



# E-NEWSLETTER

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## Landslides in Seattle Are we doing enough in light of Oso?

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Work crews at the site of the 1/12/2001 slide in West Seattle.

The tragic landslide in Oso earlier this year dramatically illustrated the destructive power of landslides. The tragedy has raised general awareness of the risks of landslides, and many may be wondering about landslide risks here. After all, Seattle has a number of hills, and it rains a lot. Here's a sense of the history of landslides in the City and responses from a lay perspective. So, what's the deal with landslides in the City? Are we prepared? What can individuals do to protect themselves, others and property?

### **The history of landslides in Seattle**

You may already know that landslides are common in Seattle. Winter and early spring are the most common times for slides, with most of the documented slides in Seattle occurring in January. Nearly all landslides in Seattle result when excess water is involved, and the majority of landslides also involve human factors of some type. The probability of a slide event rises after a wet, cold winter, especially if a freeze occurs in late winter and early spring. The ground becomes saturated over the winter, and then porous following a freeze, so a subsequent rain will penetrate the surface while the high water table will prevent the ground from absorbing it. The water increases the slope stress by adding weight and increasing pore pressure within the soil.

You may not know that Seattle has been tracking landslides for a long time. Over 1,500 documented landslides have occurred in Seattle dating to 1890. Mapped landslide prone areas in the City have been studied and comprise 8.4% of land within the City.

## Landslides in Seattle: Are we doing enough in light of Oso?

Major historical landslide events in Seattle include the following:

Year	Locations	Impacts
1997	Magnolia, West Seattle	Over 100 slides reported over several days in January after a large snowfall. More occur in March.
1994	Magnolia	A large slump along Perkins Lane in Magnolia destroys five homes.
1983	Queen Anne	Queen Anne slide closes Aurora Avenue for a day. Mud travels as far as Lake Union.
1974	West Seattle, Golden Gardens	West Seattle experiences multiple slides in the winter. Golden Gardens Park area was also damaged.
1972	Madrona	Slides destroy homes in Madrona, causing about \$1.8 million in damage. These slides were also probably connected with snowfall.
1969	Magnolia	Large slides occur on Magnolia Bluff.
1961	City-wide	Slides occur in many areas of the city during the spring.
1950	City-wide	Many slides occurred in the spring. They may have been connected with heavy snowfall.
1934	City-wide	More than 400 Seattleites battle slides in 10 areas of the city. These slides prompted numerous repair projects.

Seattle is unique among U.S. cities in that it instituted a full-time position to gather information on landslides, categorize it in files, and coordinate landslide information among City departments. Since pioneering efforts in the 1960s, this landslide file has been updated periodically and the files have been open to the public. Despite some gaps in the information, it is probably one of the most comprehensive records of landslides in this country. Following major slides in the winter of 1996-1997, the City retained Shannon and Wilson to perform a study of landslides, which resulted in the *Seattle Landslide Study*.

Before the winter of 1996-97, the City had mapped steep slope and landslide prone areas and enacted corresponding land use regulations to restrict certain development and other activities in such areas. The City remapped such areas following the *Seattle Landslide Study*. Many properties within steep slope, mapped landslide and potential slide areas will not experience a slide any time in the near future. However, it is much more likely that slides will occur in such areas than elsewhere in the City.

Landsliding in Seattle is caused by a combination of geologic conditions, steep topography, concentration of rainfall in the winter months, and the influences of an urban environment. The *Seattle Landslide Study* identified four different slide types in the City:

1. High Bluff Peeloff - blockfalls of soil from the high bluffs that are found primarily along the cliffs of Puget Sound.
2. Groundwater Blowout - catastrophic groundwater/soil bursts caused by the buildup of groundwater pressures along the contact of pervious/impervious soil units.
3. Deep-Seated Landslides - deep, rotational or translational sliding and slumping caused by groundwater pressures within a hillside.
4. Shallow Colluvial (Skin Slide) - shallow rapid sliding of the outer rind of a hillside slope, sometimes also resulting in a debris flow.

The most common type of slide is the shallow colluvial slide, particularly in response to an intense storm of short duration. The largest and commonly most destructive are deep-seated landslides; however, they are not activated as frequently as the other types of slides. The preponderance of landslides occur in January after the water table has risen in the previous months, although destructive landsliding can occur at other times.

