

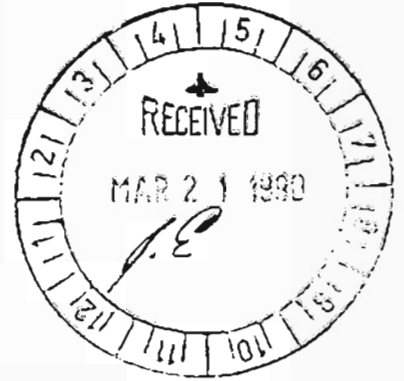


Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA LAHI
AGANA, GUAM 96910 U.S.A.

MAR 21 1990

Manoy



The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1060, which I have signed into law this date
as Public Law No. 20-147.

Sincerely,

Joseph F. Ada
JOSEPH F. ADA
Governor

Attachment

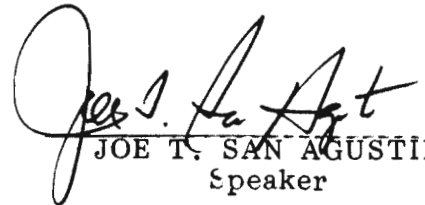
200780



TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 1060 (COR), "AN ACT TO REPEAL AND REENACT CHAPTER II OF TITLE LXV OF THE GOVERNMENT CODE, AND TO REPEAL AND REENACT SECTION 13200 AND SUBSECTION (a) OF SECTION 48003 OF SAID CODE TO ESTABLISH THE PROCESS FOR COMPREHENSIVE DEVELOPMENT PLANNING IN GUAM," was on the 7th day of March, 1990, duly and regularly passed.



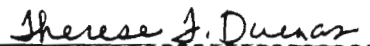
JOE T. SAN AGUSTIN
Speaker

Attested:



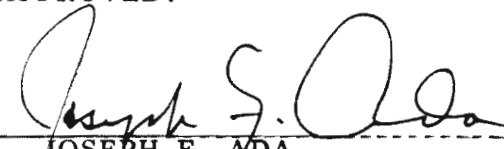
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 9th day of March, 1990,
at 5:00 o'clock p.m.



Shereese J. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: MAR 21 1990

Public Law No. 20-147

TWENTIETH GUAM LEGISLATURE
1989 (First) Regular Session

Bill No. 1060 (COR)

As Substituted by the Committees on Economic
Development & General Governmental Operations
and As Amended by the Committee on Rules

Introduced By: E.D. Reyes
J.P. Aguon
G. Mailloux
T.S. Nelson
M.Z. Bordallo
C.T.C. Gutierrez
P.C. Lujan
M.D.A. Manibusan
E.P. Arriola
J.G. Bamba
D.F. Brooks
H.D. Dierking
E.R. Duenas
E.M. Espaldon
D. Parkinson
F.J.A. Quitugua
M.C. Ruth
J.T. San Agustin
F.R. Santos
T.V.C. Tanaka
A.R. Unpingco

AN ACT TO REPEAL AND REENACT CHAPTER II OF TITLE LXV
OF THE GOVERNMENT CODE, AND TO REPEAL AND REENACT
SECTION 13200 AND SUBSECTION (a) OF SECTION 48003 OF
SAID CODE TO ESTABLISH THE PROCESS FOR COMPREHENSIVE
DEVELOPMENT PLANNING IN GUAM

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

2 SECTION 1. Chapter II, Title LXV, Government Code, is repealed and
3 reenacted to read:

4 "CHAPTER II.

