

**Date:** November 28, 2012

**To:** Board of Directors

**From:** Neil McFarlane

**Subject:** **ORDINANCE NO. 325 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) ALTERING THE DISTRICT BOUNDARY, AND AMENDING TRIMET CODE CHAPTER 3 (SECOND READING)**

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**1. Issues or Purpose of the Item.**

Ordinance No. 325 alters the District boundary to remove certain areas adjacent to the Boring withdrawal area. The specific areas to be removed are shown on Exhibits 1 through 3 of Ordinance No. 325.

**2. Reason for Board Action.**

Pursuant to ORS 267.207, the Board of Directors (Board) may alter the District's territorial boundaries by adoption of a non-emergency ordinance at a regular meeting. This is the second of two readings required for adoption of Ordinance No. 325.

**3. Background.**

On December 14, 2011, the Board adopted Ordinance No. 320 allowing the Boring area petition to withdraw an approximate 28.8 square mile area in Clackamas County from the TriMet District. Pursuant to ORS 267.260(2), the Boring area withdrawal takes effect on January 1, 2013.

As a result of the Boring area withdrawal, Line 84 bus service to the Boring area will terminate effective January 1, 2013. Line 84 has been reconfigured to turn around north of the withdrawal area on 282<sup>nd</sup> Avenue. Based on this new turnaround location, certain areas north and south of the withdrawal area will be left farther than 2.5 miles from a route. Relevant provisions of ORS Chapter 267 and the TriMet Code provide that the District boundary shall generally include any territory located within 2.5 miles of the transit system or route used by the system. Therefore, TriMet is required to remove those areas that do not meet the 2.5 mile criteria, and adjust the District boundary.

Ordinance No. 325 includes the following boundary alterations:

- An approximate 1,300 acre area adjacent to the northern border of the Boring withdrawal area, bounded on the east by the existing District boundary line, and on the west by SE Altman Road. While 219 acres just east of SE Altman Road will remain within 2.5 miles

of Line 84, Altman Road is recommended as the new District boundary line as it provides the closest easily described and publicly recognized boundary line for the new District boundary. (Exhibit 1)

- An approximate 3,130 acre area adjacent to the southern border of the Boring withdrawal area and the City of Sandy, which includes an approximate 78 acre parcel located within the southern Sandy limits. This area is bounded on the east and south by the existing District boundary line and on the west by SE Tickle Creek Road. While 416 acres just east of SE Tickle Creek Road will remain within 2.5 miles of Line 30 (Estacada), Tickle Creek Road is recommended as the new District boundary line as it provides the closest easily described and publicly recognized boundary line for the new District boundary. (Exhibit 2)
- An approximate 37.9 acre square area adjacent to the western border of the Boring withdrawal area, located within the City of Damascus, bounded on the north by SE Hoffmeister Road. Removal of this area is necessary because effective January 1, 2013, this area would be non-contiguous with the District boundary. (Exhibit 3)

An overview map generally showing the Ordinance No. 325 removal areas and proposed new District boundary is included in Attachment A to this memo.

Unlike a withdrawal proceeding initiated by registered electors of the district (as in the case of the Boring withdrawal), alteration of the District boundary pursuant to ORS 267.207 does not authorize readjustment of payroll/self-employment taxes throughout the remaining District. Adoption of Ordinance No. 325 will result in a loss of approximately \$62,261 in annual payroll/self-employment taxes.

Ordinance No. 325 also directs that TriMet Code Chapter 3, which contains TriMet's written District boundary description, be updated to conform to the adopted alterations. Ordinance No. 325 will take effect thirty days from the date of its adoption, and the adopted removals will become operative January 1, 2013.

#### **4. Options**

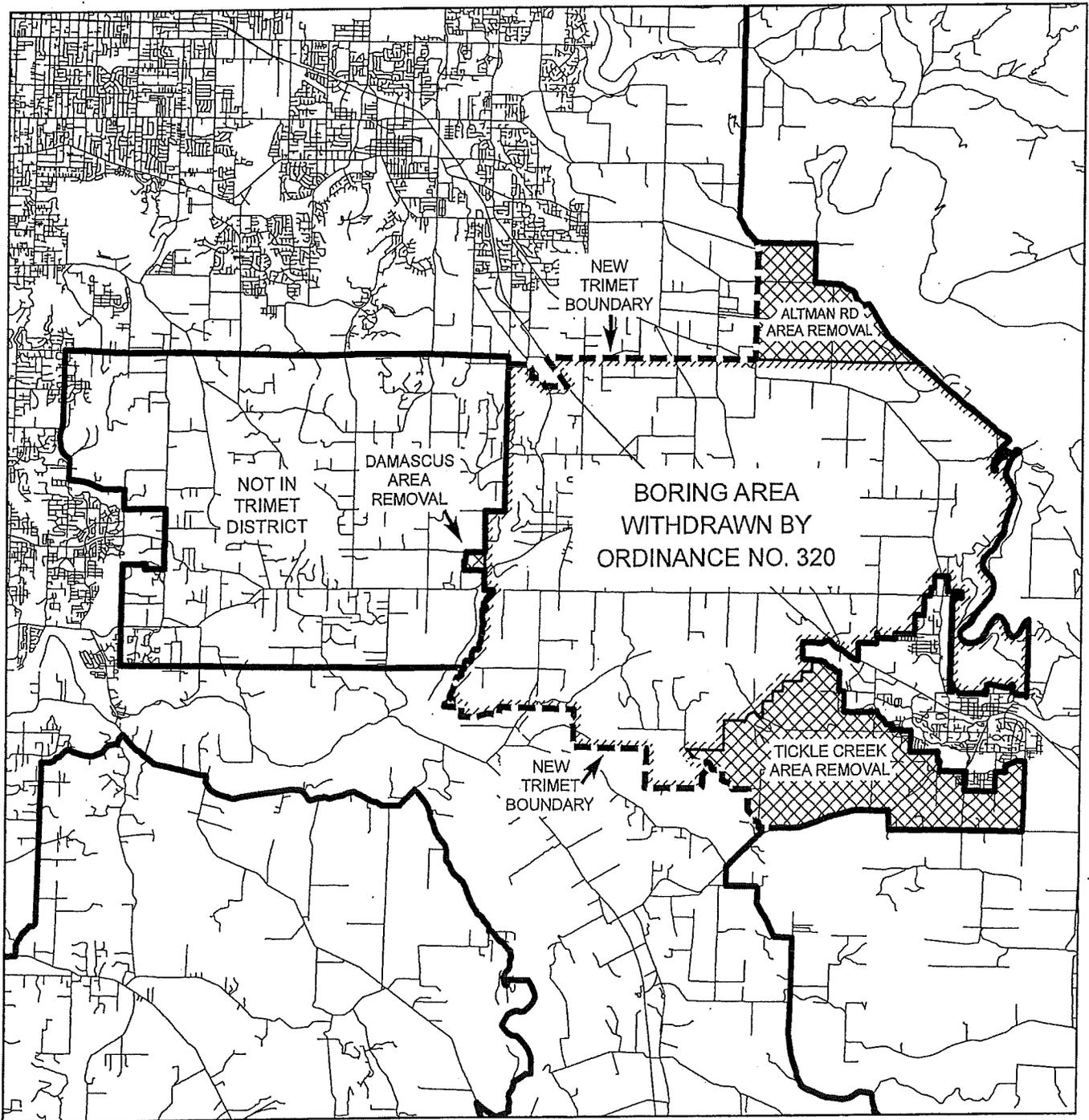
The Board could determine not to proceed with a second reading and not adopt Ordinance No. 325 at its November 28, 2012 meeting. However, the boundary alterations adopted by Ordinance No. 325 are necessary to conform the District boundary to applicable state law and TriMet Code requirements. The removals must be in effect on January 1, 2013 to coincide with the effective date of the Boring area withdrawal. A second reading and adoption of Ordinance No. 325 at the November 28, 2012 meeting will allow adequate time to meet those timelines and complete associated administrative tasks.