## Landslides in Seattle: Are we doing enough in light of Oso?

There are many different things that can cause or contribute to a landslide, but water is involved in nearly all slides. Some engineers believe that more than 80 percent of reported landslides in the City involved human influence. It is impossible to give a more accurate number, because landslides are very complex, and determining the cause is often very difficult.



5th and Terrace, 1/12/1914



The 5/11/1916 slide almost took out this house.

### So what happens when a landslide occurs in the City?

**Seattle Department of Transportation's** street maintenance crews clear debris from the roadways and bridges and oversee repairs to protect them in the future. Call 386-1218 to report a slide.

**Seattle Public Utilities** takes care of landslides that are not in street areas that involve SPU water, drainage or sewer facilities. Call 386-1230 to contact SPU.

**The Department of Planning and Development** inspects private property that is damaged by a landslide. Call 615-0808 to contact DPD.

**The Department of Parks and Recreation** investigates and assesses landslide damage on park property. Call 684-4075 to contact Parks.

These departments work together when landslides involve elements that pertain to more than one department.

If a severe slide occurred in the City, Seattle's Emergency Operations Center (EOC) might activate. Many City employees who are part of the EOC assisted efforts following the Oso slide.

Private property owners are typically responsible for landslide damage on their property, unless they can show that another party is responsible. Given the dramatic damage that landslides can cause, and human influence on slides, landslides in the City can lead to litigation. If you live in a landslide zone or landslide runout zone, investigating landslide insurance may be wise. Typical homeowner's policies do not include coverage for earth movement or flooding. Some policies that cover landslides cover damage to homes, but not loss of yard space.

The City understands that the risks of slides are ongoing in the City and puts on yearly workshops and engages in other outreach efforts to try to help people understand the risks of landslides and what they can do to help minimize the risk of a slide on or affecting their property. The City has several publications intended to help the general public, including a tips publication about what to do and what not to do in landslide prone areas. Several city departments have geotechnical engineers on staff that work on landslides and landslide prevention. While the City cannot prevent all slides, it can help minimize them and require those developing property in the City to do so in a way that is not likely to cause landslides.

## Defending and protecting Seattle's water source

The City Attorney's Office plays a key role in protecting the Cedar River Watershed, the source of drinking water for millions of people in the greater Seattle region. The City of Seattle acquired the 90,000-acre watershed in order to maintain the purity of the water supply. It is the only water system in the nation that has qualified under federal law for a "Limited Alternative to Filtration," a designation that exempts the system from costly treatment. To continue benefiting from that exemption, the City must tightly control access to the watershed and vigilantly monitor activities there.

The Great Seattle Fire of 1889, which destroyed the entire downtown business area because there wasn't enough water pressure to fight the blaze, was the impetus for developing the water system in the Cedar River Watershed. Seattle Public Utilities manages the watershed under a Habitat Conservation Plan, which protects a variety of wildlife species, maintains river levels to meet the needs of four species of salmonids, and gradually restores the health of the forests after a hundred years of commercial logging.

The City Attorney's Office has successfully defended the Habitat Conservation Plan from several attacks. The Land Use and Environmental sections of the CAO worked together to also defend the sockeye hatchery that the City built on the Cedar River to supplement fish runs impaired by its dam. Assistant city attorneys advise SPU on legal issues related to forestry, water quality, additional property acquisitions downstream of the dam, endangered species, and tribal rights. On occasion it is useful for an attorney to visit the watershed to get a first-hand look at the area involved in a legal question, resulting in the accompanying photo, taken from the upper watershed.



**A commanding view of Mt. Rainier taken from the Cedar River Watershed in the summer of 2014.**

The Cedar River Watershed Education Center, nestled above the shores of Rattlesnake Lake, is a regional education facility created as a gathering place to connect people with the source of their water. The Center provides opportunities for thousands of visitors to learn about the complex issues surrounding the region's drinking water, forests and wildlife. Find out more about it at <http://www.seattle.gov/util/environmentconservation/education/cedarriverwatershed/cedarrivereducationcenter/>

## 2014 Bar Induction Address

***Editor's Note:*** On Sept. 29, Pete addressed new members of the Washington State Bar Association, who gathered at the King County Courthouse in Seattle.

