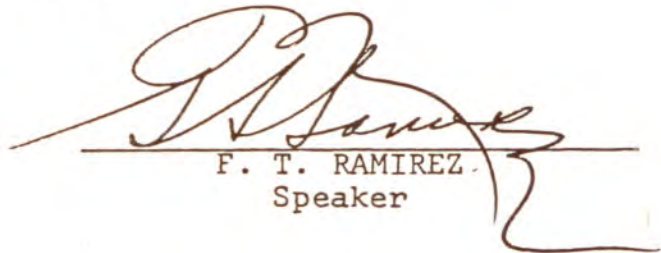


TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

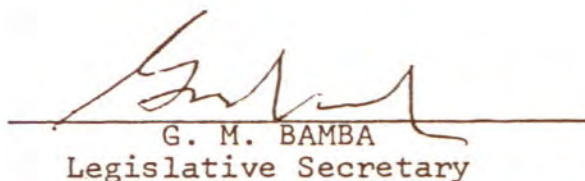
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 476, "An Act to add a new Chapter I, Title LXVI of the Government Code, to repeal Section 13250 of said Code, to repeal and reenact Sections 13205, 13206, 13207, and 13208 of said Code and to amend Section 13910(b) of said Code to provide for the organization of Comprehensive Development Planning throughout the territory of Guam", was on the 8th day of January, 1975, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 10th day
of January, 1975 at 3:30 o'clock p.M.


RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:

/s/ RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor of Guam

DATED: January 10, 1975
7:05 P.M.

P. L. 12-202

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TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

Bill No. 476
Substitute

Introduced by

Committee on Rules, by
request of the Governor.

AN ACT TO ADD A NEW CHAPTER I, TITLE LXVI OF THE GOVERNMENT CODE, TO REPEAL SECTION 13250 OF SAID CODE, TO REPEAL AND REENACT SECTIONS 13205, 13206, 13207, AND 13208 OF SAID CODE AND TO AMEND SECTION 13910(b) OF SAID CODE TO PROVIDE FOR THE ORGANIZATION OF COMPREHENSIVE DEVELOPMENT PLANNING THROUGHOUT THE TERRITORY OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. A new Chapter I, Title LXVI of the Government
3 Code is enacted to read as follows:

4 "Chapter I

5 Comprehensive Planning

6 Section 62010. Legislative findings. The people of Guam,
7 finding that the island is experiencing unprecedented
8 economic, physical and population growth without any
9 comprehensive planning program, that this undisciplined
10 growth jeopardizes the historic, cultural, and natural
11 aspects of their island heritage, threatens to lower their
12 quality of life, exploits their natural resources and often
13 misdirects their fiscal resources, hereby declare that the
14 Government of Guam shall initiate a systematic, continuous
15 farsighted planning policy which shall utilize the best
16 intelligence available to:

- 17 A. identify territorial goals and objectives;
- 18 B. propose long-range plans to reach these territorial
19 goals and objectives;
- 20 C. Coordinate the planning of all governmental and
21 non-governmental activities with a dynamic
22 comprehensive development plan; and

1 D. provide factual data, projections, and analyses
2 to assist policy makers in the selection of programs
3 and the establishment of priorities.

4 Section 62011. Comprehensive Planning Objectives.

5 Initial objectives, which will be amended and expanded as
6 conditions warrant, are:

- 7 A. to determine the extent that our natural resources
8 limit urban and rural development.
- 9 B. to plan for the preservation of the natural charm
10 and character of Guam within the framework of a
11 growing population and modern technology.
- 12 C. to establish generalized areas of use within an
13 urban, rural, agriculture, conservation, and
14 resort context.
- 15 D. to provide a development pattern that enhances the
16 comfort, convenience and economic welfare of the
17 individual.
- 18 E. to prepare land capability criteria as a basis for
19 real property evaluation that tends to equalize
20 the divergent qualities of location.
- 21 F. to reappraise the total land tenure of the territory
22 and provide guidelines for relocation of inefficient
23 or inappropriate major uses.
- 24 G. to plan for the development and extension of the
25 infrastructure and transportation facilities.
- 26 H. to plan for a high quality environment essentially
27 free from pollution and with adequate and well-kept
28 open space throughout our varying activity centers.
- 29 I. to prepare criteria of substandard neighborhoods
30 and identify areas that meet criteria levels.
- 31 J. to recommend creative legislation regulating our

1 use of land for the protection of future
2 generations.