#### **5. Recommendation.**

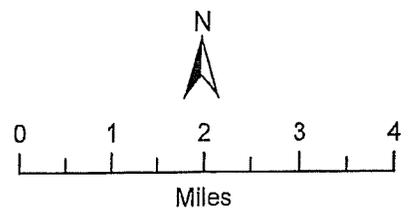
The General Manager recommends that the Board conduct a second reading and adopt Ordinance No. 325 at its November 28, 2012 meeting.

# ATTACHMENT A

## Ordinance No. 325 Boundary Alteration Overview



-  Removal Areas
-  Boring Area Withdrawal
-  New TriMet Boundary
-  Existing TriMet Boundary



**ORDINANCE NO. 325**

**AN ORDINANCE OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) ALTERING THE DISTRICT BOUNDARY, AND AMENDING TRIMET CODE CHAPTER 3**

THE BOARD OF DIRECTORS OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET), pursuant to the authority of Oregon Revised Statutes Chapter 267, does hereby ordain and decree the following Ordinance:

**Section 1 – Adoption of District Boundary Alterations**

The District boundary shall be altered as shown on the maps attached as Exhibits 1 through 3 to this Ordinance, which are incorporated into and made a part of this Ordinance. The specific District boundary alterations adopted by this Ordinance are as follows: Altman Road area removal shown on Exhibit 1; Tickle Creek Road area removal shown on Exhibit 2; and Damascus area removal shown on Exhibit 3.

**Section 2- TriMet District Boundary Description; Amendment of TriMet Code Chapter 3**

TriMet Code Section 3.10, TriMet District Boundary description, shall be updated and amended to reflect the District boundary alterations made under Section 1 of this Ordinance.

**Section 3 – Effective Date/Operative Dates**

This Ordinance shall take effect thirty days from the date of adoption. The District boundary alterations set forth in Exhibits 1 through 3 shall become operative January 1, 2013.

Date Adopted: \_\_\_\_\_

\_\_\_\_\_  
Presiding Officer

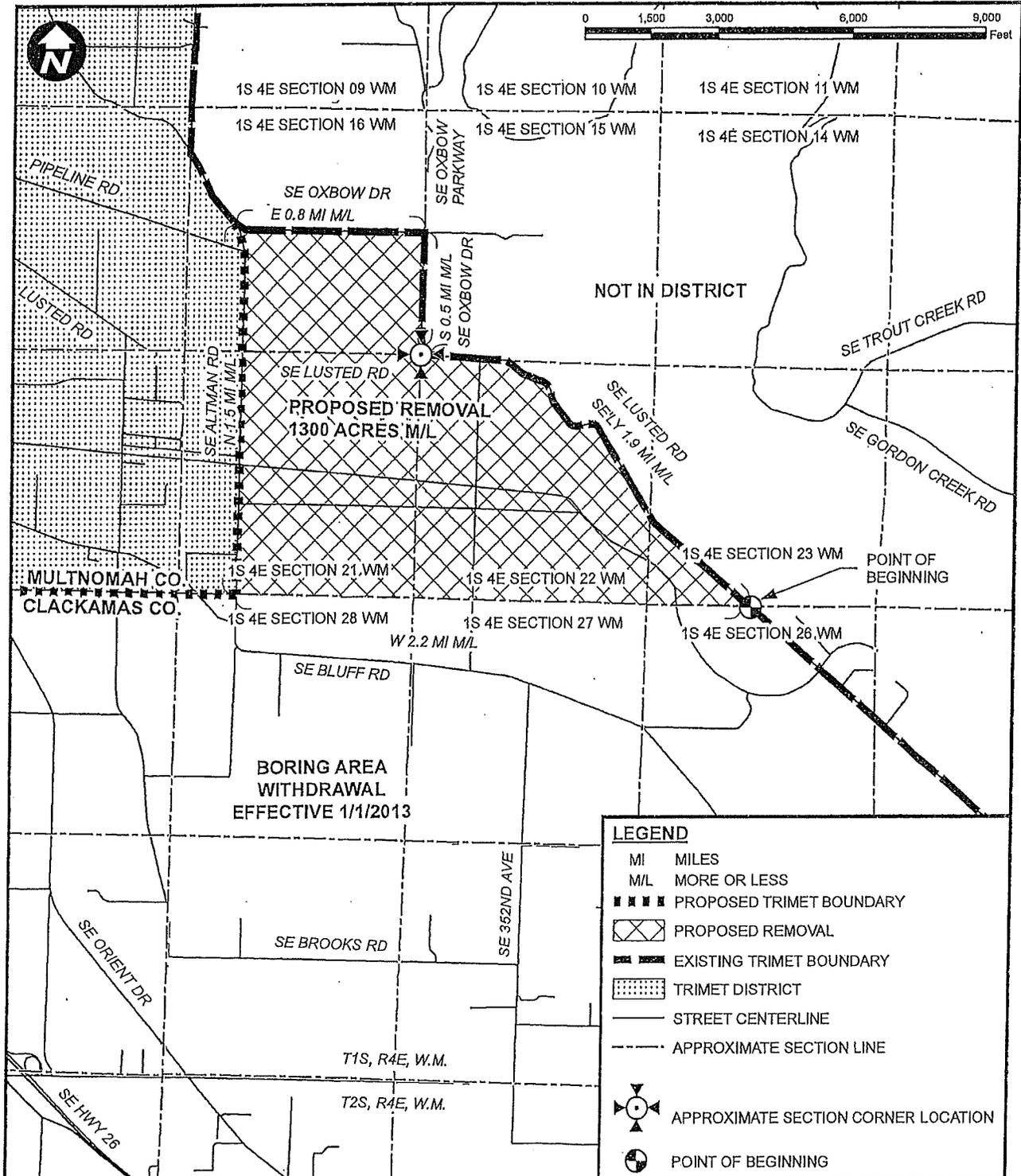
Attest:

