure and the nearest FEH district boundary that lies on the development side of the stream or river; and
  - f. on land or lots where it is not possible to locate the structure outside the FEH District boundary or comply with (d) due to existing natural and topographical limitations such as rock ledges, wetlands and ponds, match as closely as possible the horizontal separation distance existing between the principal structure and the nearest FEH district boundary that lies on the development side of the stream or river.

- 05** Minor fill projects for landscape and gardening purposes that do not exceed 30 cubic yards in any 48 month period, and do not change the grade of the land or its drainage pattern.

#### **4.904 EXEMPT USES**

The following are exempt from the specified provisions of this Ordinance as long as they are in compliance with all applicable local, state and federal requirements:

- 01** State and municipal owned roads and infrastructure, including improvements, replacements and new construction.
- 02** Silvicultural and forestry activities not involving the use of structures and conducted in accordance with New Hampshire Department of Resources and Economic Development Best Management Practices for Erosion Control for Harvest Operations.
- 03** Agricultural activities, not including structures, conducted in accordance with New Hampshire Department of Agriculture, Markets and Food Best Management Practices for Agriculture.
- 04** Municipal owned water wells and their infrastructure, including improvements, replacements and new construction.

#### **4.905 PROHIBITED USES**

The following uses are prohibited in the Fluvial Erosion Hazard District:

- 01** New or expansion of existing storage areas or facilities for explosives, flammable liquids, or other hazardous or toxic chemicals.
- 02** All uses, activities and development not specifically allowed as an Allowed or Conditional Use as described in Sections 4.903 and 4.906 respectively.

#### **4.906 CONDITIONAL USES**

The Planning Board may grant a Conditional Use Permit for any of the following permitted Conditional Uses within the FEH Overlay District, provided the submittal and performance standards of Sections 4.907 and 4.908 are met by the applicant. and provided that the proposal complies with all applicable local, state and federal requirements. The Conditional Use application shall be reviewed by the Planning Board in a public hearing, and such hearing shall adhere to the notice and time requirements of RSA 676:4. If the application for a conditional use permit is part of a development proposal which calls for site review or subdivision approval, then such peer review and/or security requirements may be combined with any which are required as part of the site review or subdivision approval.

- 01** Additions and improvements to existing principal structures that exceed those allowed in Section 4.903, as long as they conform to National Flood Insurance

Program regulations and the Town of Raymond Floodplain Development Ordinance.

- 02** Grading, excavation and associated removal of vegetation.
- 03** Fill, other than that allowed in 4.903.04.b and 4.903.05, including any which is needed to elevate existing structures above base flood elevations as required within Special Flood Hazard Areas, or as otherwise authorized by the State of New Hampshire.
- 04** Private infrastructure, other than that allowed under 4.903, and utility improvements necessary to serve existing structures and uses.
- 05** Replacement of both above and underground storage tanks, underground pipes and cables, as well as utility poles for existing structures and uses.
- 06** New driveways or access roads, that exceed those allowed under 4.903.
- 07** Installation of and/or improvements to existing private roads, private access roads, private bridges and culverts, excluding private driveway culverts allowed under 4.903.02.
- 08** Outdoor commercial recreational facilities, excluding structures, which are functionally dependent upon their proximity to water, such as canoe outfitters, outdoor nature classrooms, etc.
- 09** At grade parking for existing structures and uses.

#### **4.907 CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS**

The following submittal requirements shall apply to all Conditional Use Permit Applications within the FEH Overlay District:

- 01** A statement of purpose and need of the proposed development.
- 02** A description of alternatives considered to the proposed development, including alternate locations on site, especially outside of the FEH Overlay District.
- 03** General location map including the relative locations of any existing development, and the shortest horizontal distance from the planned development as measured: to the nearest FEH Overlay District boundary that lies on the development's side of the river, and to the nearest public road, and to the nearest top of bank.
- 04** Identification of the horizontal distance from the centerline of the nearest public road to nearest FEH Overlay District boundary on the development side of the stream or river.
- 05** A stormwater management plan, including calculations for the 2-, 5-, 10-, and 100-year storm events. Use of Low Impact Development design practices shall be considered including but not limited to infiltration, water quality treatment, and nonstructural practices.
- 06** An erosion and sedimentation control plan that addresses all phases of construction and post-construction conditions.
- 07** Such other information as deemed necessary by the Planning Board for determining the suitability of the site for the proposed development.

#### **4.908 CONDITIONAL USE PERMIT PERFORMANCE STANDARDS**

The Planning Board may request a review of the application for a Conditional Use Permit by a licensed geologist, or soil scientist, engineer or other related professional trained in fluvial services and familiar with the New Hampshire Department of Environmental Services protocols for field investigation as referenced in Section 3.331, at the expense of the applicant under RSA 676:4, I (g). The purpose of such review is to assist the Planning Board in determining whether the application meets the performance standards below and to assist in determining appropriate additional conditions as set forth in 4.909. Any funds collected from the applicant under this Ordinance for the purpose of paying for professional services may be held in an escrow account, in a similar fashion to that which is done for funds held in connection with subdivision or site review applications.

