

# Flood Drainage in Orange Beach

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Flooding in Bear Point, Orange Beach is a yearly occurrence. Tropical Storm Gordon (September 5, 2018) dumped five inches of rain, flooding my neighbor's yard. Luckily his mobile home was undamaged.

Across the street they worked for hours, keeping water out of their mother-in-law suite on the ground floor. Bear Point is a diverse neighborhood on the eastern end of the island, being home to people who get up and go to work in the mornings. The residents are held hostage in a cringe-inducing cycle of low-capacity drainage systems, and the "one foot above the street" rule for new construction.

FEMA's coastal flooding maps, and FEMA's river flooding maps paint the flood zones with digital precision, letting residents know they are living in the flood plain, being something residents accept but they wonder why the city cannot build a computerized drainage system, controlling the pumps, mitigating storm damage.

"Public Works [City of Orange Beach] is responsible for the maintenance of [and improvements to] the drainage infrastructure within the rights-of-way of Bear Point," said Kit Alexander, Director of Engineering in an email to Renee Eberly, City Clerk at the City of Orange Beach.

"The city by ordinance requires the finished floor [when building new homes] to be elevated one foot above the street. These are basic flood prevention measures. The one foot above the street requirement comes from the building code section R403.1.7.3," said Howard Stuart, Plans Examiner, at the City of Orange Beach. "Kit Alexander [Director of Engineering] is in charge of all drainage and is the only person allowed to grant waivers on a case by case basis to allow floor levels to be lower than one foot above the street."

"With the new flood maps from July 2017 there are areas [in Orange Beach] that require the floor [of newly-permitted homes] to be as much as 10 feet higher than existing grade [street]," said Howard Stuart, Plans Examiner, at the City of Orange Beach. This property-elevation rule sets up a situation for flooding neighboring properties.

Bear Point's flooding is partially caused by poor-drainage systems. Recent building ordinances enacted on new construction are also a contributing factor, allowing builders to flood neighboring properties, because of the "one foot above the street" rule.

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Flooding from poor-drainage systems (Hurricane Gordon, September 9, 2018)

“They built a new house next door to me, and according to the new code you have to build a foot above the road level. My house is a lot lower than that property is now, causing flooding in my apartment unit downstairs. The last time we had a fairly decent rain [Hurricane Gordon, September 9, 2018] it caused flooding. I really wish the city would address some of our drainage issues down here in Bear Point. See if we could get some engineers in to figure out the best way to do this, and stop people from having water inside their homes,” said Jerry Shields, resident of Bear Point.

Linda Morrill, a twenty-year resident of Bear Point said, “Twenty years ago we did not flood. They have built the road up too high, so the water just runs off. Any rain and my yard is at least ankle deep in water. They put a pump in, and it doesn’t work. I am very unhappy and the city is not doing anything to help us, and I don’t understand.”

“All this system [drainage] does is pull water from other low areas in the neighborhood to this one spot [boat launch Bear Point]. There is no force to push this water out [into the bay], which could be simply resolved by putting in a spillway down there [north of boat launch dock], and making that spillway high enough that when the water comes up, it spills over into the bay, and not back up into here [residential area],” said John D. Davis, a fifteen year resident of Bear Point.

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Flooding the neighboring property (Hurricane Michael, October 10, 2018)

Do homeowners of newly built homes have legal responsibility, ensuring their storm-water runoff does not flood neighboring properties, or does the City of Orange Beach have liability, adopting the “one foot above the street” ordinance for new construction?

Let’s look at the process. The homebuilder submits plans to the city for a new home, including a drainage plan. A city engineer approves these. City professionals inspect the finished home before issuing the final document, a Certificate of Occupancy. The homeowner thinks they are in the clear, having met all the city’s criteria for flood and drainage. After a rain the new homeowner gets a knock on the door. The neighbor is wondering what to do about his mother-in-law suite. It is flooded.

The Mayor and City Council adopted basic flood prevention measures. Department heads require homebuilders to comply, seeking to maintain a premium insurance rating for residents of the city. Council voted with good intentions, perhaps not fully understanding the consequences of new homes flooding their neighbors.

Finger pointing prevails, the homeowner pointing to the city, the city pointing to the building codes, and the building codes pointing to the insurance industry. Simply buying additional coverage for flood and liability is your only win-win, building a new home in Orange Beach.

ENDS.