\_\_\_\_\_  
Recording Secretary

Approved as to Legal Sufficiency:

\_\_\_\_\_  
Legal Department

ORDINANCE NO. 325  
EXHIBIT 1

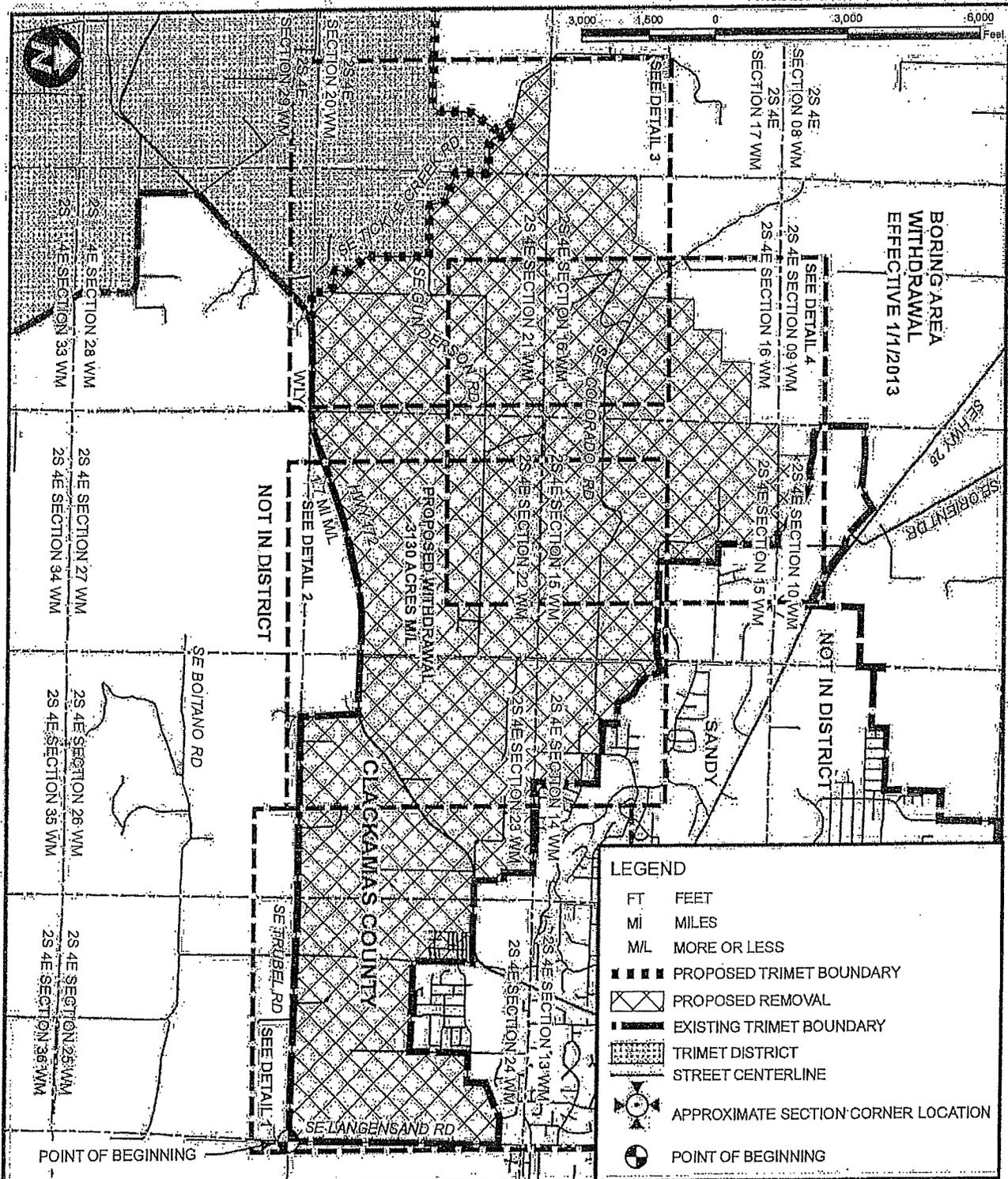


**LEGEND**

- MI MILES
- M/L MORE OR LESS
- ▣ PROPOSED TRIMET BOUNDARY
- ▤ PROPOSED REMOVAL
- ▧ EXISTING TRIMET BOUNDARY
- ▨ TRIMET DISTRICT
- STREET CENTERLINE
- - - APPROXIMATE SECTION LINE
- ⊕ APPROXIMATE SECTION CORNER LOCATION
- ⊙ POINT OF BEGINNING

 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET
	TITLE	ALTMAN RD AREA REMOVAL	1
	Project #	Scale	Version No.
	TMTX0000-0129	1" = 3,000'	1
DRAWN BY	APPROVED BY	DATE	
TLG	KRW	8/20/2012	1

