Floodplain Green■Space Monetization Risk Checklist
Montgomery County, Texas

Purpose: Rapid screening tool to assess whether proposed floodplain “green space” is likely a permanent preservation area or a deferred monetization asset. Two or more “YES” responses typically indicate elevated risk.

A. Legal Permanence (Highest Priority)

- Recorded conservation easement at approval (third■party enforced; no fill or structures)? ■ YES ■ NO
- Deed restriction explicitly prohibiting future fill or structures? ■ YES ■ NO
- Dedicated to a public entity with perpetual use restrictions? ■ YES ■ NO

B. Ownership & Control

- Green space owned by HOA or developer■controlled entity? ■ YES ■ NO
- No public access or public flood■control easement? ■ YES ■ NO

C. Engineering & Drainage Signals

- Detention sized only to internal project needs (not oversized for regional benefit)? ■ YES ■ NO
- Floodplain storage counted toward compliance without permanent encumbrance? ■ YES ■ NO
- Atlas■14 detention calculations rely on green space without legal lock■in? ■ YES ■ NO

D. Planning & Phasing Language

- Phased development with large ‘future study’ or ‘reserve’ areas? ■ YES ■ NO
- Areas labeled ‘buffer,’ ‘open space,’ or ‘natural area’ without legal definition? ■ YES ■ NO

E. Appraisal & Economic Indicators

- MCAD classifies green space as ‘livable’ or value■contributing land? ■ YES ■ NO
- Special appraisal (timber/ag/wildlife) minimizes carrying costs? ■ YES ■ NO

F. Developer Positioning

- Developer emphasizes low buildable percentage while economics clearly pencil? ■ YES ■ NO
- No recorded commitment to permanent flood■storage function? ■ YES ■ NO

Scoring Guidance

0–2 YES: Low risk | 3–5 YES: Moderate risk | 6+ YES: High likelihood of deferred monetization