
SENATE BILL 5413

State of Washington

69th Legislature

2025 Regular Session

By Senators Lovelett, Nobles, and Saldaña

Read first time 01/22/25. Referred to Committee on Housing.

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 the county meets the requirements in
9 subsections (2) and (3) of this section, and such detached accessory
10 dwelling units are subject to development regulations that include
11 the following limitations:

12 (a) No parcel may have more than one attached or detached
13 accessory dwelling unit;

14 (b) The detached accessory dwelling unit is subject to the water
15 supply requirements of RCW 19.27.097 and any groundwater mitigation
16 requirements adopted by the county or the department of ecology;

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

1 (d) The gross floor area of the detached accessory dwelling unit
2 does not exceed the gross floor area of what could be authorized by
3 the county as an expansion of the primary dwelling to create an
4 attached accessory dwelling unit and is, in no case, greater than
5 1,296 square feet. Floor areas are exclusive of garages, porches, and
6 unfinished basements;

7 (e) The detached accessory dwelling unit must utilize the same
8 driveway as the principal unit;

9 (f) The detached accessory dwelling unit must be sited within 150
10 feet of the principal unit;

11 (g) The detached accessory dwelling unit may be the existing
12 principal unit if the existing principal unit meets the requirements
13 of this subsection, is a single-family dwelling unit, and a new
14 principal unit that is a single-family dwelling unit is constructed
15 on the same parcel;

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

18 (i) If the detached accessory dwelling unit is offered as a
19 short-term rental as defined in RCW 36.70A.696, the primary unit must
20 be owner-occupied;

21 (j) The combined water withdrawal for the detached accessory
22 dwelling unit, the primary unit, and any other domestic uses on the
23 parcel must not exceed the use limitations in RCW 90.44.050 for
24 domestic use;

25 (k) The detached accessory dwelling unit must be subject to the
26 water supply requirements in RCW 19.27.097; and

27 (1) Withdrawals of water by each dwelling unit on the parcel must
28 be metered.

29 (2) Counties may only allow detached accessory dwelling units
30 outside of urban growth areas if they have the following code
31 enforcement measures in place:

32 (a) A voluntary county code compliance process through which the
33 owner of an unpermitted detached accessory dwelling unit can bring
34 the unpermitted detached accessory dwelling unit into compliance with
35 applicable regulations. In such a case, a permit penalty of at least
36 double the normal permit fee applies.

37 (b) Owners who do not seek voluntary compliance and are found to
38 have constructed or placed a detached accessory dwelling unit without
39 all required permits are subject to a civil infraction of at least
40 \$1,000 and are required to remove the detached accessory dwelling

1 unit or ensure that it meets all existing development regulations, if
2 applicable. A penalty of at least triple the normal permit fee is
3 also required if the accessory dwelling unit remains and meets all
4 existing development regulations.

5 (c) Any owner who does not seek voluntary compliance and who
6 received a civil infraction for constructing or placing an accessory
7 dwelling unit without all required permits is prohibited from
8 receiving any permits for the placement or construction of new
9 accessory dwelling units for a period of at least three years.

10 (3) Counties may allow detached accessory dwelling units outside
11 of urban growth areas if the county takes the following actions to
12 account for detached accessory dwelling unit development:

13 (a) Tracks and reports to the department annually the number of
14 detached accessory dwelling unit permits completed;

15 (b) Updates the county's comprehensive land use plan during the
16 county's next required review and all subsequent reviews according to
17 RCW 36.70A.130(5)(b) to properly account for the number of detached
18 accessory dwelling units completed since the effective date of this
19 section and the projected development over the next 20-year planning
20 period utilizing the data collected and reported in (a) of this
21 subsection within the overall underlying density outside of urban
22 growth areas;

23 (c) Makes future amendments to the county's comprehensive land
24 use plan accounting for actual and projected detached accessory
25 dwelling units within the overall underlying density outside of urban
26 growth areas no more than once every five years.

27 (4) Subsection (1) of this section is in addition to other county
28 authority enumerated in this chapter and does not:

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

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

34 (c) Exclude other innovative techniques under RCW
35 36.70A.070(5)(b), 36.70A.090, or 36.70A.177, if consistent with this
36 section.

37 **Sec. 2.** RCW 36.70A.696 and 2023 c 334 s 2 are each amended to
38 read as follows:

1 The definitions in this section apply throughout RCW 36.70A.697,
2 36.70A.698, 36.70A.680, (~~and~~) 36.70A.681, and section 1 of this act
3 unless the context clearly requires otherwise.

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

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

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

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

13 (5) "Detached accessory dwelling unit" means an accessory
14 dwelling unit that consists partly or entirely of a building that is
15 separate and detached from a single-family housing unit, duplex,
16 triplex, townhome, or other housing unit and is on the same property.

17 (6) "Dwelling unit" means a residential living unit that provides
18 complete independent living facilities for one or more persons and
19 that includes permanent provisions for living, sleeping, eating,
20 cooking, and sanitation.

21 (7) "Gross floor area" means the interior habitable area of a
22 dwelling unit including basements and attics but not including a
23 garage or accessory structure.

24 (8) "Major transit stop" means:

25 (a) A stop on a high capacity transportation system funded or
26 expanded under the provisions of chapter 81.104 RCW;

27 (b) Commuter rail stops;

28 (c) Stops on rail or fixed guideway systems, including
29 transitways;

30 (d) Stops on bus rapid transit routes or routes that run on high
31 occupancy vehicle lanes; or

32 (e) Stops for a bus or other transit mode providing actual fixed
33 route service at intervals of at least fifteen minutes for at least
34 five hours during the peak hours of operation on weekdays.

35 (9) "Owner" means any person who has at least 50 percent
36 ownership in a property on which an accessory dwelling unit is
37 located.

38 (10) "Principal unit" means the single-family housing unit,
39 duplex, triplex, townhome, or other housing unit located on the same
40 lot as an accessory dwelling unit.

1 (11) "Short-term rental" means a lodging use, that is not a hotel
2 or motel or bed and breakfast, in which a dwelling unit, or portion
3 thereof, is offered or provided to a guest by a short-term rental
4 operator for a fee for fewer than 30 consecutive nights.

--- **END** ---