ORDINANCE NO. 325  
EXHIBIT 2

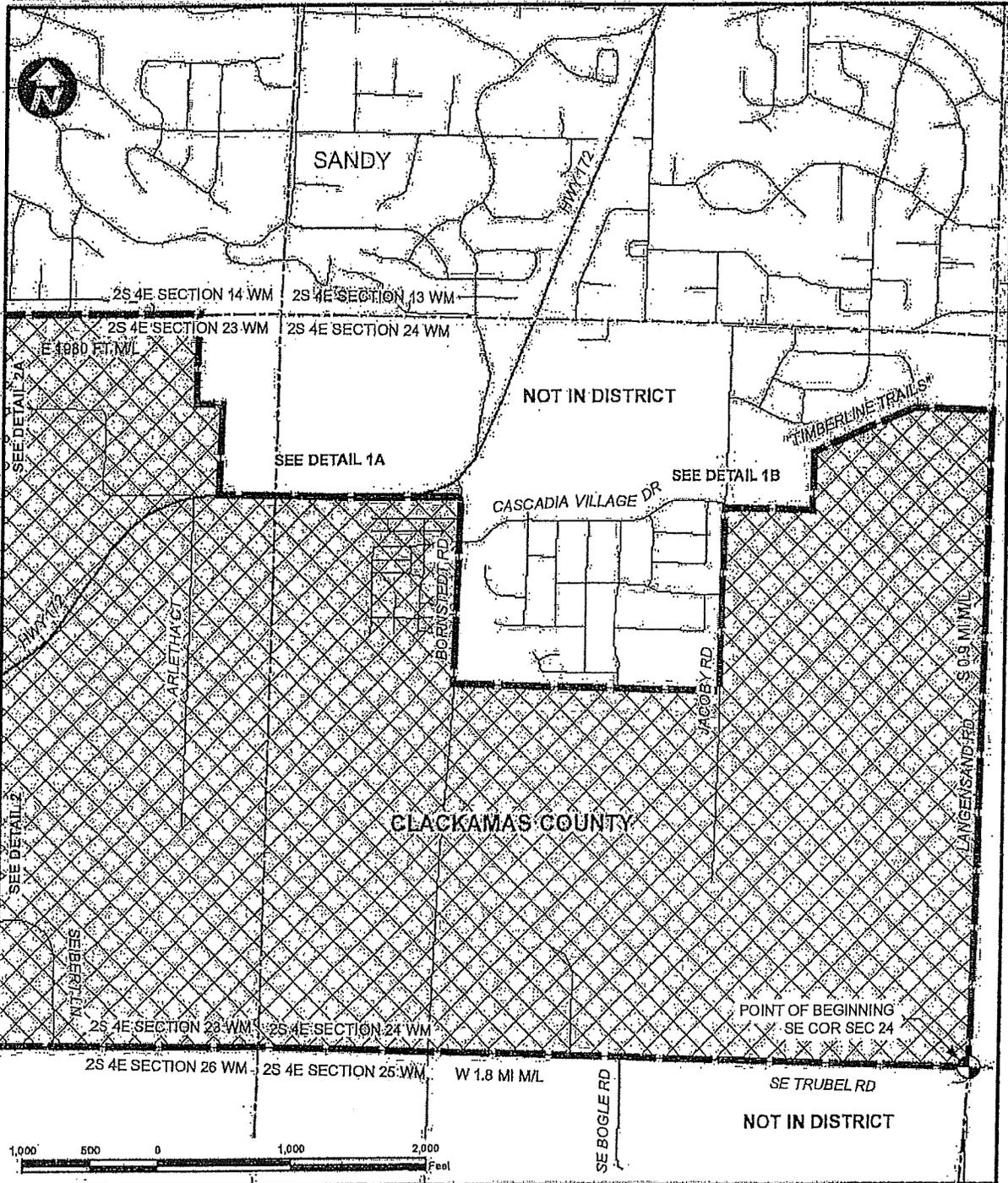


**LEGEND**

- FT FEET
- MI MILES
- ML MORE OR LESS
- ▬▬▬▬▬▬ PROPOSED TRIMET BOUNDARY
- ▨ PROPOSED REMOVAL
- ▬▬▬▬▬▬ EXISTING TRIMET BOUNDARY
- ▨ TRIMET DISTRICT
- ▬▬▬▬▬▬ STREET CENTERLINE
- ⊙ APPROXIMATE SECTION CORNER LOCATION
- ⊙ POINT OF BEGINNING

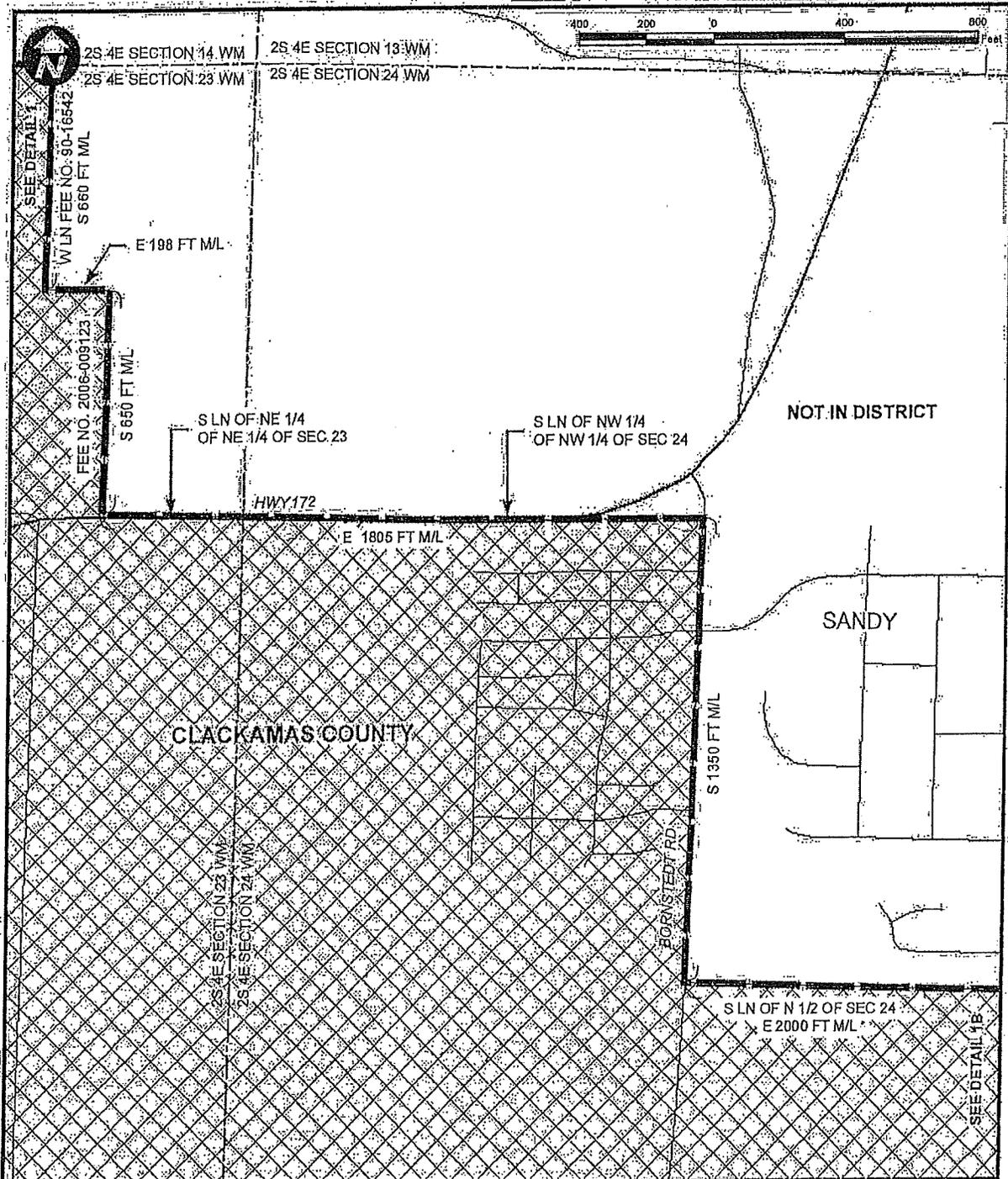
 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET
	TITLE	TICKLE CREEK AREA REMOVAL	1
		OVERVIEW	OF
	Project #	Scale	Version No.
TMTX0000-0129	1" = 3,000'	2	
DRAWN BY	APPROVED BY	DATE	
TLG	KRW	10/1/2012	

