

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF REVISING METRO’S )  
PRELIMINARY GOAL 5 ALLOW, LIMIT, OR )  
PROHIBIT DECISION; AND DIRECTING THE )  
CHIEF OPERATING OFFICER TO DEVELOP A )  
FISH AND WILDLIFE HABITAT PROTECTION )  
AND RESTORATION PROGRAM THAT )  
RELIES ON A BALANCED REGULATORY )  
AND INCENTIVE-BASED APPROACH )

RESOLUTION NO. 04-3506A

Introduced by Metro President David Bragdon  
and Metro Councilor Rod Park

WHEREAS, Oregonians have a long tradition of understanding the interdependent values of economic prosperity and environmental quality, both of which constitute important elements of the livability that distinguishes this state and the Portland metropolitan region; and

WHEREAS, citizens of the Metro region value living in a place that, within the built environment, provides access to greenspaces and habitat for fish and wildlife species; and

WHEREAS, citizens representing a range of economic and environmental interests have stated that wildlife habitat and water quality need to be more consistently protected and improved across the region, as part of an ongoing regional commitment to planning for the future; and

WHEREAS, the Metro Policy Advisory Committee (MPAC), comprised of elected officials representing the region’s cities and counties, adopted a “Vision Statement” in 2000 to enunciate the region’s commitment to improve the ecological health and functionality of the region’s fish and wildlife habitat; and

WHEREAS, that Vision Statement set an overall goal “to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape . . . [to be] achieved through conservation, protection and appropriate restoration of streamside corridors through time;” and

WHEREAS, Metro has pursued the development of a regional fish and wildlife habitat and water quality protection program consistent with Statewide Planning Goal 5, one of 19 state land use planning goals, thereby producing a region-wide inventory of habitat comprising over 80,000 acres that has been located and classified for its ecosystem values and mapped to provide an information system for developing the region-wide program; and

WHEREAS, by developing the habitat inventory, Metro now has extensive and comprehensive information on the ecological health of the region’s fish and wildlife habitat, and an important role for Metro to play in the future will be to keep the inventory up to date, to continue to monitor the state of habitat in the region, and to share such information with local governments in the region to help them develop effective habitat protection and restoration programs; and

WHEREAS, fish and wildlife habitat depends on healthy functioning watersheds and follows the natural contours of the landscape, while political boundaries frequently split watersheds and divide the natural landscape, and Metro, as a regional government, can play an important role to help ensure a

consistent level of habitat protection and restoration across the region's political boundaries, in an ecologically-based manner that respects watersheds and the natural landscape; and

WHEREAS, access to resources for protecting and conserving habitat varies widely among the region's communities and Metro also can provide technical assistance to communities with fewer resources to help them develop protection and conservation approaches that are appropriate for their communities, such as tools to allow and encourage lowest impact development or the conservation of critical wildlife habitat through purchase or the use of creative land-trust instruments; and

WHEREAS, the rights of private property owners and their commitments to community goals and environmental protection should be recognized and honored, and that doing so will help us attain and sustain a high quality of life for both humans and wildlife; and

WHEREAS, the types of actions that affect the quality and quantity of the region's fish and wildlife habitat vary widely, including thousands of small decisions made each day by individuals, such as whether to use pesticides on their lawns, as well as bigger decisions, such as how development of these properties occurs; and

WHEREAS, to produce desired, measurable outcomes of cumulative improvements to fish and wildlife habitat throughout the region, the fish and wildlife habitat protection and restoration program must enlist the broad support of hundreds of thousands of people across the region, making habitat property owners participants in a regional program that includes education and incentives for lowest-impact development practices, restoration initiatives directed by watershed councils, and purchase of the most ecologically valuable habitat areas from willing sellers through the funds generated by a bond measure; and

WHEREAS, a number of local jurisdictions have established regulatory and non-regulatory programs that contribute toward the conservation, protection and restoration of fish and wildlife habitat; some of which have been acknowledged by the state as in compliance with Goal 5; and

