

HOUSE BILL REPORT

HB 2977

As Reported By House Committee On:

Government Reform & Land Use

Title: An act relating to binding site plans.

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

Sponsors: Representatives Sheahan and Appelwick.

Brief History:

Committee Activity:

Government Reform & Land Use: 2/4/98, 2/5/98 [DPS].

HOUSE COMMITTEE ON GOVERNMENT REFORM & LAND USE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Reams, Chairman; Cairnes, Vice Chairman; Sherstad, Vice Chairman; Romero, Ranking Minority Member; Lantz, Assistant Ranking Minority Member; Bush; Fisher; Gardner; Mielke; Mulliken and Thompson.

Staff: Caroleen Dineen (786-7156).

Background: Washington law generally requires local government review and approval of each subdivision of land. Certain land divisions are exempt from the subdivision review process. The subdivision statute authorizes local governments to adopt ordinance procedures for use of binding site plans as an alternative to subdivision for specified land uses.

The Washington 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 condominium statute requirements after an approved binding site plan is recorded. A binding site plan is deemed approved for purposes of the 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 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 of Substitute Bill: Provisions regarding the subdivision exemption for condominium developments are revised and clarified. The subdivision statute does not apply to condominium creation pursuant to the condominium statute requirements, which control in the event of conflict. The subdivision statute applies only to land divisions being made and not being made part of the condominium, not to the condominium creation. These provisions apply to condominiums already created under the current and former condominium statutes.

Land divisions resulting from subjecting a portion of a parcel or tract or land to the 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 subdivision exemptions or any additional filing or survey requirement.

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 condominium binding site plan need not require that all improvements be owned by condominium owners or a condominium owners' association.

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.

Substitute Bill Compared to Original Bill: Provisions concerning application of the subdivision statute to condominium creation apply retroactively. The condominium statute controls over conflicting provisions in the subdivision statute.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill is not a significant substantive change to current law but is needed to eliminate some confusion created by a recent appellate court decision and to make some technical revisions to the subdivision statute. The subdivision statute should be applied only when the condominium is part of a large parcel. Requiring a condominium developer to proceed according to both the condominium and the subdivision statutes would unnecessarily increase costs and time. Condominiums are the major component of new affordable housing in some areas. Eliminating the ownership requirements allows development of both sale and rental units, which is not prohibited by the condominium statutes and which may be related to market demand.

Testimony Against: None.

Testified: Pete Middlebrooks, former drafting lawyer on condominium task force (pro).