ORDINANCE NO. 325  
EXHIBIT 2



 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET	
	TITLE	TICKLE CREEK AREA REMOVAL	2	
		DETAIL 1	OF	
	Project #	Scale	Version No.	9
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DRAWN BY	APPROVED BY	DATE		
TJG	KRW	10/12/2012		

ORDINANCE NO. 325  
EXHIBIT 2

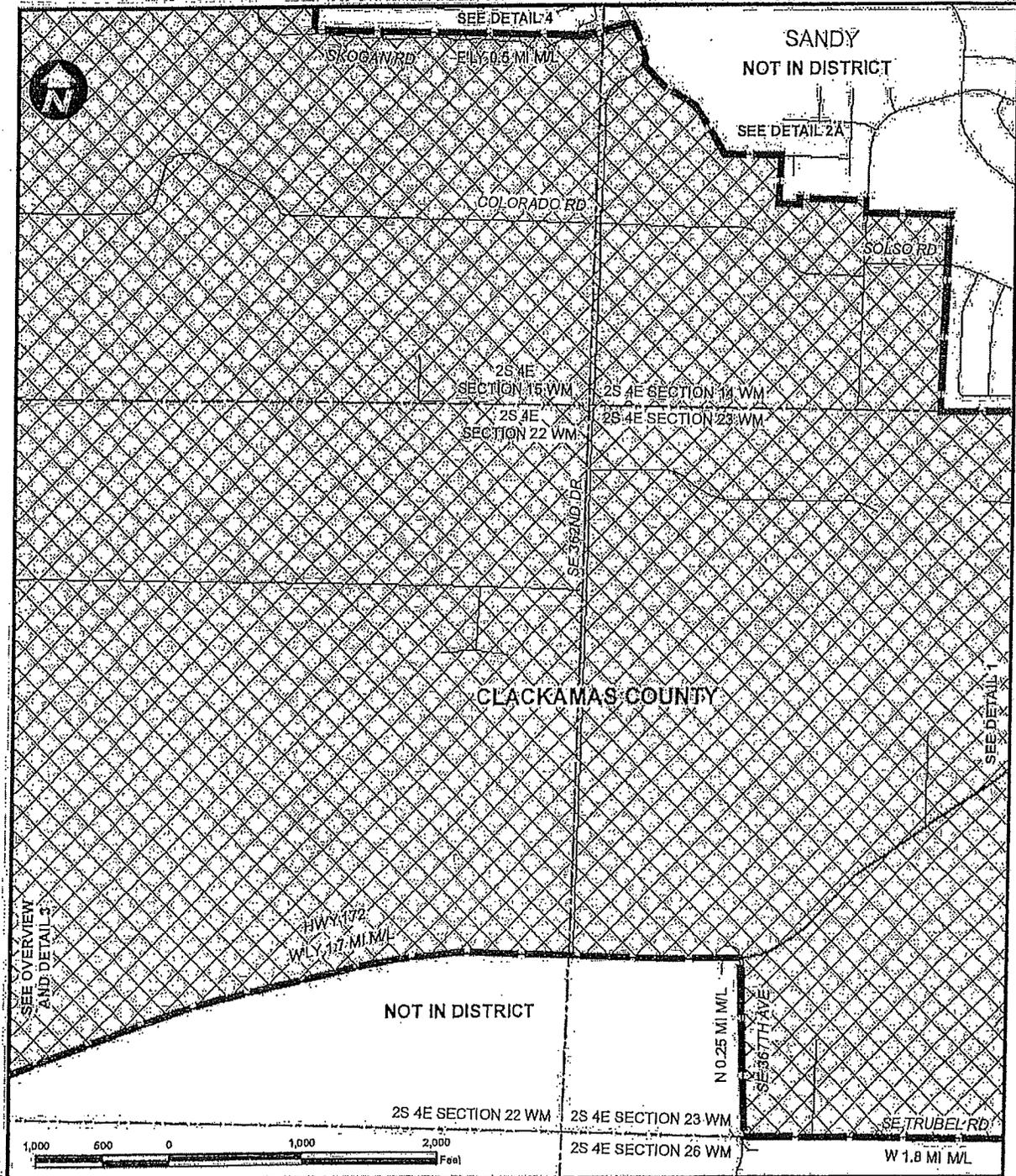


**DAVID EVANS  
AND ASSOCIATES INC.**  
2100 Southwest River Parkway  
Portland Oregon 97201  
Phone: 503.223.6663

PROJECT	TRIMET BOUNDARY ALTERATION		SHEET
TITLE	TICKLE CREEK AREA REMOVAL		3
	DETAIL 1A		OF
Project #	Scale	Version No.	9
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DRAWN BY	APPROVED BY	DATE	
TLG	KRW	10/1/2012	



