Government Reform and Land Use Committee

BILL ANALYSIS
HB 2977

Title of the Bill: Changing provisions that relate to binding site plans.

What this Bill Does: Revises and clarifies provisions concerning the subdivision requirement exemption applicable to condominium creation.

Sponsors: Representatives Sheahan and Appelwick.

Hearing Date: 2/4/98

Fiscal Note: No fiscal note requested.

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BACKGROUND:

Washington law generally requires local government review and approval of each division of land. Certain land divisions are exempt from the subdivision review process. In addition to these statutory exemptions, the subdivision statute authorizes local governments to adopt ordinance procedures for use of binding site plans as an alternative to the subdivision requirements for specified land uses.

In 1987 the legislature created the Condominium Task Force, a statutory committee, to review and update the Horizontal Property Regimes Act, the statute formerly governing creation of condominiums. The Condominium Task Force drafted a new statute, and in 1989 the legislature enacted the Washington Condominium Act, which became effective on July 1, 1990. Among other provisions, the Condominium Act governs the creation, alteration, management and termination of condominiums and includes protections for condominium purchasers.

Under current law, statutory subdivision requirements do not apply to any division of land resulting from subjecting a portion of a parcel or tract of land to the requirements of either the former or the current condominium statutes after an approved binding site plan is recorded. An approved binding site plan and a record of survey must be filed with the county auditor. A binding site plan is deemed approved for purposes of this subdivision exemption if approved by a local government:

- in connection with a subdivision or planned unit development approval for the entire parcel or tract;
- in connection with issuance of building permits or certificates of occupancy; or
- pursuant to local binding site plan approval procedures.

The binding site plan must require that all improvements must be owned by condominium owners or a condominium owners' association and must contain a statement in the form specified by RCW 58.17.040(7)(e). The binding site plan may depict the boundaries of lots or tracts resulting from subjecting a portion of a parcel or tract of land to the condominium statute requirements.

SUMMARY:

Provisions regarding the subdivision exemption for condominium developments are revised and clarified. The subdivision statute does not apply to the creation of a condominium pursuant to the condominium statute requirements. With respect to condominium creation, the subdivision statute applies only to land divisions being made and not being made part of the condominium, not to the creation of the condominium.

Divisions of land resulting from subjecting a portion of a parcel or tract or land to condominium statute requirements are not subject to a local government's binding site plan ordinance. The binding site plan ordinance may not impose on condominium creation any procedures inconsistent with the statutory condominium subdivision exemption and may not impose additional filing or survey requirements on condominium creation.

In addition to the other situations already specified in statute, a binding site plan will be deemed approved for purposes of the subdivision exemption if approved by a local government in connection with a rezone or other land use approval process.

The requirement in the subdivision exemption that a condominium binding site plan must specify that all improvements be owned by condominium owners or a condominium owners' association is eliminated.

A local government may not require a property owner to depict on the binding site plan the boundaries of lots or tracts resulting from subjecting a portion of a parcel or tract of land to the condominium statute requirements.