WHEREAS, by making a concerted effort to provide the region's citizens with additional fish and wildlife habitat education, incentive, restoration and willing-seller property acquisition programs the region can potentially make substantial progress toward improving the quality and quantity of its fish and wildlife habitat; and

WHEREAS, Metro, local governments, and the citizens of the region should make such a concerted effort to meet the goals of the Vision Statement using non-regulatory strategies, and our progress toward meeting those goals should be measured, before local governments are required to comply with any new rules or regulations; and

WHEREAS, based on further review and consideration of the Draft Phase 2 ESEE Analysis, Metro is now prepared to revise its preliminary decision of where to allow, limit, or prohibit development on regionally significant fish and wildlife habitat lands and impact areas and, based on that revised decision, to develop a Program to Achieve Goal 5; now therefore,

BE IT RESOLVED that the Metro Council hereby directs the Chief Operating Officer to develop a fish and wildlife habitat protection and restoration program consistent with the following provisions:

1. Revised Allow-Limit-Prohibit Decision

Based upon and supported by the Metro Council's further review and analysis of the economic, social, environmental, and energy consequences of decisions to allow, limit, or prohibit conflicting uses in identified fish and wildlife habitat resources and impact areas, on the technical and policy advice Metro has received from its advisory committees, and on the public comments received regarding the ESEE analysis, the Metro Council concludes that the preliminary allow, limit, and prohibit decisions described in Exhibit A best reflect the appropriate ESEE tradeoffs for the region. The Council's revised preliminary decision reflects the conclusion that a limit decision is appropriate for all Class I and Class II riparian habitat, that an allow decision is appropriate for all other habitat classes within the current urban growth boundary, and that a limit decision is appropriate for Class A and B upland wildlife habitat within future urban growth boundary expansion areas, as identified at the time such land is designated as urban land. It is the Council's intent that, to the extent permitted by law, after land is designated as urban land, the annexing jurisdictions would condition, through ordinance, the annexing party's acceptance of the jurisdiction's land-use regulations (including the protections of all riparian habitat and Class A and B upland wildlife habitat).

This approach shall not be interpreted by local jurisdictions in the region as direction to repeal, amend, or weaken any regulations that such jurisdictions have already adopted to conserve, protect, and restore areas that have been designated as regionally significant habitat.

2. Direct Staff to Develop Regulatory Program for All Class I and II Riparian Habitat and for Class III Riparian Habitat and Class A and B Upland Wildlife Habitat In Areas Added to the Urban Growth Boundary After the Program's Effective Date

The Metro Council directs staff to develop a regulatory program to protect and restore all Class I and II riparian habitat consistent with the revised allow, limit, and prohibit decision described in Exhibit A, with the factors described in Exhibit C to Resolution No. 04-3440A, and with the provisions of this paragraph. The program shall also include regulatory provisions that will apply to Class III riparian habitat and Class A and B upland wildlife habitat in areas added to the urban growth boundary after the program's effective date. Such a program shall establish local program performance standards for the protection and restoration of Class I and II riparian habitat to be achieved by local jurisdictions in the region. Local jurisdictions will be required to show that their programs will meet the local program performance standards, and Metro shall make such local program performance standards as clear and objective as possible to provide local governments with a clear understanding of what programs will be sufficient to meet such standards. For example, such standards could include calculations of the amount of Class I and II riparian habitat that is protected through public ownership, a tree protection ordinance, regulatory buffers, easements, or other tools, and an assessment of the potential to minimize or mitigate impacts to Class I and II riparian habitat through the use of low-impact, habitat friendly design approaches. Local governments will have the option of retaining their existing programs, developing their own new programs, or using a model program approach to be developed by Metro, provided that the local government can demonstrate that its program will meet the performance standards. Local program performance standards will be broad and flexible enough to allow for local programs to take very different approaches, and Metro shall review and give equal credence to all approaches when determining whether local governments are in substantial compliance with those standards. The model program developed by Metro shall be based on the use of best management practices for low-impact, habitat-friendly, environmentally sensitive land development. The program shall include a reasonable, timely, and uniform schedule for local compliance with performance standards.