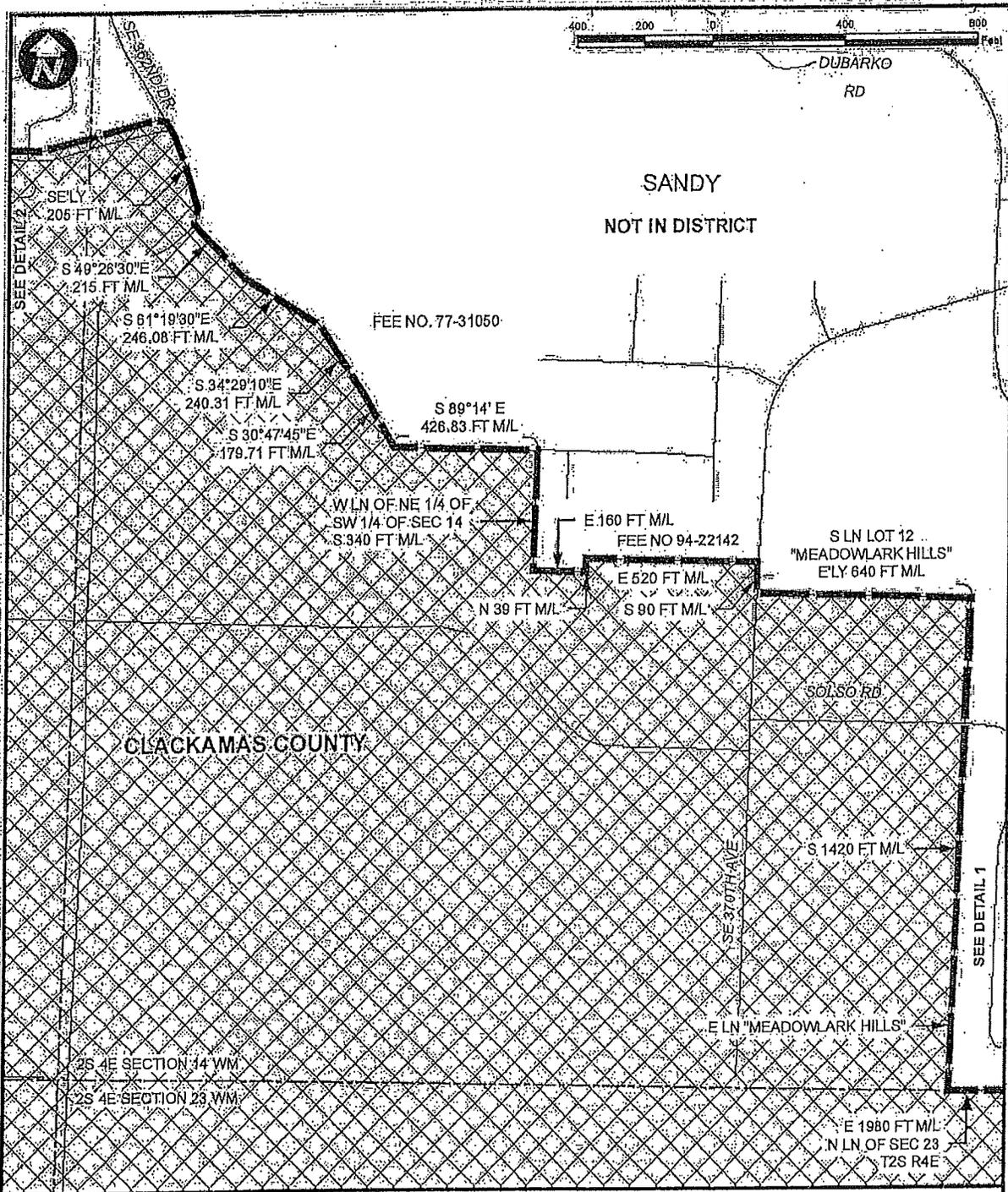
ORDINANCE NO. 325  
EXHIBIT 2



**DAVID EVANS  
AND ASSOCIATES INC.**  
2100 Southwest River Parkway  
Portland Oregon 97201  
Phone: 503.223.6863

PROJECT	TRIMET BOUNDARY ALTERATION		SHEET
TITLE	TICKLE CREEK AREA REMOVAL		5
	DETAIL 2		OF
Project #	Scale	Version No.	9
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DRAWN BY	APPROVED BY	DATE	
TLG	KRW	10/1/2012	