5 COMPREHENSIVE PLANNING

6 §62010. Legislative Findings. The Legislature recognizes that
7 since the early 1960s, Guam has experienced population, economic and
8 physical growth rates that are among the highest in the region; that
9 Guam and her people have benefited greatly from all levels of socio-
10 economic and physical development which has thus far taken place but
11 it is the desire of the people of Guam to sustain and encourage the

1 development of the island in a manner that would foster greater
2 economic opportunities and stability for Guam without adversely
3 affecting the cultural, environmental, social and natural resources
4 unique to the island; that without careful study of the types and
5 scale of socio-economic development anticipated for Guam and her
6 residents, there will continue to be an absence of foresight,
7 direction and guidance present in the current and future stages of
8 development needed by Guam to sustain the desired standards and
9 quality of living for its people; that to fully enjoy the benefits
10 that can and would be derived from Guam's limited human and natural
11 resources, development in Guam must be guided by a Comprehensive
12 Development Plan that reflects the desires and aspirations of all who
13 are guided by it; that a process for formulating Guam's Comprehensive
14 Development Plan shall be established which shall identify the roles,
15 authorities, responsibilities and processes involved in the
16 formulation of the plan;

17 That there is a pressing need to establish policies which
18 reflect the people's aspirations with respect to the future
19 development of Guam - policies which evolve from sound strategic
20 planning initiatives; policies that take into account all diverse
21 elements of community needs and desires; policies that would channel
22 the deployment of resources to meet the following goals and
23 objectives:

- 24 1. To upgrade the quality of life for Guam's people;
- 25 2. To create conditions and opportunities whereby people fully
26 participate and benefit at every level of social and
27 economic activity;
- 28 3. To maintain balance and equity between development and the
29 environment in order to preserve the unique culture,

1. traditions and beauty of the island;

2 4. To optimize the use of resources to meet present and future
3 infrastructure and suprastructure requirements of the
4 people of Guam;

5 5. To develop and maintain infrastructure capacity at a level
6 that could sustain future population, socio-economic and
7 physical growth.

8 §62011. Legislative Intent. It is the intent of the
9 Legislature (i) to integrate its policy-making efforts with public
10 and private interests engaged in physical, social and economic
11 development planning for the island; (ii) to establish a process and
12 mechanism through which duly adopted policies of Guam are linked with
13 all elements of governmental and non-governmental development
14 planning and implementation activity, the island having experienced
15 the ill-effects of fragmented and disjointed development efforts
16 resulting from the absence of both an integrated planning process and
17 a Comprehensive Development Plan that contain rational parameters for
18 Guam's growth; (iii) that all planning efforts that occur in Guam, be
19 they private or public, adhere and conform to the adopted policies,
20 goals and objectives set forth in Guam's Comprehensive Development
21 Plan; (iv) to ensure that the people of Guam are not subjected to
22 unbridled and unmanageable growth that would threaten the benefits,
23 comforts and privileges to which each Guam resident is entitled; and
24 (v) that the formulation of the Guam Comprehensive Development Plan
25 serve to guide the island's growth and development up to and through
26 the Twenty-First Century.

27 The Legislature wishes to collectively draw input, participation
28 and expertise from all segments of the community in the effort to
29 establish comprehensive planning for Guam and to solicit the services

1 of development planning experts from both the public and private
2 sectors.

3 In its desire to establish short-range and comprehensive long-
4 term development objectives for Guam, inclusive of but not limited to
5 the areas of education, visitor industry, economic development,
6 community development, health, transportation, communication, public
7 safety, agriculture, taxation, culture, labor and human resources,
8 recreation, environment, and political development, the Legislature
9 hereby establishes strategies for initiating comprehensive planning
10 for Guam and the formulation of the Guam Comprehensive Development
11 Plan. These strategies shall be as follows:

- 12 A. To determine the extent that Guam's land, water and human
13 resources limit urban and rural development;
- 14 B. To plan for the preservation of the natural charm and
15 character of Guam within the framework of a growing
16 population and modern technology;
- 17 C. To establish specified areas of use within urban, suburban,
18 rural, agriculture, conservation, industrial, and resort
19 contexts;
- 20 D. To provide a development pattern that enhances the comfort,
21 convenience and economic welfare of the individual;
- 22 E. To prepare land-use capability criteria as a basis for real
23 property evaluation that equalize the divergent qualities
24 of location;
- 25 F. To reappraise the extent of public, private and Federal
26 land tenure in Guam and provide guidelines for relocation
27 of inefficient or inappropriate uses;
- 28 G. To plan for the development and extension of necessary
29 infrastructure and transportation facilities;

1. H. To plan for a high quality environment essentially free
2 from pollution and with adequate and well-kept open space
3 throughout Guam's varying activity centers;
- 4 I. To prepare criteria of substandard neighborhoods and
5 identify areas that meet these criteria;
- 6 J. To recommend creative legislation regulating Guam's use of
7 land for the protection of future generations.