3. Direct Staff to Develop Non-Regulatory Program for All Habitat

Metro, other government agencies and volunteer-based non-governmental organizations across the region already have in place extensive education, restoration and acquisition programs designed to protect and enhance the quality and quantity of well-functioning fish and wildlife habitat. Metro's parks and solid waste and recycling departments and the Oregon Zoo, for example, have already developed education programs to teach individuals about fish and wildlife habitat, water quality, natural gardening, and what we all can do to improve fish and wildlife habitat. Many local governments (e.g. Portland's Bureau of Environmental Services), special districts (e.g. Clean Water Services in the Tualatin Basin), and non-governmental organizations (e.g. Friends of Trees) already engage in extensive natural area restoration programs and neighborhood tree planting programs that improve habitat. Metro, local governments, and non-governmental organizations (e.g. the Wetlands Conservancy) are all engaged in willing-seller land acquisition programs designed to purchase, preserve, and restore the region's highest-quality fish and wildlife habitat. Many of these efforts only take place thanks to the strong support of the region's private businesses and the efforts of many individuals. The region's vision of protecting and restoring a "continuous ecologically viable streamside corridor system" will only be achieved by harnessing the collective power of regional and local governments, non-profits, citizen volunteers, and private business to expand these programs.

Such an effort shall be consistent with the factors described in Exhibit D to Resolution No. 04-3440A, shall have a particular focus on non-regulatory actions that can be taken to preserve and restore Class A and B upland wildlife habitat, Class III riparian habitat, habitats of concern, and impact areas, and shall include:

a. Education and Incentive Programs

Metro's program shall focus on creating citizen education and incentive programs to help the citizens of the region voluntarily make the best choices for the protection and enhancement of fish and wildlife habitat. In addition, existing incentive programs that have not yet been implemented at the local level, such as Oregon's riparian and wildlife habitat property tax incentive programs that are ready for use by local governments, shall be identified and efforts made to ensure that such programs are available to, and used by, the citizens of the region.

b. A Regional Habitat Acquisition and Restoration Program

The Metro Council intends to develop, and take before the voters for approval no later than the general election to be held in November 2006, a fish and wildlife property acquisition and restoration bond measure to purchase from willing sellers those properties, or conservation easements on those properties, that are deemed to be of the greatest ecological importance for fish and wildlife habitat, and to fund habitat restoration efforts that could provide even higher quality habitat. Such a program shall include "local share" amounts dedicated for use by any local government in the region that has adopted its own non-regulatory habitat protection and restoration incentive program. As staff develops the regional habitat property acquisition program it shall further develop and clarify clear and objective standards to determine the types of local non-regulatory incentive-based programs that are sufficient to qualify a local government to receive its local share of the acquisition bond proceeds.

4. Regional Outcome Measures and Metro Monitoring of Habitat Conditions

Metro shall develop regional outcome measures to evaluate the region's progress toward meeting the vision of conserving, protecting and restoring fish and wildlife habitat in the region. The Chief Operating Officer shall annually assess the region's progress toward meeting the regional outcome measures and shall prepare and present to the Metro Council a written report on the region's progress toward meeting the regional outcome measures. Such report shall include a new analysis of habitat inventory in the region, using the same methodological approaches used to create the habitat inventory adopted by the Metro Council in Resolution No. 02-3218A, but allowing for the use of analytic and data improvements developed in the interim.

5. Metro Technical Assistance to Local Governments

To help the region achieve the program's vision "to conserve, protect and restore a continuous ecologically viable streamside corridor system . . . in a manner that is integrated with the surrounding urban landscape," as Metro implements the regulatory and non-regulatory approaches described in this resolution, it shall provide technical assistance to local governments to help them develop and improve their local fish and wildlife habitat protection and restoration programs. Such technical assistance may include providing information about alternative low impact development practices, scientific analysis of local habitat conditions, the collection, organization and use of geographic information system data and mapping technologies, development of educational information and curricula, and review of local land use codes to

identify current barriers to development approaches that benefit fish and wildlife habitat and potential modifications to benefit fish and wildlife habitat.