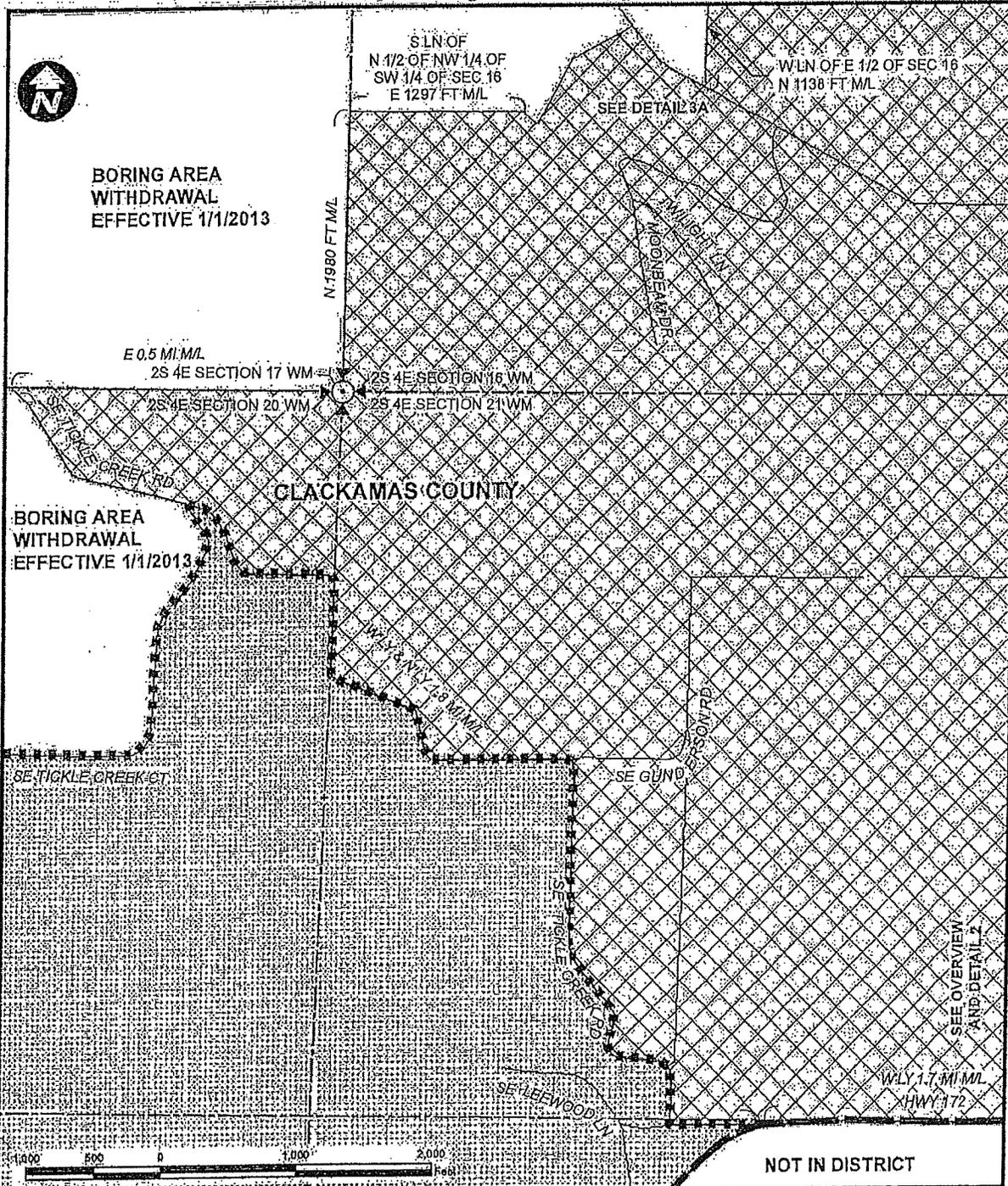
ORDINANCE NO. 325  
EXHIBIT 2



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AND ASSOCIATES INC.**  
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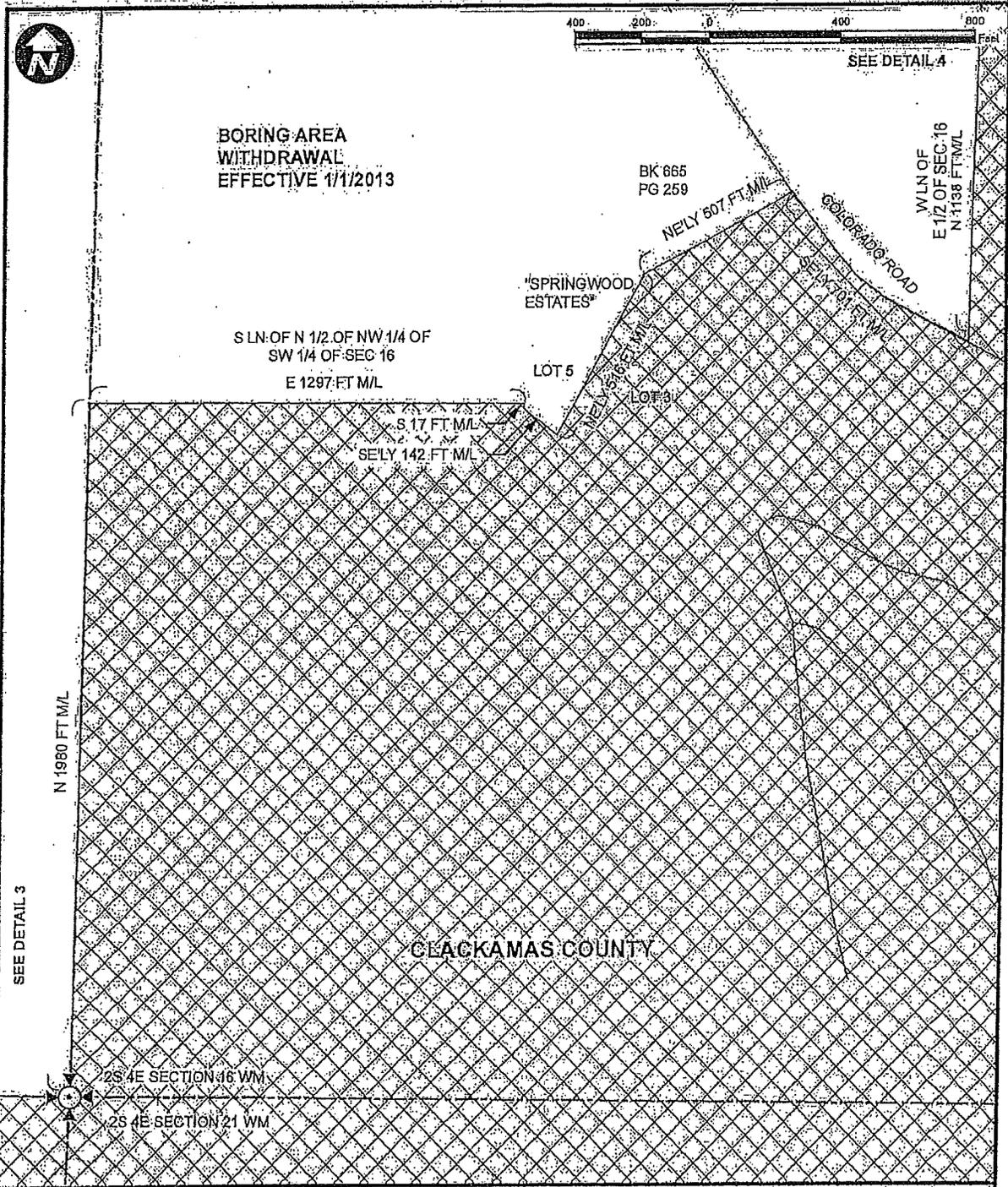
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TITLE	TICKLE CREEK AREA REMOVAL		6
	DETAIL 2A		OF
Project #	Scale	Version No.	9
TMTX0000-0129	1" = 400'	2	
DRAWN BY	APPROVED BY	DATE	
TLG	KRW	10/1/2012	

ORDINANCE NO. 325  
EXHIBIT 2



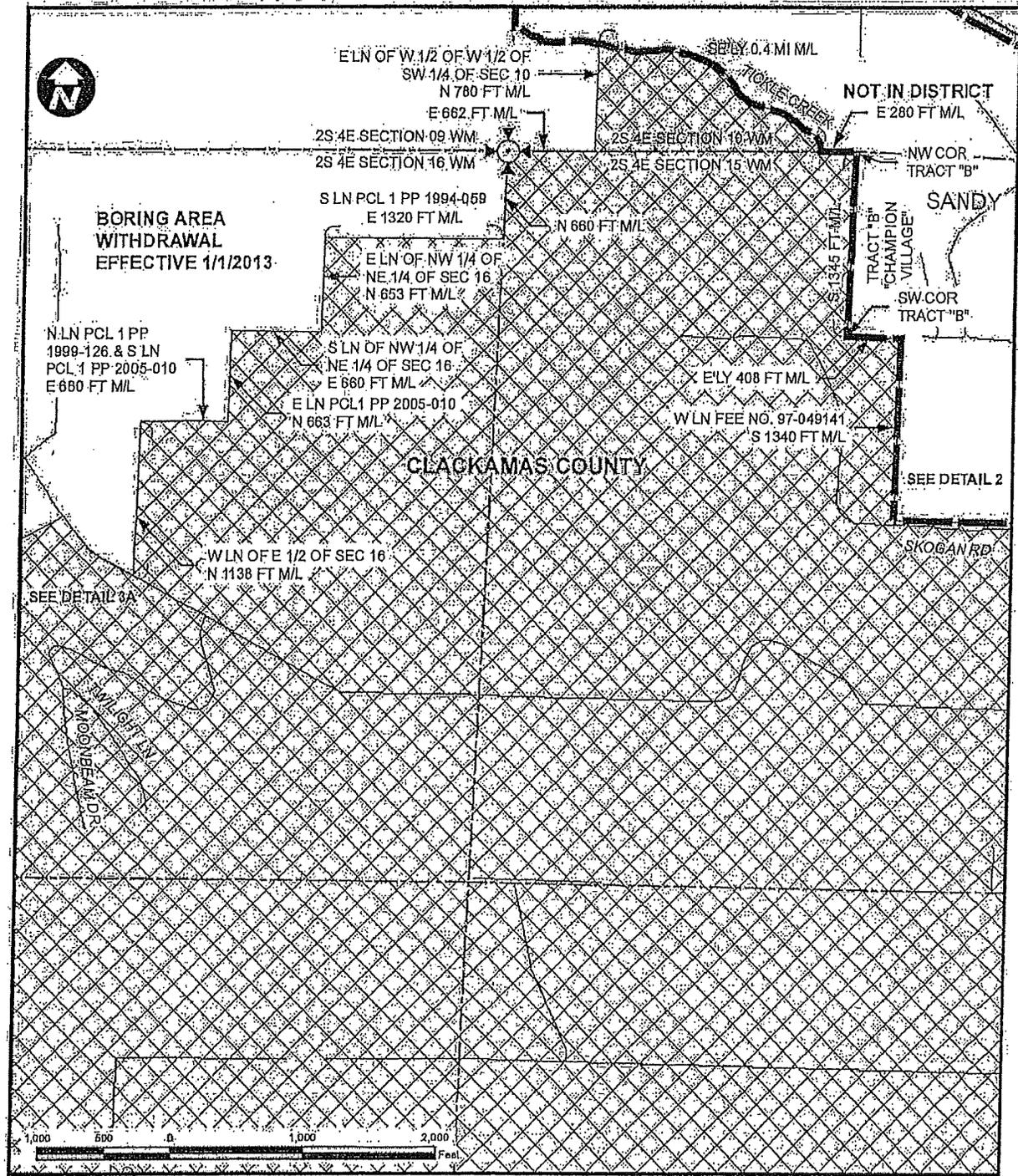
 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET	
	TITLE	TICKLE CREEK AREA REMOVAL	7	
		DETAIL 3	OF	
	Project #	Scale	Version No.	9
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DRAWN BY	APPROVED BY	DATE		
TLG	KRW	10/1/2012		

