

CITY OF NAPAVINE, WASHINGTON
RESOLUTION NO. 2025-08-163

A RESOLUTION APPROVING ADJUSTMENT OF THE MUNICIPAL BOUNDARY LINE BETWEEN THE CITY OF NAPAVINE AND LEWIS COUNTY, PURSUANT TO RCW 35.13.340, AS SUBMITTED BY PROPERTY OWNER BREEN ACRES, LLC, FOR PARCEL NO. 017904002002, 259 HAMILTON RD., NAPAVINE, WA; ADOPTING A PROPOSED LAND USE ZONING REGULATION FOR THE REAL PROPERTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Napavine, Washington (the “City”) is a Code City under the laws of the State of Washington;

WHEREAS, RCW 35.13.340 (emphasis added):

“The boundaries of a city *shall* be adjusted to include or exclude the remaining portion of a parcel of land located partially within and partially without of the boundaries of that city upon the governing body of the city adopting a resolution approving such an adjustment that was requested in a petition signed by the owner of the parcel.”

WHEREAS, RCW 35.13.340 further states (emphasis added):

“A boundary adjustment made pursuant to this section *shall not* be subject to potential review by the boundary review board of the county within which the parcel is located *if* the remaining portion of the parcel to be included or excluded from the city is located in the unincorporated area of the county and the adjustment is approved by resolution of the county legislative authority of in writing by a county official of employee of the county who is designated by ordinance of the county to make such approvals.”

WHEREAS, the property located at 259 Hamilton Road, Napavine, WA (the “Parcel”), Lewis County Parcel No. 017904002002, legally described in Exhibit A attached hereto, is located partially within the boundaries of the City of Napavine, and is located partially within the unincorporated area of Lewis County;

WHEREAS, the owner of the Parcel, Breen Acres, LLC, has requested the City of Napavine, via signed Petition attached hereto as Exhibit B, to adjust the boundaries of the City of Napavine to include the remaining portions of the Parcel within the boundaries of the City of Napavine;

WHEREAS, the City of Napavine adopted a Resolution approving said Owner’s signed Petition for boundary adjustment at a regularly scheduled council meeting held on April 22, 2025;

WHEREAS, said Resolution (Section 5) made approval of the boundary adjustment contingent upon approval of said boundary adjustment by Lewis County;

WHEREAS, pursuant to RCW 35.13.340 and RCW 36.93.105, the approval of Lewis County is not necessary for boundary adjustment to be effective;

WHEREAS, RCW 35.13.340 was adopted by the State Legislature in 1989 and states a boundary adjustment is subject to potential review by the Boundary Review Board unless the Board of County Commissioners, or other designated County authority, approves of the boundary adjustment;

WHEREAS, RCW 36.93.105 (Actions not subject to review by boundary review board) was adopted by the State Legislature in 1999 and states:

“The following actions shall not be subject to potential review by a boundary review board:
(3) Adjustments to city or town boundaries pursuant to RCW 35.13.340.”

WHEREAS, because the boundary adjustment is not subject to potential review by the Boundary Review Board, it is not necessary to obtain the approval of Lewis County to avoid potential review by the Boundary Review Board;

WHEREAS, following the City of Napavine’s adoption of a Resolution approving Breen Acres, LLC’s signed Petition on April 22, 2025, the City of Napavine sent a copy of said Resolution and a letter to Lewis County requesting the matter to be heard before the Board of County Commissioners;

WHEREAS, Lewis County failed and/or refused to put this matter before the Board of County Commissioners and instead sent a letter denying the City of Napavine’s resolution;

WHEREAS, the City of Napavine responded via letter requesting Lewis County to recognize the Resolution and direct the appropriate County departments to do the same;

WHEREAS, Lewis County replied denying the City of Napavine’s request;

WHEREAS, the purpose of this Amended Resolution is to be clear that the City of Napavine approves the signed Petition of Breen Acres, LLC and that the permission of Lewis County is not necessary for the effectiveness of the Resolution;

WHEREAS, the City Council of the City of Napavine has determined that approving Breen Acres, LLC petition and adjustment of the boundary line between the City of Napavine and Lewis County pursuant to RCW 35.13.340 and RCW 36.93.105 is in the best interests of the residents of the City of Napavine and will promote the general health, safety, and welfare; and

WHEREAS, boundary line adjustments under RCW 35.13.340 are not subject to potential review by the boundary review board;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NAPAVINE, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Recitals Incorporated. The recitals set forth above are adopted and incorporated by this reference as though fully set forth herein.

Section 2. Petition Approved. The City Council approves the petition of Breen Acres, LLC, to adjust the boundary lines between the City of Napavine and Lewis County pursuant to RCW 35.13.340 so as to include within the corporate boundaries of the City of Napavine the remainder of the parcel of land depicted as Lewis County Parcel No. 017904002002, and more particularly described in Exhibit A attached hereto and incorporated herein.

Section 3. Exhibits Incorporated. The following Exhibits attached hereto, are incorporated by this reference as though fully set forth herein:

- Exhibit A: Legal Description of Lewis County Parcel No. 017904002002
- Exhibit B: Signed Petition by property owners of the Parcel
- Exhibit C: Map of Parcel with current City Limits and Proposed City Limits
- Exhibit D: Map of Parcel with detail of property line within City Limits

Section 4. Mayor Authorization. The City Mayor, or designee, is hereby authorized to take and execute any additional measures or documents that may be necessary to complete this transaction which are consistent with the approved form of documents referenced by this Resolution, and the intent of this Resolution.

Section 5. Zoning Map and Land Use Designation. The official zoning map of the City of Napavine shall be modified to include Lewis County Parcel No. 017904002002 with a zoning and land use designation of R-3 and Commercial.

Section 6. OFM Filings. The City Treasurer is directed to file all necessary documents with the Washington State Office of Financial Management.

Section 7. **Severability.** If any section, sentence, clause, or phrase of this Resolution should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

Section 8. **Effective Date.** This Resolution shall take effect immediately, or as otherwise provided by law, and the City Clerk is directed to file a certified copy of the Resolution with the offices of the Lewis County Auditor and Assessor.

Section 9. **Corrections.** Upon approval of the City Attorney, the City Clerk is authorized to make necessary corrections to this resolution including, but not limited to, the correction of scrivener's/clerical errors, references, resolution numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Napavine, Washington, and **APPROVED** by the Mayor of the City of Napavine at a regularly scheduled open public meeting thereof, this _____ day of _____, 2025.

Shawn O'Neill, Mayor

Attest:

Approved as to form:

Rachelle Denham, City Clerk

James M.B. Buzzard, WSBA # 33555
City Attorney

Approved Reading: _____/2025
Effective Date: _____/2025