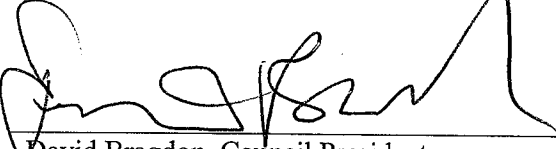
6. Metro's Program Shall Be Consistent With Ballot Measure 37, Approved By Oregon Voters in November 2004

At the general election held on November 2, 2004, Oregon voters overwhelmingly approved Ballot Measure 37, which generally provides that property owners shall be compensated for any loss of property value resulting from government regulations enacted after the date that property owners purchased their properties, or, in the alternative, that such regulations be waived. Metro's fish and wildlife habitat protection program shall not result in any reductions in the fair market value of properties that would require compensation under Ballot Measure 37 unless the program also establishes a source of funds dedicated to paying property owners for any such diminutions in property values. It should be noted that Ballot Measure 37 includes certain narrow exceptions to the requirement that compensation be paid to property owners, such as when regulations are adopted "for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations," and when regulations are required to be adopted "to comply with federal law." It is not the intent of this section for Metro to develop a fish and wildlife habitat protection program that required compensation of property owners in any instance where the provisions of Ballot Measure 37 would not require such compensation.

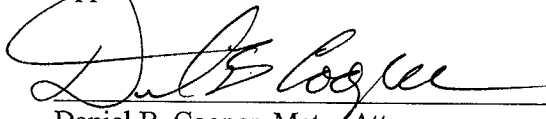
7. This Resolution is Not a Final Action

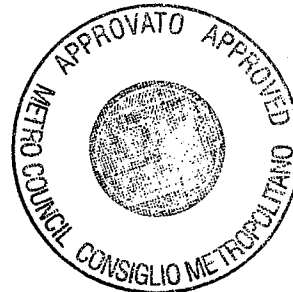
This resolution is not a final action. The Metro Council's action in this resolution is not a final action on an ESEE analysis, a final action on whether and where to allow, limit, or prohibit conflicting uses on regionally significant habitat and impact areas, or a final action to protect regionally significant habitat through OAR 660-023-0050 (Programs to Achieve Goal 5).

ADOPTED by the Metro Council this 9<sup>th</sup> day of December, 2004.

  
David Bragdon, Council President

Approved as to Form:

  
Daniel B. Cooper, Metro Attorney



## EXHIBIT A TO RESOLUTION NO. 04-3506A

### REGULATORY PROGRAM

Based on the results of the Phase II ESEE analysis, public comments, and technical review, Metro Council recommends that the following allow-limit-prohibit designations form the basis for a regulatory program to protect fish and wildlife habitat.

Fish & wildlife habitat classification	High Urban development value	Medium Urban development value	Low Urban development value	Other areas
	Primary 2040 components, <sup>1</sup> high employment value, or high land value <sup>4</sup>	Secondary 2040 components, <sup>2</sup> medium employment value, or medium land value <sup>4</sup>	Tertiary 2040 components, <sup>3</sup> low employment value, or low land value <sup>4</sup>	Parks and Open Spaces, no design types outside UGB
Class I Riparian/Wildlife	ML / A <sup>5</sup>	SL	SL	SL / SL+ <sup>6</sup>
Class II Riparian/Wildlife	LL/ A <sup>5</sup>	LL	ML	ML / SL+ <sup>6</sup>
Class III Riparian/Wildlife	A <sup>7</sup> / LL <sup>8</sup>	A <sup>7</sup> / LL <sup>8</sup>	A <sup>7</sup> / LL <sup>8</sup>	A <sup>7</sup> / ML <sup>8</sup>
Class A Upland Wildlife	A <sup>7</sup> / LL <sup>8</sup>	A <sup>7</sup> / ML <sup>8</sup>	A <sup>7</sup> / ML <sup>8</sup>	A <sup>7</sup> / SL <sup>8</sup> / SL+ <sup>6,8</sup>
Class B Upland Wildlife	A <sup>7</sup> / LL <sup>8</sup>	A <sup>7</sup> / LL <sup>8</sup>	A <sup>7</sup> / ML <sup>8</sup>	A <sup>7</sup> / ML <sup>8</sup> / SL+ <sup>6,8</sup>
Class C Upland Wildlife	A <sup>7</sup>	A <sup>7</sup>	A <sup>7</sup>	A <sup>7</sup>
Impact Areas	A <sup>7</sup>	A <sup>7</sup>	A <sup>7</sup>	A <sup>7</sup>