3 Section 62012. Central Planning Council. Creation and
4 membership.

5 A. There is created in the Government of Guam a
6 Central Planning Council (hereinafter referred to
7 as 'Council'), consisting of seven members to be
8 appointed by the Governor from heads of departments
9 or agencies of the government of Guam. The Attorney
10 General or his authorized designee shall act as
11 legal counsel to the Council.

12 B. The Director of Planning shall be the Chairman of
13 the Council.

14 C. Council members may be represented by designees
15 at meetings but only members or those officially
16 acting for the members may cast a vote.

17 Section 62013. Council responsibilities. The Council
18 shall have the following responsibilities.

19 A. to act as an advisory, reviewing, and coordinating
20 body to harmonize, improve and assist in implement-
21 ing planning activities at all levels of government;

22 B. to insure that the current planning programs are
23 consistent with the comprehensive development plan
24 and the Comprehensive Program and Financial Plan
25 (as referenced in the Executive Budget Act) and the
26 policies enumerated in this Chapter;

27 C. to adopt any rules or regulations in accordance
28 with the Administrative Adjudication Act and
29 exercise all other powers necessary and proper
30 for the discharge of its responsibilities;

31 D. to encourage the establishment of advisory

1 committees from the village commissioners,
2 legislative staff officers and the collective
3 civic organizations, which Advisory committees
4 will organize at their own discretion and meet
5 on their own initiative or at the request of the
6 Council;

7 E. to review all comprehensive development plan
8 elements, as referenced in 60020 with the
9 assistance of advisory committees, and the Bureau
10 of Planning, and make detailed written recommenda-
11 tions to the Governor, including minority dissenting
12 opinions, for approval, disapproval, revision,
13 amendment or referral to specific agencies or
14 groups for further study and review; and

15 F. to report on the first Monday of December to the
16 Governor or Governor-elect in an election year, a
17 summary of the planning program and progress.

18 Section 62014. Coordination of Functional Responsi-
19 bilities. All agencies, departments, boards, commissions
20 and other instrumentalities of the Territorial government
21 shall review their present statutory authority, admin-
22 istrative regulations and current planning policies and
23 procedures to determine whether there is any duplication,
24 any deficiencies or inconsistencies therein which prohibit
25 or tend to prohibit full accommodations between them and the
26 purposes and provisions of this Chapter and shall propose
27 to the Council each January such measures as may be
28 necessary to bring their planning authority and policies
29 into conformity with the intent, purposes, and procedures
30 set forth in this Chapter. All master plans, development
31 plans, long-range plans, and the like prepared by public

1 agencies, will be required to be submitted to the Council
2 for processing as part of the comprehensive planning
3 program. Emphasis will be placed on the continuing nature
4 of the comprehensive plan program rather than a final
5 completion of a single plan. The Council may assign, with
6 concurrence of the director or head of agency involved,
7 planning staffs or portions thereof of staff or line
8 agencies who shall prepare portions of the plan under the
9 supervision of the Director of Planning.

10 Section 62015. Plan Review. Comprehensive Plan
11 Elements, prepared by the various public agencies, will be
12 submitted to the Council for review. Following recommend-
13 ation by the Council, Plan elements will be transmitted
14 to the Territorial Planning Commission (hereinafter called
15 TPC) for public hearing and subsequent transmittal to the
16 Governor by the TPC with a summary of public hearing
17 testimony and TPC recommendations.

18 Section 62016. Plan Adoption. Comprehensive Plan
19 elements received by the Governor from the TPC may be
20 approved, disapproved or referred to the Council for
21 further recommendation prior to approval. Following
22 approval by the Governor, Plan elements shall be submitted
23 to the Guam Legislature for adoption by resolution.

24 Section 62017. Bureau of Planning. There is created
25 within the Office of the Governor, the Bureau of Planning,
26 (hereinafter referred to as 'BP') to serve as staff for
27 the Council and to administer central planning functions.
28 The director of the BP will carry the title 'Director of
29 Planning' and shall be a person who as a result of his
30 training, experience, and attainments is exceptionally well
31 qualified to analyze and interpret development trends and

1 information of all kinds, to appraise and coordinate
2 planning programs and supervise the execution of the
3 responsibilities of the Council in accordance with the
4 policies set forth in this Chapter. The Director's salary
5 shall be not less than Twenty-Six Thousand Dollars (\$26,000)
6 per annum. He shall be responsible for the administration
7 of this Chapter and shall supervise the BP staff which,
8 in addition to its regular duties, shall serve the Council.

