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**SUBSTITUTE HOUSE BILL 1133**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** House Housing (originally sponsored by Representatives Chapman, Low, Peterson, Wylie, and Tharinger)

READ FIRST TIME 01/30/23.

1 AN ACT Relating to establishing limitations on detached accessory  
2 dwelling units outside urban growth areas; amending RCW 36.70A.696;  
3 and adding a new section to chapter 36.70A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A  
6 RCW to read as follows:

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

11 (a) No parcel shall have more than one attached or detached  
12 accessory dwelling unit.

13 (b) The detached accessory dwelling unit is subject to the water  
14 supply requirements of RCW 19.27.097.

15 (c) The applicant must provide documentation that the existing or  
16 proposed sewage or septic system is capable of handling the  
17 additional demand placed upon it by the detached accessory dwelling  
18 unit.

19 (d) The floor area of the detached accessory dwelling unit does  
20 not exceed the floor area of what could be authorized by the county  
21 as an expansion of the primary dwelling to create an attached

1 accessory dwelling unit, but not greater than 1,296 square feet.  
2 Floor areas shall be exclusive of garages, porches, and unfinished  
3 basements.

4 (e) The detached accessory dwelling unit shall be constructed  
5 such that exterior materials, roof form, window spacing, and  
6 proportions approximate those of the primary dwelling, except if the  
7 detached accessory dwelling unit is a mobile or manufactured home.

8 (f) The detached accessory dwelling unit shall utilize the same  
9 driveway as the primary dwelling.

10 (g) The detached accessory dwelling unit shall be sited to  
11 prevent loss of land that is defined as "agricultural land" or  
12 "forestland" under this chapter.

13 (h) A parcel may not be subdivided for the purposes of avoiding  
14 the limits on development regulations described in this subsection.

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

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

20 (b) Exclude other means of authorizing accessory dwelling units  
21 in urban or rural areas, if consistent with this act; or

22 (c) Exclude other innovative techniques under RCW  
23 36.70A.070(5)(b), 36.70A.090, or 36.70A.177, if consistent with this  
24 act.

25 **Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to  
26 read as follows:

27 The definitions in this section apply throughout RCW 36.70A.697  
28 (~~and~~), 36.70A.698, and section 1 of this act unless the context  
29 clearly requires otherwise.

30 (1) "Accessory dwelling unit" means a dwelling unit located on  
31 the same lot as a single-family housing unit, duplex, triplex,  
32 townhome, or other housing unit.

33 (2) "Attached accessory dwelling unit" means an accessory  
34 dwelling unit located within or attached to a single-family housing  
35 unit, duplex, triplex, townhome, or other housing unit.

36 (3) "City" means any city, code city, and town located in a  
37 county planning under RCW 36.70A.040.

38 (4) "County" means any county planning under RCW 36.70A.040.

- 1           (5) "Detached accessory dwelling unit" means an accessory  
2 dwelling unit that consists partly or entirely of a building that is  
3 separate and detached from a single-family housing unit, duplex,  
4 triplex, townhome, or other housing unit and is on the same property.
- 5           (6) "Dwelling unit" means a residential living unit that provides  
6 complete independent living facilities for one or more persons and  
7 that includes permanent provisions for living, sleeping, eating,  
8 cooking, and sanitation.
- 9           (7) "Major transit stop" means:
- 10           (a) A stop on a high capacity transportation system funded or  
11 expanded under the provisions of chapter 81.104 RCW;
- 12           (b) Commuter rail stops;
- 13           (c) Stops on rail or fixed guideway systems, including  
14 transitways;
- 15           (d) Stops on bus rapid transit routes or routes that run on high  
16 occupancy vehicle lanes; or
- 17           (e) Stops for a bus or other transit mode providing actual fixed  
18 route service at intervals of at least (~~fifteen~~) 15 minutes for at  
19 least five hours during the peak hours of operation on weekdays.
- 20           (8) "Owner" means any person who has at least 50 percent  
21 ownership in a property on which an accessory dwelling unit is  
22 located.
- 23           (9) "Short-term rental" means a lodging use, that is not a hotel  
24 or motel or bed and breakfast, in which a dwelling unit, or portion  
25 thereof, is offered or provided to a guest by a short-term rental  
26 operator for a fee for fewer than 30 consecutive nights.

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