<sup>1</sup>Primary 2040 components: Regional Centers, Central City, Town Centers, and Regionally Significant Industrial Areas

<sup>2</sup>Secondary 2040 components: Main Streets, Station Communities, Other Industrial areas, and Employment Centers

<sup>3</sup>Tertiary 2040 components: Inner and outer neighborhoods, Corridors

<sup>4</sup> Land value excludes residential lands.

<sup>5</sup> Apply allow treatment to the International Terminal (IT) site because Council finds the site's special economic importance outweighs its resource values and direct staff to determine if there are other similarly situated sites.

<sup>6</sup> Apply more strict protection (SL+) to parks designated as natural areas in Class I and II riparian habitat.

<sup>7</sup> Develop aggressive, non-regulatory, incentive-based programs to preserve and restore Class III riparian habitat, upland habitat, habitats of concern, and impact areas.

<sup>8</sup> These limit decisions for Class III riparian habitat and Class A and B upland wildlife habitat will apply to property brought within the urban growth boundary after the program's effective date.

#### Key to abbreviations

SL = strictly limit

ML = moderately limit

LL = lightly limit

A = allow

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DIRECTING THE	)	RESOLUTION NO. 04-3506
CHIEF OPERATING OFFICER TO DEVELOP A	)	
FISH AND WILDLIFE HABITAT PROGRAM	)	
THAT RELIES ON A NON-REGULATORY	)	
EFFORT TO IMPROVE HABITAT PRIOR TO	)	
ANY IMPLEMENTATION OF NEW REGIONAL,	)	Introduced by Metro President David Bragdon
PERFORMANCE-BASED REGULATIONS	)	and Metro Councilor Rod Park

WHEREAS, Oregonians have a long tradition of understanding the interdependent values of economic prosperity and environmental quality, both of which constitute important elements of the livability that distinguishes this state and the Portland metropolitan region; and

WHEREAS, citizens of the Metro region value living in a place that, within the built environment, provides access to greenspaces and habitat for fish and wildlife species; and

WHEREAS, citizens representing a range of economic and environmental interests have stated that wildlife habitat and water quality need to be more consistently protected and improved across the region, as part of an ongoing regional commitment to planning for the future; and

WHEREAS, the Metro Policy Advisory Committee (MPAC), comprised of elected officials representing the region’s cities and counties, adopted a “Vision Statement” in 2000 to enunciate the region’s commitment to improve the ecological health and functionality of the region’s fish and wildlife habitat; and

WHEREAS, that Vision Statement set an overall goal “to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams’ headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape . . . [to be] achieved through conservation, protection and appropriate restoration of streamside corridors through time;” and

WHEREAS, Metro has pursued the development of a regional fish and wildlife habitat and water quality protection program consistent with Statewide Planning Goal 5, one of 19 state land use planning goals, thereby producing a region-wide inventory of habitat comprising over 80,000 acres that has been located and classified for its ecosystem values and mapped to provide an information system for developing the region-wide program; and

WHEREAS, by developing the habitat inventory, Metro now has extensive and comprehensive information on the ecological health of the region’s fish and wildlife habitat, and an important role for Metro to play in the future will be to keep the inventory up to date, to continue to monitor the state of habitat in the region, and to share such information with local governments in the region to help them develop effective habitat protection and restoration programs; and