8 Nothing in this Chapter is intended to limit the scope of any
9 element or the areas of concern cited herein. However, it is the
10 intention of the Legislature to fully integrate all planning elements
11 and concerns within a viable development planning mechanism.

12 §62012. Territorial Planning Council.

- 13 (a) Creation and Membership. There is hereby created within
14 the government of Guam a Territorial Planning Council (the
15 "Council") of twelve (12) members consisting of the
16 Director of Land Management, the Director of Planning, the
17 Administrator of the Guam Economic Development Authority,
18 the Director of Commerce, the General Manager of the Guam
19 Visitors Bureau, one (1) member of the Mayors' Council to
20 be nominated by the Mayors' Council and appointed by the
21 Governor, three (3) members of the Legislature, including
22 one (1) minority member, each to be nominated by the
23 Speaker and appointed by the Governor, one (1) member of
24 the Chamber of Commerce appointed by the Governor with the
25 advice and consent of the Legislature, one (1) member of
26 the community at large appointed by the Governor with the
27 advice and consent of the Legislature, and the
28 Administrator of the Guam Environmental Protection Agency.
- 29 (b) Chairperson. The Council shall select a Chairperson and

1 Vice-Chairperson from among its members to preside over its
2 affairs.

3 (c) Executive Secretary. The Director of Planning shall be the
4 Executive Secretary of the Council.

5 (d) Procedures. The Council shall, pursuant to the
6 Administrative Adjudication Law, adopt rules, procedures,
7 and regulations to govern its meetings, hearings, business
8 and affairs.

9 (e) Fees. Members of the Council who are not public officials
10 shall be compensated Fifty Dollars (\$50) per meeting not
11 to exceed One Hundred Dollars (\$100) per month.

12 §62013. Council Responsibilities and Authority. The
13 responsibilities and authority of the Council shall be:

14 (a) Prepare Plan. To cause to be prepared, through the
15 services of a consortium of both public and private experts
16 possessing diverse planning experience and expertise, a
17 comprehensive development plan (the "Plan"), which shall
18 provide short- and long-range guidance for the social,
19 economic, infrastructure, suprastructure, and physical
20 development of Guam, and which shall contain a statement of
21 development objectives, standards and principles with
22 respect to the most desirable use of land within Guam for
23 residential, recreational, agricultural, commercial,
24 industrial, and other uses completely serviced by an access
25 and circulation network and infrastructure consistent with
26 proper protection to enhance the quality of the environment
27 and preserve Guam's natural beauty and historical heritage;

28 (b) Assist Planning. To harmonize, improve and assist in
29 implementing comprehensive planning activities at all

1 level of government;

2 (c) Insure Consistency. To insure that the current planning
3 programs and projects are consistent with the comprehensive
4 development plan and the comprehensive program and
5 financial plan (set out in the Executive Budget Acts) and
6 the policies enumerated in this Chapter;

7 (d) Rules. To adopt any necessary rules or regulations in
8 accordance with the Administrative Adjudication Law and to
9 exercise all other powers necessary and proper for the
10 discharge of its responsibilities;

11 (e) Recommendations. To develop all elements of the
12 comprehensive development plan for Guam, as described in
13 §62020 of this Chapter, and to make detailed written
14 recommendations to the Governor, including minority
15 dissenting opinions, for approval, disapproval, revision,
16 amendment or referral to specific agencies or groups for
17 further study and review;

18 (f) Agreements. To enter into and carry out any agreement or
19 agreements in connection with the provisions of this
20 Chapter and to solicit assistance from public, private or
21 Federal sources as required in the development planning
22 process and which are not inconsistent with or contrary to
23 the laws of Guam; and

24 (g) Annual Report. To deliver to the Governor on the last
25 Monday of January of each year a written report of the
26 planning program and progress.

