

By: Reynolds

H.B. No. 2136

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 6604, Special District Local Laws Code, is amended by adding Section 6604.108 to read as follows:

Sec. 6604.108. COMPENSATORY MITIGATION PROGRAM. (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 must allow compensatory mitigation measures to be taken on property that is associated with development of a site and may allow compensatory mitigation measures to be taken on property that is not associated with a site's development if the threat of flooding would be minimized at least as much as if the compensatory mitigation measures were taken on property associated with the site's development.

(c) Compensatory mitigation measures authorized by the compensatory mitigation program 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

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

3 (d) A project to develop compensatory mitigation measures
4 approved under the compensatory mitigation program may not be
5 inconsistent with any applicable federal or state requirements
6 relating to management or control of stormwater.

7 (e) An application for approval of a compensatory
8 mitigation project:

9 (1) must include a demonstration that the threat of
10 flooding will be minimized in accordance with the district's
11 purposes;

12 (2) must be signed, sealed, and dated by an engineer
13 licensed by the Texas Board of Professional Engineers under Chapter
14 1001, Occupations Code;

15 (3) may use calculations that are in accordance with
16 acceptable engineering practices to determine the amount of flood
17 control storage necessary based on increased impervious cover
18 resulting from development; and

19 (4) may include use of a compensatory mitigation bank
20 in which credits can be issued to one or more site developers that
21 allow a site developer to rely on the compensatory mitigation
22 measures to reduce the threat of flooding.

23 (f) The district engineer or other designee of the district
24 shall approve or deny an application for approval of a compensatory
25 mitigation project not later than the 90th day after the date the
26 application is submitted, unless the applicant agrees to an
27 extension. The decision by the district engineer or other designee

1 of the district may be appealed directly to the commissioners court
2 by the applicant.

3 SECTION 2. This Act takes effect September 1, 2017.