9 Section 62018. Same; staff organization. The BP Staff
10 shall be organized into several divisions, sections, or
11 units such as is sufficient to appraise, coordinate and
12 assist in the preparation of long-range planning programs
13 for the social, economic and physical development of the
14 territory of Guam. Expertise, either singly or collectively,
15 should be evident in such areas as community facilities,
16 conservation, cultural development, demography, economics,
17 education, environment, finance, infrastructure, land
18 utilization, natural resources, transportation, urban and
19 rural design, and utilities. Preparation of planning
20 elements, not the duty and function of staff and line
21 agencies, shall be the responsibility of the BP staff.

22 Section 62019. BP Powers. In the execution of its
23 responsibilities under this Chapter, the BP is authorized
24 to perform the following functions:

25 A. to apply for and accept grants, loans, contribut-
26 ions, appropriations and assistance from the federal
27 government and from any other sources, public or
28 private, and enter into and carry out contracts or
29 agreements in connection therewith, and include in
30 any contract for financial assistance with the
31 federal laws as it may deem reasonable and

1 appropriate and which are not inconsistent with
2 the purposes of this Chapter and the laws of
3 the Territory;

4 B. to contract for any professional services if such
5 work or services cannot satisfactorily be per-
6 formed by its employees;

7 C. to conduct, or cause to be conducted, investiga-
8 tions, studies, surveys, research and analysis
9 relating to physical, human, social, and economic
10 development of the community and to publish the
11 results thereof;

12 D. to develop and recommend territorial policies to
13 foster and promote the improvement of planning
14 activity and development quality;

15 E. to prepare, or cause to be prepared in conjunction
16 with the Comprehensive Program and Financial Plan,
17 a comprehensive development plan (hereinafter
18 called 'plan'), which shall provide long range
19 guidance for the social, economic, and physical
20 development of the territory, and which shall
21 contain a statement of development objectives,
22 standards and principles with respect to the most
23 desirable use of land within the Territory for
24 residential, recreational, agricultural, commercial,
25 industrial, and other uses completely serviced by
26 an access and circulation network and infrastructure
27 consistent with proper protection to enhance the
28 quality of the environment and preserve Guam's
29 natural beauty and historical heritage;

30 F. to submit the plan to the Territorial Planning
31 Commission for public hearing as provided in

1 Chapter 3, Title XIV of the Government Code of
2 Guam;

3 G. to utilize to the fullest extent possible, the
4 services, facilities and information of public
5 and private agencies and organizations and
6 individuals in order that duplication of effort
7 and expenses may be avoided;

8 H. to review, appraise and make such use as it sees
9 fit of all existing plans and those presently
10 being prepared; and

11 I. to develop an information system and data bank for
12 the continual collection and storage of public
13 information utilized in the development plan
14 process.

15 Section 62020. Plan Content. The Plan shall consist
16 of such maps, graphic materials, text and statement of
17 findings, policies, and objectives as necessary. The plan
18 shall contain at least the following specific elements:

19 A. a land use element which designates the proposed
20 general distribution and general location and
21 extent of the uses of the land for housing,
22 business, industry, agriculture, recreation,
23 education, public buildings and grounds, conser-
24 vation, and other categories of public and private
25 uses of land, which include islands, reef and
26 lagoon areas and the sea within the territorial
27 waters and also includes a statement of the
28 standards of population density and building
29 intensity for the various districts and other areas
30 covered by the plan, and regulatory devices govern-
31 ing the use, development and subdivision of land;

- 1 B. a community design element consisting of standards
2 and principles governing the subdivision and
3 development of land and showing recommended designs
4 for community and neighborhood development and
5 redevelopment, including sites for schools, parks,
6 playgrounds and other uses;
- 7 C. a transportation element showing a comprehensive
8 transportation and circulation system consisting
9 of existing and proposed major routes, thorough-
10 fares, highways and collector streets; locations
11 of right-of-ways, terminals, viaducts, and grade
12 separation, port, harbor, aviation and mass transit-
13 lines and related facilities; all of which are
14 correlated with the land use element of the plan;
- 15 D. a regulatory element concerning parking facilities
16 and building setback lines and the delineations of
17 such systems on the land, a system of street naming,
18 housing and building numbering, and such other
19 matters as may be related to the improvement of
20 circulation of traffic;
- 21 E. a public services and facilities element showing
22 general plans for sewerage, refuse disposal,
23 drainage, and local utilities, and right-of-ways,
24 easements, and facilities for them;
- 25 F. a public buildings element showing locations and
26 arrangements of civic and community centers, public
27 schools, libraries, police and fire stations, and
28 other public buildings, including their architecture
29 and the landscape treatment of their grounds;
- 30 G. a housing element consisting of standards and plans
31 for elimination of sub-standard dwelling conditions,

