
SENATE BILL 5357

State of Washington

68th Legislature

2023 Regular Session

By Senators Gildon and Lias

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 such detached accessory dwelling units are
9 subject to development regulations that include the following
10 limitations:

11 (a) No parcel shall have more than one detached accessory
12 dwelling unit.

13 (b) The detached accessory dwelling unit is subject to the water
14 supply requirements of RCW 19.27.097.

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

19 (d) The floor area of the detached accessory dwelling unit does
20 not exceed the floor area of what could be authorized by the county
21 as an expansion of the primary dwelling to create an attached

1 accessory dwelling unit, but not greater than 1,296 square feet.
2 Floor areas shall be exclusive of garages, porches, and unfinished
3 basements.

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

8 (f) The detached accessory dwelling unit shall utilize the same
9 driveway as the primary dwelling.

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

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

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

17 (c) Exclude other innovative techniques under RCW
18 36.70A.070(5)(b), 36.70A.090, or 36.70A.177, if consistent with this
19 act.

20 **Sec. 2.** RCW 36.70A.696 and 2021 c 306 s 2 are each amended to
21 read as follows:

22 The definitions in this section apply throughout RCW 36.70A.697
23 (~~and~~), 36.70A.698, and section 1 of this act unless the context
24 clearly requires otherwise.

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

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

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

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

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

38 (6) "Dwelling unit" means a residential living unit that provides
39 complete independent living facilities for one or more persons and

1 that includes permanent provisions for living, sleeping, eating,
2 cooking, and sanitation.

3 (7) "Major transit stop" means:

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

6 (b) Commuter rail stops;

7 (c) Stops on rail or fixed guideway systems, including
8 transitways;

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

11 (e) Stops for a bus or other transit mode providing actual fixed
12 route service at intervals of at least (~~fifteen~~) 15 minutes for at
13 least five hours during the peak hours of operation on weekdays.

14 (8) "Owner" means any person who has at least 50 percent
15 ownership in a property on which an accessory dwelling unit is
16 located.

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

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