

SENATE BILL REPORT

EHB 1345

As of February 4, 2026

Title: An act relating to establishing limitations on detached accessory dwelling units outside of urban growth areas.

Brief Description: Establishing limitations on detached accessory dwelling units outside of urban growth areas.

Sponsors: Representatives Low, Peterson, Tharinger, Nance and Gregerson.

Brief History: Passed House: 1/22/26, 86-5.

Committee Activity: Housing: 2/04/26.

Brief Summary of Bill

- Authorizes counties that plan under the Growth Management Act to allow detached accessory dwelling units (ADUs) outside of urban growth areas if the detached ADUs are subject to certain development regulations, the county has specific code enforcement measures in place, and the county takes certain actions to account for detached ADU development.

SENATE COMMITTEE ON HOUSING

Staff: Benjamin Omdal (786-7442)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. The GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The GMA directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must contain certain elements, such as a land use element, a rural element, and a housing element.

The housing element must ensure the vitality and character of established residential neighborhoods and, among other requirements, consider the role of accessory dwelling units (ADUs) in meeting housing needs.

Urban Growth Areas. Counties that fully plan under the GMA are required to designate urban growth areas (UGAs) within their boundaries sufficient to accommodate a planned 20-year population projection range provided by the Office of Financial Management. Each city located within a planning county must be included within a UGA. Urban growth must be encouraged within the UGAs, and only growth that is not urban in nature can occur outside of the UGAs.

Accessory Dwelling Units. Under the GMA, an ADU is defined as a dwelling unit that is located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit, which is referred to as the principal unit. A dwelling unit means a residential living unit that provides complete independent living facilities for one or more persons and permanent provisions for living, sleeping, eating, cooking, and sanitation.

An attached accessory dwelling unit is defined as an ADU located within or attached to the principal unit, and a detached accessory dwelling unit is defined as an ADU that consists partly or entirely of a building that is separate and detached from the principal unit and is on the same property.

Requirements for Development of Accessory Dwelling Units Within Urban Growth Areas. Beginning six months after its next periodic comprehensive plan update, a fully planning city or county must ensure local development regulations allow for the construction of ADUs within UGAs and comply with certain policies related to siting and permitting of ADUs. A city or county may impose a limit of two ADUs, in addition to the principal unit, on a residential lot of 2000 square feet or less.

A city or county may not authorize the construction of an ADU in a location where development is restricted under other laws, rules, or ordinances as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property. Certain provisions related to off-street parking for ADUs are also specified.

None of these ADU requirements apply to lots designated with critical areas, critical area buffers, or a watershed serving as a reservoir for potable water if that watershed is or was listed as impaired or threatened under the United States Clean Water Act. Cities and

counties are not prohibited from enforcing certain development regulations on ADUs.

Summary of Bill: Fully planning counties may allow detached ADUs outside of UGAs if the detached ADUs are subject to certain development regulations, the county has certain code enforcement measures in place, and the county takes certain actions to account for detached ADU development.

Required Development Regulations. Any detached ADUs allowed outside of UGAs must be subject to development regulations that include the following limitations:

- no parcel may have more than one ADU, whether attached or detached;
- the detached ADU must be subject to certain water supply requirements specified in the State Building Code and any groundwater mitigation requirements adopted by the county or the Department of Ecology;
- the combined water withdrawal for the detached ADU, the principal unit, and any other domestic uses on the parcel may not exceed certain use limitations for domestic use specified in the state laws regulating public groundwaters;
- withdrawals of water by each dwelling unit on the parcel must be metered;
- the applicant must provide documentation that the sewage or septic system can handle the additional demand from the detached ADU;
- the gross floor area of the detached ADU may not be greater than 1296 square feet and may not exceed the area that could be authorized by the county as an expansion of the principal unit to create an attached ADU. Floor areas exclude garages, porches, and unfinished basements;
- the detached ADU must use the same driveway or other means of ingress and egress as the principal unit;
- the detached ADU must be sited within 150 feet of the principal unit;
- the detached ADU may be the existing principal unit if the existing principal unit meets these requirements, is a single-family dwelling, and a new principal unit that is a single-family dwelling unit is constructed on the same parcel;
- the detached ADU must not be allowed on nonconforming lots under one acre; and
- a parcel may not be subdivided for the purposes of avoiding these requirements.