ORDINANCE NO. 325  
EXHIBIT 2

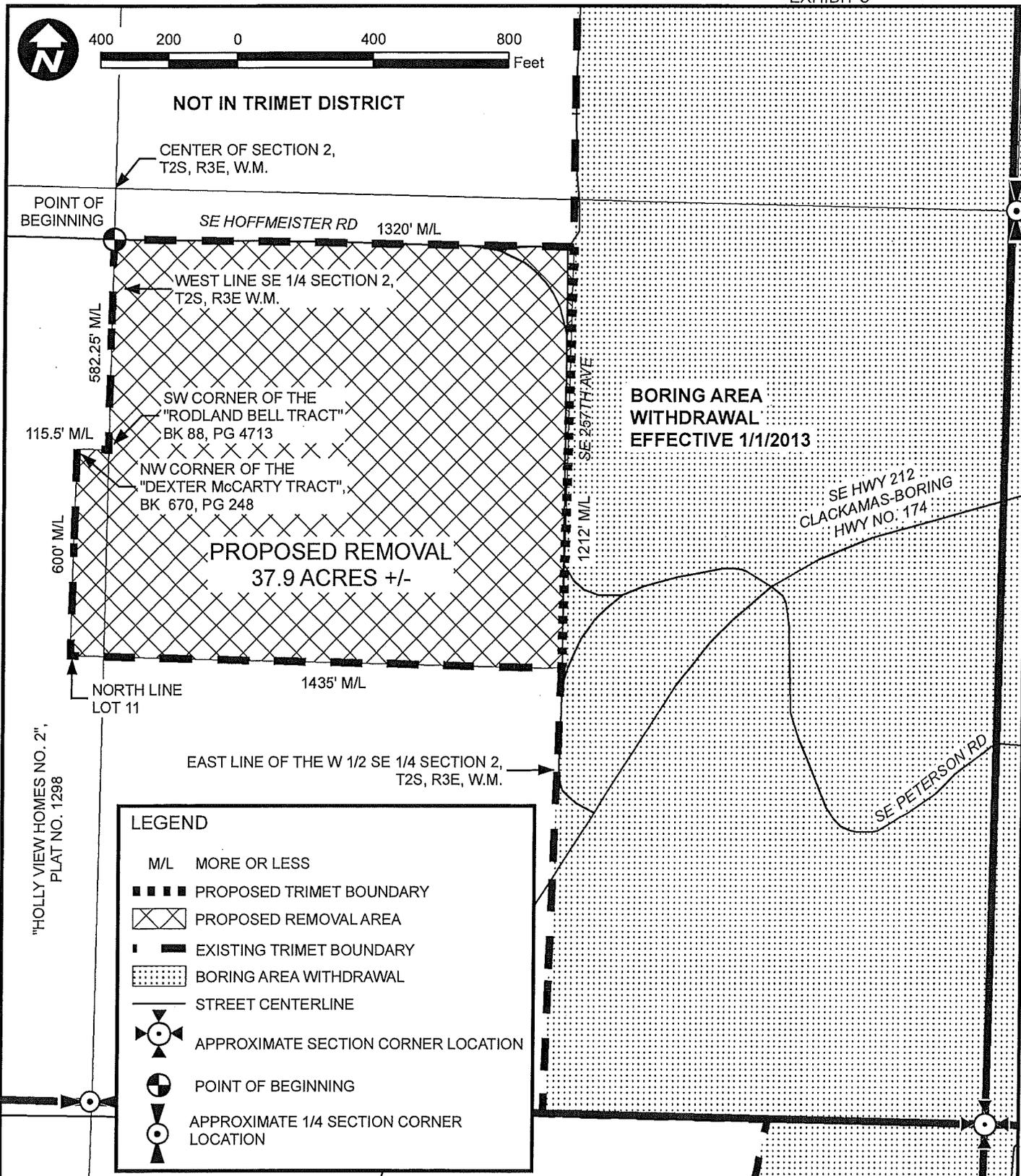


 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET
	TITLE	TICKLE CREEK AREA REMOVAL	8
		DETAIL 3A	OF
	Project #	Scale	Version No.
	TMTX0000-0129	1" = 400'	2
DRAWN BY	APPROVED BY	DATE	
TLG	KRW	10/1/2012	

ORDINANCE NO. 325  
EXHIBIT 2



 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET
	TITLE	TICKLE CREEK AREA REMOVAL	9
		DETAIL 4	OF
	Project #	Scale	Version No.
	TMTX0000-0129	1" = 1,000'	2
DRAWN BY	APPROVED BY	DATE	
TLG	KRW	10/1/2012	



**LEGEND**

- M/L MORE OR LESS
- ■ ■ ■ PROPOSED TRIMET BOUNDARY
- ▨ PROPOSED REMOVAL AREA
- ■ ■ ■ EXISTING TRIMET BOUNDARY
- ▨ BORING AREA WITHDRAWAL
- STREET CENTERLINE
- ⊕ APPROXIMATE SECTION CORNER LOCATION
- ⊙ POINT OF BEGINNING
- ⊕ APPROXIMATE 1/4 SECTION CORNER LOCATION

 <p><b>DAVID EVANS AND ASSOCIATES INC.</b> 2100 Southwest River Parkway Portland Oregon 97201 Phone: 503.223.6663</p>	PROJECT	TRIMET BOUNDARY ALTERATION	SHEET
	TITLE	DAMASCUS AREA REMOVAL	1
	Project #	Scale	Version No.
	TMTX0000-0129	1" = 400'	1
DRAWN BY	APPROVED BY	DATE	1
TAS/TLG		4/2/2012	