

---

ENGROSSED HOUSE BILL 1345

---

State of Washington                      69th Legislature                      2025 Regular Session

By Representatives Low, Peterson, Tharinger, Nance, and Gregerson

Read first time 01/16/25. Referred to Committee on Housing.

1            AN ACT Relating to establishing limitations on detached accessory  
2 dwelling units outside of urban growth areas; amending RCW  
3 36.70A.696; 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 that are required or choose to plan under this  
8 chapter may allow detached accessory dwelling units outside of urban  
9 growth areas if the county meets the requirements in subsections (2)  
10 and (3) of this section, and such detached accessory dwelling units  
11 are subject to development regulations that include the following  
12 limitations:

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

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

19            (c) The combined water withdrawal for the detached accessory  
20 dwelling unit, the principal unit, and any other domestic uses on the

1 parcel may not exceed the use limitations in RCW 90.44.050 for  
2 domestic use;

3 (d) Withdrawals of water by each dwelling unit on the parcel must  
4 be metered;

5 (e) The applicant must provide documentation that the existing or  
6 proposed sewage or septic system is capable of handling the  
7 additional demand placed upon it by the detached accessory dwelling  
8 unit;

9 (f) The gross floor area of the detached accessory dwelling unit  
10 may not exceed the gross floor area of what could be authorized by  
11 the county as an expansion of the principal unit to create an  
12 attached accessory dwelling unit; however, in no case may the gross  
13 floor area be greater than 1,296 square feet. Floor areas exclude  
14 garages, porches, and unfinished basements;

15 (g) The detached accessory dwelling unit must utilize the same  
16 driveway or other means of ingress and egress as the principal unit;

17 (h) The detached accessory dwelling unit must be sited within 150  
18 feet of the principal unit;

19 (i) The detached accessory dwelling unit may be the existing  
20 principal unit if the existing principal unit meets the requirements  
21 of this subsection, is a single-family dwelling unit, and a new  
22 principal unit that is a single-family dwelling unit is constructed  
23 on the same parcel;

24 (j) The detached accessory dwelling unit must not be allowed on  
25 nonconforming lots under one acre; and

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

28 (2) In addition to the requirements in subsections (1) and (3) of  
29 this section, counties that allow detached accessory dwelling units  
30 outside of urban growth areas must 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 may 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 must be applied;

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 must be subject to a civil infraction of at  
40 least \$1,000 and must be required to remove the detached accessory

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

5 (c) Any owner who does not seek voluntary compliance and has  
6 received a civil infraction for constructing or placing an accessory  
7 dwelling unit without all required permits must be 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) In addition to the requirements in subsections (1) and (2) of  
11 this section, counties that allow detached accessory dwelling units  
12 outside of urban growth areas must take the following actions to  
13 account for detached accessory dwelling unit development:

14 (a) The county must track and annually report to the department  
15 the number of detached accessory dwelling unit permits completed;

16 (b) Utilizing the data collected and reported in (a) of this  
17 subsection, the county must update its comprehensive land use plan  
18 during its next required review and all subsequent reviews required  
19 under RCW 36.70A.130(5) to properly account for the number of  
20 detached accessory dwelling units completed since the effective date  
21 of this section and the projected development over the next 20-year  
22 planning period so that the housing units will not exceed the  
23 underlying densities for the comprehensive plan designations and  
24 zones outside of urban growth areas;

25 (c) The county must limit future amendments to its comprehensive  
26 land use plan under (b) of this subsection such that these amendments  
27 may not occur more than once every five years; and

28 (d) The county must include the following limits on population  
29 growth targets in its comprehensive plan:

30 (i) If the county is a rural county as defined in RCW 43.160.020,  
31 the county may allocate no more than 10 percent of its rural  
32 population target to detached accessory dwelling units; and

33 (ii) If the county is not a rural county as defined in RCW  
34 43.160.020, the county may allocate no more than seven percent of its  
35 rural population target to detached accessory dwelling units.

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

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

1 (b) Exclude other means of authorizing accessory dwelling units  
2 in urban or rural areas, if consistent with this section; or  
3 (c) Exclude other innovative techniques under RCW  
4 36.70A.070(5)(b), 36.70A.090, or 36.70A.177, if consistent with this  
5 section.

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

8 The definitions in this section apply throughout RCW 36.70A.697,  
9 36.70A.698, 36.70A.680, (~~and~~) 36.70A.681, and section 1 of this act  
10 unless the context clearly requires otherwise.

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

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

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

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

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

24 (6) "Dwelling unit" means a residential living unit that provides  
25 complete independent living facilities for one or more persons and  
26 that includes permanent provisions for living, sleeping, eating,  
27 cooking, and sanitation.

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

31 (8) "Major transit stop" means:

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

34 (b) Commuter rail stops;

35 (c) Stops on rail or fixed guideway systems, including  
36 transitways;

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

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

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

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

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

--- END ---