I took my own oath of office as new lawyer thirty years ago. Consider these comments by President William Howard Taft some 105 years ago:

**Lawyers are necessary in a community. Some of you ... take a different view; but as I am a member of that legal profession, or was at one time, and have only lost standing in it to become a politician, I still retain the pride of the profession. And I still insist that it is the law and the lawyer that make popular government under a written constitution and written statutes possible."**

Now, consider Rule of Professional Conduct 2.1:

**In representing a client, a lawyer shall exercise independent professional judgment and render candid advice. In rendering advice, a lawyer may refer not only to law but to other considerations such as moral, economic, social and political factors that may be relevant to the client's situation.**

We celebrate today your achievement in passing Washington's bar examination amid some pretty grim global realities: Russia's incursion into Ukraine; the Islamic State's barbarism in Syria and Iraq; global warming; the Ebola outbreak in Africa. Closer to home, a domestic violence scandal has rocked the NFL, and gun violence seems to spread unchecked while the gulf between local police departments and minority communities especially appears to be widening. And here in Seattle/King County, despite a lessening recession and progress on raising the minimum wage, the gap between the haves and have-nots is also growing; along with rising real estate values, so are foreclosures for mortgages long in default. As the Brookings Institution confirms, Seattle is rapidly exporting its poor to South King County as affordable housing disappears in the City.

A famous line from Shakespeare's Henry VI, Part II, reads, "**The first thing we do, let's kill all the lawyers.**" Rather than insulting us lawyers, when "Dick the Butcher" was conspiring with his fellow murderers, he paid our profession a compliment. As President Taft noted, lawyers have the power not only to prevent lawbreaking, but to improve and reform society through the law. So the question is, how will you use your new career to better this troubled world? Moreover, how will you maintain your bearings as you navigate our complex legal world now and into the future?

Ours is indeed a noble profession, and it is the understatement of the day to say that our services are needed now, more than ever. Take heart in knowing that your achievement today represents an invaluable milestone not only for you, but for your community—even if adequate remuneration seems elusive for some right now. I have a confession: It only took me 25 years to find my ideal law job. I have at times called myself a "recovering lawyer", and not to discount decades of work at a few marvelous law firms. Those 25 years of work honed my legal skills and judgment, and prepared me for my present role as chief lawyer for the City I love. I waited 25 years to find my perfect legal niche, and believe that you will, too. It's what you do between now and your dream job that matter, and I have some suggestions to offer, based upon a few lessons learned over the past three decades.

First, as members of judiciary here will no doubt agree, aspire to the highest standards of professionalism and civility. You must do this not only for the sake of our profession, but for your own personal health and sanity—not to mention that of your family and colleagues. I have not always practiced civility, especially in my early years as an aggressive young lawyer. I have written some of those snarky letters that were satisfying at the time but are simply embarrassing now. Frankly, life is too short.

Second, don't delay public service. I first heard that admonition as a third year law student, but it took me nearly two decades in private practice to realize that I was actually just getting ready for my life as a public servant-leader. I know many sophisticated private lawyers who give of themselves in public service every day, and you should, too. In my case I eventually needed to break away from private practice to rediscover my path. I found my voice in civilian oversight of the police.

Third, maintain your moral compass with external as well as internal reference points—friends, family, colleagues, spiritual or religious confidants. When you're scrambling to write the perfect summary judgment motion or craft a bullet-proof contract, it's easy to lose sight of why you're doing this work in the first place. For instance, I found support in NACOLE, the National Association for Civilian Oversight of Law Enforcement. For those times when exhausting reports seemed to generate headlines but little progress in policy, the reality check provided by those who've been there was life-saving.

## 2014 Bar Induction Address

Those who came before us can be as helpful as our contemporaries, and I draw inspiration from my predecessors in office. James E. Bradford, for instance, first appointed corporation counsel in 1911 to fill an unexpired term, was part of a nationwide progressive movement that rejected the domination of politics by the wealthy or politically well-connected. While corporation counsel, Bradford tried unsuccessfully to enforce the minimum wage guaranteed by ordinance in Seattle, finding organized opposition and intimidation by employers too great an obstacle. Bradford also argued forcefully in favor of jail reform. In a 1913 report to the mayor of Seattle, Progressive Party ally George Coterill, Bradford urged the mayor to recognize that alcoholism and drug addiction were medical rather than legal problems, best addressed by medical professionals. In addition to these stances, unorthodox for their day, Bradford opposed a charter amendment that would have forced him to seek authorization from the city council before initiating legal action on behalf of the city, which he saw as an attempt to make his office “a mere puppet” of the city council. He was successful in killing the amendment, and your elected City Attorney (the only one in Washington) remains an independent voice in Seattle City Government.