WHEREAS, fish and wildlife habitat depends on healthy functioning watersheds and follows the natural contours of the landscape, while political boundaries frequently split watersheds and divide the natural landscape, and Metro, as a regional government, can play an important role to help ensure a



consistent level of habitat protection and restoration across the region's political boundaries, in an ecologically-based manner that respects watersheds and the natural landscape; and

WHEREAS, access to resources for protecting and conserving habitat varies widely among the region's communities and Metro also can provide technical assistance to communities with fewer resources to help them develop protection and conservation approaches that are appropriate for their communities, such as tools to allow and encourage lowest impact development or the conservation of critical wildlife habitat through purchase or the use of creative land-trust instruments; and

WHEREAS, the rights of private property owners and their commitments to community goals and environmental protection should be recognized and honored, and that doing so will help us attain and sustain a high quality of life for both humans and wildlife; and

WHEREAS, the types of actions that affect the quality and quantity of the region's fish and wildlife habitat vary widely, including thousands of small decisions made each day by individuals, such as whether to use pesticides on their lawns, as well as bigger decisions, such as how development of these properties occurs; and

WHEREAS, to produce desired, measurable outcomes of cumulative improvements to fish and wildlife habitat throughout the region, the fish and wildlife habitat protection and restoration program must enlist the broad support of hundreds of thousands of people across the region, making habitat property owners participants in a regional program that includes education and incentives for lowest-impact development practices, restoration initiatives directed by watershed councils, and purchase of the most ecologically valuable habitat areas from willing sellers through the funds generated by a bond measure; and

WHEREAS, by making a concerted effort to provide the region's citizens with additional fish and wildlife habitat education, incentive, restoration and willing-seller property acquisition programs the region can potentially make substantial progress toward improving the quality and quantity of its fish and wildlife habitat; and

WHEREAS, Metro, local governments, and the citizens of the region should make such a concerted effort to meet the goals of the Vision Statement using non-regulatory strategies, and our progress toward meeting those goals should be measured, before local governments are required to comply with any new rules or regulations; now therefore,

BE IT RESOLVED that the Metro Council hereby directs the Chief Operating Officer to develop a fish and wildlife habitat protection and restoration program consistent with the following provisions:

1. Metro's Program Shall Rely Primarily on Education, Incentive, Restoration and Acquisition Programs

Metro, other government agencies and volunteer-based non-governmental organizations across the region already have in place extensive education, restoration and acquisition programs designed to protect and enhance the quality and quantity of well-functioning fish and wildlife habitat. Metro's parks and solid waste and recycling departments and the Oregon Zoo, for example, have already developed education programs to teach individuals about fish and wildlife habitat, water quality, natural gardening, and what we all can do to improve fish and wildlife habitat. Many local governments (e.g. Portland's Bureau of Environmental Services), special districts (e.g. Clean Water Services in the Tualatin Basin), and non-governmental organizations (e.g. Friends of Trees) already engage in extensive natural area restoration programs and

neighborhood tree planting programs that improve habitat. Metro, local governments, and non-governmental organizations (e.g. the Wetlands Conservancy) are all engaged in willing-seller land acquisition programs designed to purchase, preserve, and restore the region's highest-quality fish and wildlife habitat. Many of these efforts only take place thanks to the strong support of the region's private businesses and the efforts of many individuals. The region's vision of protecting and restoring a "continuous ecologically viable streamside corridor system" will only be achieved by harnessing the collective power of regional and local governments, non-profits, citizen volunteers, and private business to expand these programs. Such an effort should include:

a. Education and Incentive Programs

Metro's program shall be focused, first and foremost, on creating citizen education and incentive programs to help the citizens of the region voluntarily make the best choices for the protection and enhancement of fish and wildlife habitat. In addition, existing incentive programs that have not yet been implemented at the local level, such as Oregon's riparian and wildlife habitat property tax incentive programs that are ready for use by local governments, shall be identified and efforts made to ensure that such programs are available to, and used by, the citizens of the region.

b. A Regional Habitat Acquisition and Restoration Program

The Metro Council intends to develop, and take before the voters for approval, a fish and wildlife property acquisition and restoration bond measure to purchase from willing sellers those properties, or conservation easements on those properties, that are deemed to be of the greatest ecological importance for fish and wildlife habitat, and to fund habitat restoration efforts that could provide even higher quality habitat.