27 §62014. Support and Coordination for Comprehensive Planning.

28 All agencies, departments, boards, commissions and other
29 instrumentalities of the government of Guam shall review their

1 present statutory authority, administrative regulations and current
2 planning policies and procedures to determine whether there is any
3 duplication, any deficiencies or inconsistencies therein which
4 prohibit or tend to prohibit integration, coordination and compliance
5 with respect to the purposes and provisions of this Chapter and shall
6 thereafter propose to the Council at a date determined by the Council
7 such measures as may be necessary to bring their planning authority
8 functions and programs into conformity with the intent, purposes, and
9 procedures set forth in this Chapter. All master plans, development
10 plans, long-range plans, and the like prepared by public agencies
11 shall be submitted to the Council for processing as part of the
12 comprehensive planning program. Emphasis will be placed on the
13 continuing nature of the comprehensive plan program rather than a
14 final completion of a single plan. The Council may assign, with
15 concurrence of the director or other head of the agency involved,
16 planning staffs or portions thereof of staff or line agencies who
17 shall prepare portions of the plan under the supervision of the
18 Bureau of Planning.

19 §62015. Plan Review: Public Hearings. The Plan or any of its
20 elements prepared by the various public agencies or any private
21 entity, shall be submitted to the Council for review. Within forty-
22 five (45) days following receipt of any such element or elements by
23 the Council, the Council shall hold one (1) or more public hearings
24 thereon. Announcements of such hearings shall be printed in a
25 newspaper of general circulation on Guam ten (10) days and one (1)
26 day prior thereto. Summaries of the element or elements to be heard
27 shall be prepared by the Council and submitted to appropriate news
28 media.

29 §62015.1. Plan Submission. Within thirty (30) days after the

1 hearing of the Plan or any of its elements, the Council shall submit
2 to the Governor its recommendation thereon including a summary of
3 testimony at the hearing(s).

4 §62015.2. Cooperation of Other Departments. Every department
5 and agency of the government of Guam is hereby directed to render
6 such assistance to the Council as the Council may require.

7 §62016. Plan Adoption. The Plan or any of its elements
8 received by the Governor from the Council shall be approved,
9 disapproved or referred to the Council for further recommendation
10 prior to approval. The Governor shall have sixty (60) calendar days
11 to act on the Plan or any of its elements submitted; provided,
12 however, that if no action is taken thereon within sixty (60)
13 calendar days after submission, the Plan or any of its elements so
14 submitted shall be deemed approved by the Governor. Within ten (10)
15 calendar days of approval by the Governor, the Plan or any of its
16 elements shall be submitted to the Legislature for adoption. The
17 Legislature shall review and approve or disapprove the Plan or any of
18 its elements within sixty (60) calendar days of its receipt. In the
19 event of failure by the Legislature to act within such sixty (60)
20 calendar day period, the Plan or any of its elements so submitted
21 shall be deemed approved.

22 §62017. Bureau of Planning. There is created within the Office
23 of the Governor, the Bureau of Planning (the "Bureau"), which shall
24 provide technical assistance, support and planning information to the
25 Council and assist the Council in its effort to integrate and
26 coordinate all levels of development planning throughout the
27 government of Guam. The administrator of the Bureau, who shall be
28 designated Director of Planning (the "Director"), shall be appointed
29 by the Governor with the consent of the Legislature, and shall be a

1 person who, as a result of training, experience and attainments, is
2 exceptionally well-qualified to analyze and interpret development
3 trends and information of all kinds, to appraise and coordinate
4 planning programs and supervise the execution of the responsibilities
5 of the Council in accordance with the policies set forth in this
6 Chapter. The Director shall be responsible for the administration of
7 this Chapter and shall supervise the staff of the Bureau which, in
8 addition to its regular duties, shall serve the Council.

