Floodplain Green Space – Deferred Monetization Risk Checklist Montgomery County Engineering Department & Commissioners Court Review

Intended Use: Internal screening tool aligned with Montgomery County Engineering Department (MCED) drainage review practices and Commissioners Court approval standards. This checklist evaluates whether proposed floodplain open space functions as permanent flood storage/preservation or retains future development or monetization optionality. Two or more affirmative responses indicate elevated risk.

A. Legal Instruments & Recordation (Primary Control)

- Recorded Conservation Easement or Flood Control Easement filed with the County Clerk prohibiting fill, structures, and grade modification within the Special Flood Hazard Area (SFHA)? ■ YES ■ NO
- Plat Notes or Deed Restrictions explicitly stating 'No Fill / No Structures / No Obstruction' within mapped floodplain or floodway areas? ■ YES ■ NO
- Dedication to Montgomery County, MUD, or other public entity with perpetual flood storage or drainage function specified? ■ YES ■ NO

B. Ownership, Maintenance & Enforcement

- Floodplain open space owned or controlled by HOA, POA, or developer-affiliated entity rather than a public agency? ■ YES ■ NO
- Drainage or floodplain areas maintained through HOA covenants rather than County-maintained drainage easements? ■ YES ■ NO

C. Drainage Criteria & Engineering Review Signals

- Detention designed only to satisfy on-site Montgomery County Drainage Criteria Manual (DCDM) requirements without regional oversizing? ■ YES ■ NO
- Compensatory floodplain storage credited toward compliance without permanent easement or encumbrance? ■ YES ■ NO
- Atlas-14 rainfall detention volumes rely on undeveloped floodplain areas without recorded long-term restriction? ■ YES ■ NO

D. Platting, Phasing & Conceptual Planning

- Subdivision plat or concept plan identifies large areas as 'Reserve,' 'Future Phase,' 'Drainage Reserve,' or 'Open Space' without regulatory definition? ■ YES ■ NO
- Staff report or Commissioners Court backup references future phases or 'subject to future engineering analysis'? ■ YES ■ NO

E. Appraisal District & Economic Indicators

- Montgomery County Appraisal District (MCAD) classifies floodplain acreage as 'livable,' 'usable,' or value-contributing land? ■ YES ■ NO
- Special appraisal (1-d-1 agricultural, timber, or wildlife valuation) materially suppresses holding costs during entitlement period? ■ YES ■ NO

F. Applicant Positioning & Public Representations

- Applicant emphasizes low percentage of 'developable area' (e.g., 30–40%) while retaining significant non-encumbered floodplain acreage? ■ YES ■ NO
- No binding commitment presented to Commissioners Court ensuring permanent floodplain storage or conservation function? ■ YES ■ NO

Interpretation for Commissioners Court

0–2 YES: Low risk of deferred monetization

3–5 YES: Moderate risk; conditions recommended

6+ YES: High likelihood floodplain open space functions as deferred economic asset rather than permanent mitigation