

SHB 1133 - H AMD 49

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, or encroach upon, any existing buffers around critical areas.

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: 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.

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