Your moral compass will not only keep you on the right path, it will help to keep you strong when you are misunderstood or make mistakes. Some of you may be aware that I sponsored Initiative 502 to legalize, regulate and tax marijuana for adult recreational use. I did so knowing that the War on Drugs had both failed miserably in all of its objectives, and inflicted terrible, unforeseen harm. (If you haven't already, please read Michele Alexander's landmark book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.) Yes, it will take time before a police department that's already laboring under a federal consent decree gets on board with regulation and education as an alternative to less socially just law enforcement tactics. It will take time for Washington to build—from the ground up—a legal marijuana supply that can beat criminal drug dealers in the marketplace. And yes, it will take time for city attorneys to identify every legal issue implicated by legalization, such as Drug Free Workplace rules in need of overhaul. As Albert Einstein said, unless you never try anything new, you will make mistakes. So own them, promptly.

On other fronts, Seattle has a new mayor and chief of police. Next year, every City Councilmember will stand for election in a new district system. Seattle has just passed Boston to become the country's 21st largest city; we're also its fastest growing city. Seattle seems to be thriving while changing, and regardless where you will practice law, Washington's fortunes are inextricably tied to Seattle's—and vice versa. We operate a major seaport in a world in which the seas are rising. Economically, we appear to be recovering from the Great Recession, and building cranes are popping up all over. But affordable housing is vanishing in this city, and it is obvious that increasing prosperity is not being shared by all. As the Brookings Institution confirms, Seattle is rapidly exporting its poor to suburban and rural areas. Foreclosures continue to depress entire communities, erasing wealth and widening the gaps between haves and have-nots. Slumlords continue to prey upon neighborhoods and poorer tenants. Our streets are awash with guns. Education opportunities are not available to all, and many in our midst simply don't have what Sen. Elizabeth Warren described in her new book, *A Fighting Chance*.

At the same time, we're grappling with the challenges of new technology. Can we embrace the sort of technological innovation that Transportation Network Companies bring while mitigating the impact on taxi drivers and their families? How do we reap the advantages of new technologies such as police body cameras while preserving our constitutional right to privacy? How do we maintain transparency about government while protecting personal information held by government? How do we reform our police department so as to keep us safe while honoring the Constitution? How do we deal with racial disparities in our criminal justice system?

The answers to all of these questions, of course, rely upon the Law. And in this Nation of Laws, we see that it is the cities—not federal and state governments—that are leading the way. Seattle is one of those leading cities identified by the Brookings Institution in *The Metropolitan Revolution*, which would rather ask forgiveness than permission. And as lawyers subject to RPC 2.1, you are all servant-leaders in that revolution.

In closing, be creative in practicing your craft. If you're still looking for a job, stay fresh and engaged by volunteering. I am growing every day as a lawyer, and you will, too, as you reach out in your communities to make a difference. Put your training to good use, and opportunities will come your way as this recession fades.

Again, congratulations on your accomplishments. Stay resolved to be an excellent lawyer who looks back on this day with the certainty that you gave back to your community as it supported you in becoming a member of the bar. Thank you and welcome to the Bar!



### UNITED WAY DAY OF CARING

18 CAO employees were among roughly 12,000 volunteers who participated in the Sept. 19 United Way Day of Caring at 533 non-profit agencies. Above left, Torts attorney Joe Groshong whips an overgrown maple into shape on the perimeter of El Centro de la Raza. Above right, legal assistants Lise Kim and Hazel Haralson tackle the nearby dandelions. Below, El Centro executive director Estela Ortega welcomes volunteers from across the area.