2. Development of Local Program Performance Standards and Timeline for Compliance

The regional fish and wildlife habitat protection and restoration program shall establish local program performance standards to be achieved by the local fish and wildlife habitat protection and restoration efforts adopted by local jurisdictions in the region. Local jurisdictions will be required to show that their programs will meet the local program performance standards, and Metro shall make such local program performance standards as clear and objective as possible to provide local governments with a clear understanding of what programs will be sufficient to meet such standards. For example, such standards could include calculations of the amount of habitat that is protected through public ownership, a tree protection ordinance, regulatory buffers, easements, or other tools, and an assessment of the potential to minimize or mitigate impacts to fish and wildlife habitat through the use of low-impact, habitat friendly design approaches. Local governments will have the option of retaining their existing programs, developing their own new programs, or using a model program approach to be developed by Metro. Local program performance standards will be broad and flexible enough to allow for local programs to take very different approaches, and Metro shall review and give equal credence to all approaches when determining whether local governments are in substantial compliance with those standards. The model program developed by Metro shall be based on the use of best management practices for low-impact, habitat-friendly, environmentally sensitive land development. Local governments shall be required to be in compliance with the local program performance standards no later than June 1, 2012, subject to the provisions of paragraph 4 of this resolution.

3. Regional Outcome Measures and Metro Monitoring of Habitat Conditions

Metro shall develop regional outcome measures to evaluate the region's progress toward meeting the vision of conserving, protecting and restoring fish and wildlife habitat in the region. Upon Metro's adoption of a fish and wildlife habitat protection and restoration program, Metro shall begin immediate implementation of the non-regulatory program components described in paragraph 2, above, and paragraph 5, below. The Chief Operating Officer shall periodically assess the region's progress toward meeting the regional outcome measures. Not later than March 1, 2010, the Chief Operating Officer shall prepare and present to the Metro Council a written report on the region's progress toward meeting the regional outcome measures. Such report shall include a new analysis of habitat inventory in the region, using the same methodological approaches used to create the habitat inventory adopted by the Metro Council in Resolution No. 02-3218A, but allowing for the use of analytic and data improvements developed in the interim. The Metro Council shall hold at least three public hearings to review and consider the Chief Operating Officer's report. Not later than June 1, 2010, the Metro Council may adopt an ordinance to extend the time by which local governments are required to comply with the local program performance standards if the Metro Council concludes that the region has made substantial progress toward achieving the regional outcome measures described above.

4. Metro Technical Assistance to Local Governments

To help the region meet the regional outcome measures, as Metro implements the non-regulatory approaches described in paragraph 2, above, it shall provide technical assistance to local governments to help them develop and improve their local fish and wildlife habitat protection and restoration programs. Such technical assistance may include providing information about alternative low impact development practices, scientific analysis of local habitat conditions, the collection, organization and use of geographic information system data and mapping technologies, development of educational information and curricula, and review of local land use codes to identify current barriers to development approaches that benefit fish and wildlife habitat and potential modifications to benefit fish and wildlife habitat.

5. This Resolution is Not a Final Action

This resolution is not a final action. The Metro Council's action in this resolution is not a final action on an ESEE analysis, a final action on whether and where to allow, limit, or prohibit conflicting uses on regionally significant habitat and impact areas, or a final action to protect regionally significant habitat through OAR 660-023-0050 (Programs to Achieve Goal 5).

ADOPTED by the Metro Council this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

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David Bragdon, Council President

Approved as to Form:

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Daniel B. Cooper, Metro Attorney