

By: Reynolds

H.B. No. 2454

A BILL TO BE ENTITLED

AN ACT

relating to flood control storage requirements established by the Fort Bend County Drainage District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 303, Acts of the 51st Legislature, Regular Session, 1949, is amended by adding Section 3A to read as follows:

Sec 3A: (a) In achieving the ultimate goal of minimizing the threat of flooding of Fort Bend County by implementing flood control measures, the District shall establish a Compensatory Mitigation Program for stormwater flows for drainage areas that are less than 50 acres.

(b) The District's Compensatory Mitigation Program shall allow measures to be taken on property associated with site development, and shall allow compensatory measures to be taken on property not associated with site development if the threat of flooding would be minimized at least as much as if the compensatory measures were taken on property associated with the site development. Compensatory measures may include:

(1) the use of detention or retention facilities to store increases in stormwater flows that are attributable to impervious cover from development; and

(2) any other appropriate measures if the measures are demonstrated to minimize the threat of flooding.

1 (c) A project approved under the Compensatory Mitigation
2 Program may not be inconsistent with any applicable federal or
3 state requirements relating to management or control of stormwater.

4 (d) An application for a Compensatory Mitigation project:

5 (1) must include a demonstration that the threat of
6 flooding will be minimized in accordance with the District's
7 purposes;

8 (2) must be signed, sealed, and dated by an engineer
9 licensed by the Texas Board of Professional Engineers pursuant to
10 Occupations Code, Chapter 1001;

11 (3) may utilize any calculations that are in
12 accordance with acceptable engineering practices to determine the
13 amount of flood control storage necessary based on increased
14 impervious cover resulting from development; and

15 (4) may include a Compensatory Mitigation Bank in
16 which credits can be issued to one or more site developers that
17 allow a site developer to rely on the compensatory measures to
18 reduce the threat of flooding.

19 (e) The District engineer or other designee of the District
20 must approve or deny an application for a Compensatory Mitigation
21 project within 90 days of the submittal of the application, unless
22 the applicant agrees to an extension. The decision by the District
23 engineer or other designee of the District may be appealed directly
24 to the Commissioner's court by the applicant.

25 SECTION 2. This Act takes effect September 1, 2015.