## LINKS TO NEWS STORIES:

**9/22/14 – Seattle leaders decided to dismiss marijuana tickets. So what happens for people that don't want to smell it?**  
(KIRO7) <http://www.kirotv.com/videos/news/video-seattle-throws-out-pot-tickets/vCsywy/>

**9/15/14 – Man shot in Seattle parks building sues city** -- A man who survived a gunshot to the chest last year at a Seattle parks building is suing the city of Seattle. (KING 5) <http://www.king5.com/story/news/local/seattle/2014/09/15/man-shot-sues-seattle/15659065/>

**9/12/14 – Chief wants pot tickets tossed; written for ‘wrong reasons’** -- Seattle Police Chief Kathleen O’Toole has asked the city to seek dismissal of all citations issued by a bicycle officer who wrote 80 percent of the tickets during the first half of this year for using marijuana in public.  
(Seattle Times) [http://seattletimes.com/html/localnews/2024527517\\_potticketsxml.html](http://seattletimes.com/html/localnews/2024527517_potticketsxml.html)

**9/10/14 – Married cops in use-of-force suit both had recent shootings** -- Officers Chris Myers and Suzanne Parton, in separate incidents, didn’t hesitate to fire shots when recently confronted by armed suspects, despite the officers’ contention that new use-of-force policies tie their hands. (Seattle Times) [http://seattletimes.com/html/localnews/2024509178\\_forceincidentsxml.html](http://seattletimes.com/html/localnews/2024509178_forceincidentsxml.html)

**9/3/14 – Seattle pays after stun gun use on pregnant woman** -- The city of Seattle has agreed to pay \$45,000 to settle a lawsuit with a woman who was stunned with a Taser when she was pregnant because she refused to sign a traffic citation. (Associated Press) <http://www.kirotv.com/ap/ap/washington/seattle-pays-45k-for-stun-gun-use-on-woman/nhFNp/>

**8/26/14 – Seattle city attorney discusses issues around new pot law** -- Now that possession of up to an ounce is legal, Holmes still has a hand in shaping Seattle’s pot policy. (Seattle Times) [http://seattletimes.com/html/localnews/2024394650\\_holmespotxml.html](http://seattletimes.com/html/localnews/2024394650_holmespotxml.html)

**8/3/14 – City of Seattle goes after notorious landlord for \$2M in back fines** -- A Seattle landlord notorious for failing to pay fines assessed against his decrepit homes will see his properties sold to repay \$2 million owed to the city.  
(seattlepi.com) <http://www.seattlepi.com/local/article/City-of-Seattle-goes-after-notorious-landlord-for-5663531.php>

## EVENTS

**10/2/14** – Pete will attend the Downtown Emergency Services Center’s annual dinner at the Sheraton Hotel from 5:30 to 8 p.m.  
[http://www.desc.org/2014%20Gala%20Imagine\\_35th%20Anniversary.html](http://www.desc.org/2014%20Gala%20Imagine_35th%20Anniversary.html)

**10/3/14** – Pete will walk the 3<sup>rd</sup> and Pine neighborhood in the morning with SPD Chief Kathleen O’Toole, King County Sheriff John Urquhart and King County Prosecutor Dan Satterberg.

**10/14/14** – Pete will answer questions at a 5:30 to 7 p.m. meeting of the Downtown Residents Council at Hard Rock Café. Police Chief Kathleen O’Toole will lead off with a presentation of her philosophy on policing and goals for SPD.

**10/23/14** – The King County Coalition Against Domestic Violence will recognize the City Attorney’s Office with a Take Action Award for “remarkable efforts to end domestic violence in our communities.” Pete will attend the reception at the Northwest African American Museum from 5 to 7 p.m. with the DV Unit from the Criminal Division. [www.kccadv.org](http://www.kccadv.org)

**10/28/14** – Pete will attend the State Sunshine Committee meeting at the Cherberg Building in Olympia. <http://www.atg.wa.gov/opengovernment/sunshine.aspx>

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To view the 2013 annual report,  
please click here:  
[http://www.seattle.gov/law/docs/  
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**COMMENTS AND SUGGESTIONS**

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The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

The City Attorney's Office has four divisions:

**The Civil Division** represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, and contracts/utilities.

**The Criminal Division** represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

**The Administration Division** staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

**The Precinct Liaison Division** assigns an assistant city attorney as a liaison to each of the City's five police precincts as another way of addressing public safety and neighborhood livability problems.

**How to apply for an internship/externship in the Civil and Criminal Divisions:** [http://  
www.seattle.gov/law/volunteer\\_program/](http://www.seattle.gov/law/volunteer_program/)



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