The Planning Board may approve a Conditional Use upon finding that the proposed development located within the FEH Overlay District meets all of the following standards:

- 01** No reasonable alternative location for the proposed development outside of the FEH Overlay District is available on the site.
- 02** The proposed development will not increase the susceptibility of the property to fluvial erosion damage.<sup>2</sup>
- 03** The proposed development will not increase the potential for damage to other properties, both within and outside of the FEH District, due to fluvial erosion.
- 04** The proposed development will not increase the potential of materials being swept onto other lands or into the stream or river.
- 05** The proposed development will not cause an undue burden on public services and facilities, including roads, bridges, culverts, and emergency service providers during and after fluvial erosion events.
- 06** The Planning Board may, at its discretion, require peer review, and/or a performance guarantee, bond or letter of credit, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Conditional Use Performance Standards.

#### **4.909 ADDITIONAL CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL**

In order to address existing erosive conditions and safeguard the property and other properties from potential future fluvial erosion damage, the Planning Board may also

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<sup>2</sup> The performance standards in Item 2 and Item 3 are based on FEH science including the protocols endorsed by New Hampshire Department of Environmental Services and referenced in RSA 674:56 (II) (a) and (b); using the services of professionals, who understand such science will assist the Planning Board in rendering decisions which are based on scientific principles and which are soundly reasoned.

require but not be limited to the following additional conditions of approval as part of any Conditional Use approved within the FEH Overlay District:

- 01** Where riparian areas are not fully vegetated, an area of native vegetation may be required to be planted on the site equivalent to the area of impervious surface allowed or to fully vegetate the riparian area, whichever is less.
- 02** Require natural regeneration of nonvegetated riparian and other areas.
- 03** Protect riparian areas with easements and maintenance agreements.
- 04** Implement a more extensive stormwater management plan than that which is provided, for the purpose of eliminating an existing condition which the proposed development might exacerbate.
- 05** Relocate or improve roads and crossings to reduce erosion hazards.
- 06** Make infrastructure improvements to reduce restrictions to flow (*i.e.* bridges and culverts)
- 07** Restore and/or stabilize land or soil with repairs to active erosion. Natural channel design is encouraged.

#### **4.910 VARIANCES AND APPEALS**

**01** The granting or denial of a Conditional Use Permit by the Raymond Planning Board may be appealed to the Superior Court pursuant to RSA 677:15.

**02** An appeal from an administrative decision of the Code Enforcement Officer may be made regarding the following administrative decisions: a) that the subject parcel, or a portion thereof, is included in the FEH Overlay District; and b) that a variance is required because the proposed use is prohibited or exceeds the scope of what is eligible for a conditional use permit.

a) If the applicant appeals a decision regarding the delineation of the FEH Overlay District, then the applicant shall pay for advisory opinions rendered by New Hampshire Department of Environmental Services (to the extent that there is a cost imposed by New Hampshire Department of Environmental Services) and/or for an independent professional to assist the Zoning Board of Adjustment in rendering a decision on delineation. The professional shall be a licensed geologist or professional engineer trained in fluvial erosion science and familiar with DES protocols for field investigation as referenced in Section 3.331. The applicant may also obtain an expert opinion on the issue of delineation; but the cost of such expert opinion shall be borne by the applicant. Following the final adjudication of the delineation dispute, the Zoning Board of Adjustment shall advise the Planning Board of the decision, in order to allow the Planning Board to request an overlay map change, as appropriate.

**03** From the Zoning Board of Adjustment, a landowner may request a variance from any underlying zoning requirement, provided that zoning requirement is not more stringent than the requirements of this Ordinance, in order to satisfy any requirements

regarding location of minor additions/improvements or new accessory structures under 4.903.

**04** For purposes of variance requests made to the Zoning Board of Adjustment under this section, the applicant must satisfy the "spirit and intent" criteria, set forth in RSA 674:33 I(b) by demonstrating that the project meets the standards in 4.908 of this Ordinance, and is the minimum necessary, considering the fluvial erosion hazard, to afford relief.

**4.911 DISCLAIMER OF LIABILITY**

Neither the requirements contained herein nor the issuance of a permit can provide complete assurance against fluvial erosion hazard events or assurance that fluvial erosion will not be increased by manmade or natural causes.

**4.912 SAVINGS CLAUSE**

The invalidity of any provision of the Sections 3.100, 3.330 – 3.332 and Section 4.900 – 4.912 shall not affect the validity of any other provision of the remaining Sections addressing the FEH District.