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

21 §62019. Powers of the Bureau. In the execution of its
22 responsibilities under this Chapter, the Bureau is authorized to
23 perform the following functions:

- 24 (a) Grants. To apply for and accept grants, loans,
25 contributions, appropriations and assistance from the
26 Federal government and from any other sources, public or
27 private, and enter into and carry out contracts or
28 agreements in connection therewith, and include in any
29 contract for financial assistance with the Federal laws as

1 it may deem reasonable and appropriate and which are not
2 inconsistent with the purposes of this Chapter and the laws
3 of Guam;

4 (b) Contracts. To contract for any professional services if
5 such work or services cannot satisfactorily be performed by
6 its employees;

7 (c) Studies. To conduct, or cause to be conducted,
8 investigations, studies, surveys, research and analysis
9 relating to physical, human, social, and economic
10 development of Guam and to publish the results thereof;

11 (d) Policies. To develop and recommend territorial policies to
12 foster and promote the improvement of planning activity and
13 development quality;

14 (e) Private Services. To utilize to the fullest extent
15 possible, the services, facilities and information of
16 public and private agencies and organizations and
17 individuals in order that duplication of effort and
18 expenses may be avoided;

19 (f) Appraise Plans. To review, appraise and make such use as
20 it sees fit of all existing plans, inclusive of the 1978
21 Kabales Na Planu Para Guahan, and those presently being
22 prepared;

23 (g) Data Bank. To develop an information system and data bank
24 for the continual collection and storage of public
25 information needed or utilized in the development plan
26 process; and

27 (h) Annual Report. To report to the Council and the
28 Legislature of its annual progress and of its fiscal year
29 activities.

1 §62020. Content of the Plan. The Comprehensive Development
2 Plan for Guam shall contain specific elements as follows:

3 (a) Land Use. A land-use element together with the appropriate
4 zoning recommendations supporting distribution, location
5 and the extent of uses of land for housing, business,
6 industry, agriculture, recreation, education, public
7 buildings, open space, conservation and other categories of
8 public and private uses of land, which include islands,
9 reef and lagoon areas, and the sea within the territorial
10 waters, inclusive of a statement of the standards of
11 population and building density and building intensity for
12 the various districts and other areas covered by the Plan,
13 and regulatory criteria governing the use, development and
14 subdivision of land;

15 (b) Community Design. A community design element consisting of
16 standards and principles governing the subdivision and
17 development of land and showing recommended designs for
18 community and neighborhood development and redevelopment,
19 including sites for schools, parks, playgrounds and other
20 community uses;

21 (c) Transportation. A transportation element which would
22 provide a comprehensive transportation and circulation
23 system consisting of existing and proposed major routes,
24 thoroughfares, highways, and collector streets; locations
25 of rights-of-way, terminals, viaducts, and grade
26 separation, port, harbor, aviation and mass transit lines,
27 and related facilities, all of which are correlated with
28 the land use element of the Plan;

29 (d) Regulations. A regulatory element concerning parking

1 facilities and building setback lines and the delineations
2 of such systems on the land, a system of street naming,
3 housing and building numbering, and such other matters as
4 may be related to the improvement of circulation of
5 traffic;

6 (e) Public Facilities. A public services and facilities
7 element showing general plans for sewage, refuse disposal,
8 drainage, and local utilities, and rights-of-way,
9 easements, and facilities for them;

10 (f) Public Lands. A public lands element that provides an
11 inventory of all government of Guam and federal lands;

12 (g) Public Buildings. A public buildings element identifying
13 locations and arrangement of civic and community centers,
14 public schools, libraries, police and fire stations, and
15 other public buildings, including their architecture and
16 the landscape treatment of their grounds;

17 (h) Housing. A housing element consisting of standards and
18 plans for elimination of substandard dwelling conditions,
19 the improvement of housing, and the provision of adequate
20 sites for housing;

21 (i) Redevelopment. A redevelopment element for the elimination
22 of unsafe or blighted areas, community redevelopment and
23 the revitalization of housing sites, business and
24 industrial sites, public building sites, and for other
25 purposes authorized by law;

26 (j) Conservation. A conservation element to guide the
27 conservation, development, and utilization of natural
28 resources including forests, soils, rivers and other
29 waters, harbors, fisheries, wildlife, minerals, and other

1 natural resources which, as sub-elements, may also
2 incorporate the following:

- 3 1. Reclamation of land and waters;
- 4 2. Flood control;
- 5 3. Prevention and control of pollution of streams
6 and other waters;
- 7 4. Regulations of the use of land in stream channels
8 and conservation areas;
- 9 5. Prevention, control, and correction of the
10 erosion of soils, beaches, and shores; and
- 11 6. Protection of watersheds.