1 the improvement of housing and for provision of
2 adequate sites for housing;

3 H. a redevelopment element for the elimination of
4 slums and blighted areas and for community
5 redevelopment including housing sites, business
6 and industrial sites, public building sites, and
7 for other purposes authorized by law;

8 I. a conservation element for the conservation,
9 development, and utilization of natural resources
10 including forests, soils, rivers and other waters,
11 harbors, fisheries, wildlife, minerals, and other
12 natural resources, which may also cover the
13 following:

14 (1) Reclamation of land and waters,

15 (2) Flood control,

16 (3) Prevention and control of pollution of
17 streams of other waters,

18 (4) Regulations of the use of land in stream
19 channels and conservation plan,

20 (5) Prevention, control, and correction of the
21 erosion of soils, beaches, and shores; and

22 (6) Protection of watersheds.

23 J. a recreation element showing a comprehensive system
24 of areas and public sites for recreation, including
25 the following and, when practicable, their locations
26 and proposed development:

27 (1) Natural reservations,

28 (2) Parks,

29 (3) Parkways,

30 (4) Beaches,

31 (5) Reef and lagoons,

1 (6) Playgrounds,

2 (7) Historic and Archeologic sites; and

3 (8) other recreation areas.

4 .K. a safety element for the protection of the
5 community from fires and geologic hazards including
6 features necessary for such protection as evacuation
7 routes, peak load water supply requirements, minimum
8 road widths, clearances around structures, geologic
9 hazard mapping in areas of known geologic hazards;

10 L. such additional elements dealing with other subjects
11 which in the judgment of the Council relate to the
12 physical development of the territory;

13 M. a five-year socio-economic plan to include policy,
14 opportunities, and programs to attack problems
15 concerning health services, manpower planning,
16 employment opportunity, education, elimination of
17 poverty, law enforcement, welfare, substandard
18 housing, consumer protection, public revenue and
19 expenditures, cultural heritage preservation, and
20 the like to include population characteristics and
21 economic analysis with projections for each region
22 and sub-region of the island;

23 N. a five-year schedule of proposed capital improve-
24 ments to be compiled from schedules of proposed
25 capital improvements, and submitted to the Council
26 by each department, agency, division, board,
27 commission, branch and instrumentality of the
28 government of Guam, which schedule shall include a
29 policy for the balanced development of port, high-
30 way, and public transportation facilities including,
31 but not limited to, the University of Guam, health

1 and welfare facilities, correctional institutions,
2 elementary and secondary schools, electric power,
3 water, telephone, sewer, and other utility
4 facilities; and

5 0. a statement of specific policies for at least each
6 of the following general areas: social and human
7 resource development, natural resource development,
8 and utilization of environment protection and
9 equality, historical and cultural heritage preserva-
10 tion.

11 Section 62021. Severability. If any provision of this
12 Chapter or the application thereof to any person or circum-
13 stances is held invalid, such invalidity shall not affect
14 other provisions or applications of this Chapter which can
15 be given effect without the invalid provisions or applica-
16 tion, and to this end the provisions of this Chapter are
17 severable."

18 Section 2. Sections 13205, 13206, 13207, and 13208, of
19 Chapter III, Title XIV, Government Code of Guam are hereby
20 repealed and new sections respectively are enacted in lieu there-
21 of to read as follows:

22 "Section 13205. Same: function and duty. It shall be
23 the function and duty of the Commission to review through
24 public hearing all elements of the comprehensive development
25 plan for the territory of Guam and to make recommendations
26 with reference thereto to the Governor of Guam..

27 Section 13206. Plan hearing. One or more public
28 hearings will be held on the comprehensive development plan,
29 or final portions thereof, within forty-five (45) days
30 following receipt of the plan by the Commission. Announce-
31 ments of the hearing will be placed in a newspaper of

1 general circulation ten (10) days and one (1) day prior to
2 the hearing. Summaries of the plan portion to be heard
3 will be prepared and submitted to appropriate news media
4 and community channels.

5 Section 13207. Plan submission. Within fifteen (15)
6 days following the hearing of the plan, a summarization
7 of the public response and recommendations of the Commission
8 will be submitted to the Governor.

9 Section 13208. Cooperation of other departments. Each
10 and every agency, department, office, commission or part
11 thereof in the government of Guam shall render such assist-
12 ance, information and cooperation to the Commission as is
13 necessary for the Commission to perform its function and
14 duty, including submission of completed elements of the
15 comprehensive development plan."