

Regulatory Review Committee (RRC) Minutes

Meeting Date: April 23, 2026

Minutes finalized: May 6, 2026

TO: Mark Rowe, Acting Division Director
Jina Kim, Senior Deputy Prosecuting Attorney
David Hackett, DLS General Counsel
John Fairbanks, Code Enforcement Product Line Manager
Tracy Cui, Land Use Product Line Manager
Ty Peterson, Commercial Product Line Manager

FM: Robin Proebsting, Code Writer and RRC Co-Chair

Attendees: Brian Lee, David Hackett, Warren Clauss, Camille Beasley, Jina Kim, Joe Pursley, Tracy Cui, Scott Smith, Ty Peterson, and Yolanda Ho

1. Concerning setbacks from regional Utility Corridors and the application of K.C.C. 21A.12.140 to a proposed subdivision

Indexes

Subjects: Regional utility corridors, subdivisions & short subdivisions
Code: K.C.C. 21A.12.140

Background

Permitting staff held a pre-application meeting for a proposed 16-lot subdivision of five parcels with a Bonneville Power Administration (BPA) transmission line easement crossing four of the parcels. Easements other than a street right-of-way that contain transmission lines or pipelines for utility companies fall under the definition of a regional utility corridor, pursuant to K.C.C. 21A.06.980¹.

The BPA easement is a regional utility corridor and thus the proposal is subject to K.C.C. 21A.12.140 which contains setback requirements applicable to subdivisions and short subdivisions. The proponent is requesting to retain the BPA easement as an easement, rather than placing it within a separate tract, as that would reduce the developable area that could be counted toward future lots. Based on the correspondence provided, BPA does not appear to have a preference as to whether the encumbered area is maintained as an easement or placed within a tract.

The specific request is to clarify, given the circumstances, whether K.C.C. 21A.12.140.A and B allow an existing utility easement to remain as an easement, or if those code sections require a tract to be created.

¹ https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc122352136

Discussion

K.C.C. 21A.12.140.A² requires “areas used as regional utility corridors” in subdivisions and short subdivisions to be placed in separate tracts. But it begins with “Except as otherwise provided in subsection B. of this section”, indicating that the provisions of subsection A do not apply when the provisions of B are met. K.C.C. 21A.12.140.B.1 permits utilities and applicants to reduce the area to be placed in a separate tract by agreement. The code sets no limit on the reduction, creating the possibility that no portion of the easement is placed in a separate tract. An alternative interpretation is that the separate tract requirement in K.C.C. 21A.12.140 applies if a new regional utility corridor is part of a subdivision or short subdivision proposal. The language in K.C.C. 21A.12.140.A states that “areas used as regional utility corridors” can be read as “areas [to be] used as regional utility corridors”. This reading aligns closer to subsection B.2 which mandates certain steps if the applicant and the utility enter into an agreement. Those requirements appear to relate to easements to be established, not those that already exist when the subdivision or short subdivision application is submitted.

Conclusion

K.C.C. 21A.12.140.A and B apply to areas to be used as regional utility corridors if they are in subdivisions and short subdivision proposals. A regional utility corridor that existed prior to the subdivision or short subdivision proposal is not required to be placed in a separate tract. Compliance with all other provisions of K.C.C. 21A.12.140 remain unchanged by this determination.

² https://aqua.kingcounty.gov/council/clerk/code/24-30_Title_21A.htm#_Toc122352138