

**SHB 1133 - H AMD 43**

By Representative Peterson

**NOT CONSIDERED 01/02/2024**

1 Beginning on page 1, line 5, strike all of section 1 and insert  
2 the following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
4 RCW to read as follows:

5 (1) Counties may allow detached accessory dwelling units outside  
6 of urban growth areas if such detached accessory dwelling units are  
7 subject to development regulations that include the following  
8 limitations:

9 (a) A parcel is prohibited from having more than one accessory  
10 dwelling unit, whether attached or detached.

11 (b) The detached accessory dwelling unit is subject to the water  
12 supply requirements in RCW 19.27.097 and the following additional  
13 requirements:

14 (i) The detached accessory dwelling unit may not be located on a  
15 parcel that uses a water source that is closed to further  
16 appropriation.

17 (ii) The detached accessory dwelling unit must use water that is  
18 part of the water right for the primary dwelling.

19 (iii) Withdrawals of water by each dwelling unit on the parcel  
20 must be metered.

21 (c) The detached accessory dwelling unit may not be located  
22 within 500 feet of a critical area.

23 (d)(i) The building permit applicant for the detached accessory  
24 dwelling unit must provide documentation demonstrating that the  
25 existing or proposed sewage, septic, or on-site sewage system can  
26 handle the additional demand placed upon it by the detached accessory  
27 dwelling unit.

28 (ii) If the detached accessory dwelling unit will be connected to  
29 an existing septic or on-site sewage system, the septic or on-site  
30 sewage system must be inspected, prior to issuance of the building  
31 permit, by a licensed contractor to ensure that the system is in good  
32 working order and capable of handling the increased demand placed  
33 upon it by the detached accessory dwelling unit.

1 (e) The floor area of the detached accessory dwelling unit may  
2 not exceed 1,296 square feet, or the square footage that could be  
3 authorized by the county as an expansion of the primary dwelling to  
4 create an attached accessory dwelling unit, whichever is less. The  
5 floor area does not include garages, porches, and unfinished  
6 basements.

7 (f) The detached accessory dwelling unit must be constructed such  
8 that exterior materials, roof form, window spacing, and proportions  
9 approximate those of the primary dwelling, except if the detached  
10 accessory dwelling unit is a mobile or manufactured home.

11 (g) The detached accessory dwelling unit must use the same  
12 driveway as the primary dwelling.

13 (h) The detached accessory dwelling unit must be sited to prevent  
14 loss of land that is defined as "agricultural land" or "forestland"  
15 under this chapter.

16 (i) A parcel may not be subdivided for the purposes of avoiding  
17 the limits on development regulations described in this subsection.

18 (2) Subsection (1) of this section is cumulative to other county  
19 authority enumerated in this chapter and does not:

20 (a) Affect or modify the validity of any county ordinance  
21 authorizing accessory dwelling units adopted prior to the effective  
22 date of this section;

23 (b) Exclude other means of authorizing accessory dwelling units  
24 in urban or rural areas, if consistent with this section; or

25 (c) Exclude other innovative techniques under RCW  
26 36.70A.070(5)(b), 36.70A.090, or 36.70A.177, if consistent with this  
27 section."

EFFECT: Revises the limits on detached accessory dwelling units (ADUs) that counties must include in county development regulations if the county allows detached ADUs outside of urban growth areas as follows:

Provides that in addition to the water supply requirements in RCW 19.27.097, the detached ADU may not be located on a parcel that uses a water source that is closed to further appropriation, the detached ADU must use water that is part of the water right for the primary dwelling, and withdrawals of water by each dwelling unit on the parcel must be metered;

Prohibits the detached ADU from being located within 500 feet of a critical area;

Provides that if the detached ADU will be connected to an existing septic or on-site sewage system, the system must be inspected by a licensed contractor to ensure that the system is in good working order and capable of handling the increased demand; and

Revises language throughout the section for clarity and consistency.

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