Code Enforcement Measures. Counties that allow detached ADUs outside of UGAs must have certain code enforcement measures in place, including a voluntary code compliance process for the owner of an unpermitted detached ADU to bring the detached ADU into compliance with applicable regulations. When the owner of an unpermitted detached ADU seeks to bring the detached ADU into compliance, a permit penalty of at least double the normal permit fee must be applied.

Owners who do not seek voluntary compliance and are found to have a detached ADU without the required permits must be subject to a civil infraction of at least \$1,000 and must be required to remove the detached ADU or ensure that it meets all existing development regulations. A penalty of at least triple the normal permit fee must be applied if the detached ADU remains.

Any owner who does not seek voluntary compliance and has received a civil infraction for having an unpermitted ADU must be prohibited from receiving any permits for construction or placement of new ADUs for a period of at least three years.

Accounting for Detached Accessory Dwelling Unit Development, Growth Targets. Any county that allows detached ADUs outside of UGAs must also take certain actions to account for detached ADU development, including tracking and annually reporting the number of completed detached ADU permits to the Department of Commerce (Commerce). During its next required comprehensive plan review and all subsequent reviews, a county must use this data to update its comprehensive plan to properly account for the actual and projected development of detached ADUs so that the housing units will not exceed the underlying densities for the comprehensive plan designations and zones outside of UGAs. The county must limit the frequency of these future comprehensive plan amendments to occur no more than once every five years.

Counties that allow detached ADUs outside of UGAs must include the following limits on population growth targets in their comprehensive plans:

- rural counties may allocate no more than 10 percent of their rural population target to detached ADUs; and
- counties that are not rural may allocate no more than 7 percent of their rural population target to detached ADUs.

A "rural county" is defined by cross-reference as a county with a population density of fewer than 100 persons per square mile or a county smaller than 225 square miles, as determined by the Office of Financial Management and published each year by Commerce for the period from July 1st to June 30th.

Other Provisions. The bill does not affect or modify the validity of any county ordinance authorizing ADUs adopted before the effective date of the bill; exclude other means of authorizing ADUs in urban or rural areas, if consistent with the bill; or exclude certain other innovative techniques allowed under the GMA, if consistent with the bill.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 2, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The bill continues much of the good work on legalizing ADUs as a housing option in rural areas. Allowing out of compliance ADUs to come into compliance is a great benefit to the bill. The bill is extremely helpful to provide a

roadmap for local counties on what is allowed under the GMA. The bill addresses an important part of the puzzle in solving the housing crises. Residents have built homes for relatives in counties that have allowed these types of units. Through the introduction of clear legislation, this bill shows there is a way for rural landowners to assist in alleviating housing shortages and affordability concerns. The bill offers a narrow, structured response to housing needs while adhering to the foundations of the GMA. There is a tension between the GMA and loosening restrictions on housing outside of urban areas; the bill strikes a reasonable balance between providing housing options and respecting the GMA. This is a tool in the toolkit of counties and is a byproduct of years of negotiation between stakeholders.

OTHER: It is not clear if the bill is necessary for detached ADUs to be built in rural counties, but the bill should move forward.

Persons Testifying: PRO: Alex Hur, Master Builders Association of King and Snohomish Counties; Andrea Smiley, Building Industry Association of Washington; Councilmember Justin Paulsen, San Juan County Council; SAM SPIEGELMAN, Citizen Action Defense Fund; Dan Bertolet, Sightline Institute; Bill Clarke, WA REALTORS + Kittitas County; Brian Enslow, Washington State Association of Counties.

OTHER: Christina Mojica, Reason Foundation; Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.