

# SENATE BILL REPORT

## SHB 2977

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As Reported By Senate Committee On:  
Government Operations, February 27, 1998

**Title:** An act relating to binding site plans.

**Brief Description:** Changing provisions that relate to binding site plans.

**Sponsors:** House Committee on House Government Reform & Land Use (originally sponsored by Representatives Sheahan and Appelwick).

**Brief History:**

**Committee Activity:** Government Operations: 2/23/98, 2/27/98 [DP, DNP].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** Do pass.

Signed by Senators McCaslin, Chair; Hale, Vice Chair; Anderson, Horn and T. Sheldon.

**Minority Report:** Do not pass.

Signed by Senators Haugen and Patterson.

**Staff:** Genevieve Pisarski (786-7488)

**Background:** Subdivision of land into separate interests is subject to statutory requirements. In some cases, including condominiums, a binding site plan is allowed as an alternative.

The general requirements for a binding site plan are adopted by local ordinance and encompass identification of streets, utilities, improvements, and the like; appropriate limitations and conditions on land use; and provision that development be in conformity with the plan.

There are also statutory requirements for binding site plans for condominiums. Present or future improvements must belong to the condominium owners or association. The plans are approved according to the locally established procedures for approval of binding site plans, except that any site plans approved in connection with subdivision, planned unit development, or building permits, must be deemed to be approved.

**Summary of Bill:** Statutory subdivision requirements apply only to divisions of land that result from creation of a condominium on a portion of a parcel or tract and not to creation of a condominium within a portion. Condominium laws control over subdivision laws in the event of conflict. These requirements apply to all condominiums regardless of when they were created.

Local ordinances for binding site plans for condominiums may not impose requirements inconsistent with statutory requirements and are not needed when site plans approved in

connection with subdivision, planned unit development, rezone, other land use approval process, or building permits are deemed to be approved as binding site plans for condominiums, nor is any further administrative review required. The number of condominium divisions is not limited to the number of lots allowed by local zoning.

Binding site plans for condominiums do not have to require that present or future improvements belong to the condominium owners or association or that lot boundaries be identified. Local review and approval of binding site plans for condominiums is required only when these are not site plans that have been approved in connection with subdivision, planned unit development, rezone, other land use approval process, or building permits.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Ambiguities in the law are resolved. The Condominium Act was intended to prevail over subdivision law. Retroactivity removes the cloud from over past condominiumizations.

**Testimony Against:** Courts have upheld binding site plan requirements for conversion of mobile home parks into condominiums. This act would allow preexisting mobile home lots to be sold without municipal review for adequate infrastructure, even though new developments are covered by land use laws. Low income buyers are at risk.

**Testified:** Pete Middlebrooks, Condo Task Force (pro); Jim Halstrom, Master Builders Association of King-Sno Counties (pro); Patrick Hayden, city of Sedro-Woolley (con).