**1133-S AMH PETE H1551.1 - NOT FOR FLOOR USE**

**SHB 1133** - H AMD **49**

By Representative Peterson

**NOT CONSIDERED 01/02/2024**

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

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

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

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

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

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

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

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

(c) The detached accessory dwelling unit may not be located within, or encroach upon, any existing buffers around critical areas.

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

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

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

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

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

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

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

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

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

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

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

EFFECT: Makes the following changes to the limits that counties must include in county development regulations if the county allows detached accessory dwelling units (ADUs) outside of urban growth areas:

(1) 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;

(2) Prohibits the detached ADU from being located within or encroaching upon any existing buffers around critical areas;

(3) 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

(4) Revises language throughout the section for clarity and consistency.