



Planning & Development Services Dept.

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ADMINISTRATIVE ORDER#000005 062700

CODE INTERPRETATION

CODE SECTION: 20.30.050, 20.30.480

ISSUE

Regulation of condominiums and relationship to binding site plans

FINDINGS

There are no added building requirements for separation of dwelling units into condominiums, and each unit does not need its own permit, electrical meter box, sewer connection, etc. It is an R-1 occupancy whether it is an apt or a condo. The only concern is getting the recorded information for our records.

Applicable RCW Sections:

RCW 64.32.110 Ordinances, resolutions, or zoning laws--Construction.

Local ordinances, resolutions, or laws relating to zoning shall be construed to treat like structures, lots, or parcels in like manner regardless of whether the ownership thereof is divided by sale of apartments under this chapter rather than by lease of apartments.

RCW 64.34.050 Local ordinances, regulations, and building codes--Applicability.

(1) A zoning, subdivision, building code, or other real property law, ordinance, or regulation may not prohibit the condominium form of ownership or impose any requirement upon a condominium which it would not impose upon a physically identical development under a different form of ownership. Otherwise, no provision of this chapter invalidates or modifies any provision of any zoning, subdivision, building code, or other real property use law, ordinance, or regulation.

(2) This section shall not prohibit a county legislative authority from requiring the review and approval of declarations and amendments thereto and termination agreements executed

pursuant to RCW 64.34.268(2) by the county assessor solely for the purpose of allocating the assessed value and property taxes. The review by the assessor shall be done in a reasonable and timely manner.

CONCLUSIONS

Condos are typically not “subdivisions of land.” The land is usually held in common by the association. We should advise the developer to follow whatever Washington State requires for condo registration but we should think of condos as a type of ownership and not as a type of building or land use.

DECISION:

1. Binding Site plans may be used for condo development. It is not mandatory.
2. Condos are a form of ownership, not a physical form and our Development Code does not regulate ownership.
3. Division of land for "pad" sites within a condo project are a division of land, and should not be confused with the condominiums, they're different.

Director Approval Date: June 27, 2000 by Tim Stewart