12 (k) Recreation. A recreation element establishing a
13 comprehensive system of areas and public sites for
14 recreation, including the following and, when practicable,
15 their locations and proposed development:

- 16 1. Natural reservations,
- 17 2. Parks,
- 18 3. Parkways,
- 19 4. Beaches,
- 20 5. Reef and lagoons,
- 21 6. Playgrounds,
- 22 7. Historic and archaeological sites, and
- 23 8. Other recreation areas.

24 (l) Safety. A safety element for the protection of the
25 community from natural and man-made hazards including
26 features necessary for such protection as evacuation
27 routes, peak load water supply requirements, minimum road
28 widths, clearances around structures, geologic hazard
29 mapping in areas of known geologic hazards;

1 (m) Tourism. A visitor industry element which will establish
2 cooperation and coordination between the public and private
3 sectors to provide for steady and regulated growth within
4 the visitor industry, while developing the industry in a
5 manner that will continue to provide new business and job
6 opportunities and steady employment for the people of Guam,
7 and which will enable Guam's people to obtain job training
8 and education geared for upward job mobility within the
9 industry;

10 (n) Development Policy. A short and long-range socio-economic
11 development strategy to include policy, opportunities, and
12 programs to address or alleviate problems concerning health
13 services, manpower planning, employment opportunity,
14 education, elimination of poverty, law enforcement,
15 welfare, substandard housing, consumer protection, public
16 revenue and expenditures, cultural heritage preservation,
17 visitor industry, and the like to include population
18 characteristics and economic analysis with projections for
19 each region and sub-region of the island;

20 (o) Capital Improvements. A short and long-range capital
21 improvements program and projects to be derived from public
22 and private input and compiled from schedules of proposed
23 capital improvements submitted to the Council by each
24 department, agency, division, board, commission, branch,
25 and instrumentality of the government of Guam; and which
26 shall provide recommendations and identify programs for the
27 balanced development of the island's port, highway,
28 communication, and public transportation facilities
29 including, but not limited to, institutions of higher

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

5 (p) Policy Statements. A statement of specific policies for at
6 least each of the following general areas: Socio-economic
7 and human resource development, natural resource
8 development, environmental protection, historical, and
9 cultural preservation, public safety, housing and community
10 development, education, land-use and population growth,
11 visitor industry, or in other areas deemed appropriate by
12 the Council;

13 (q) Other Elements. Such additional elements dealing with
14 other subjects, which in the judgment of the Council relate
15 to the physical development of Guam.

16 §62021. Plan Implementation and Financing. The Comprehensive
17 Development Plan shall contain a schedule of programs and projects to
18 be implemented annually. Funding for such programs and projects
19 shall be identified in the Plan by the project's or program's
20 principal or administering government agency or instrumentalities.
21 Funding for programs or projects contained in the Plan which do not
22 fall under the authority or responsibility of any particular
23 instrumentality of the government of Guam shall be met by annual
24 appropriation of the Legislature.

25 §62022. Annual Budget. The Chairman of the Council shall
26 prepare and submit the Council's first annual fiscal year budget to
27 the Legislature within ninety (90) calendar days of the enactment of
28 this Chapter, and thereafter shall submit its annual budgets prior to
29 the end of each fiscal year. Such budget shall contain a financial

1. breakdown of personnel, administrative and all operating costs to be
2 incurred by the Council in the performance of provisions set forth in
3 this Chapter. Said personnel expenditures shall be applied to the
4 full staffing requirements of the Council as submitted to the
5 Legislature by the Council.

6 §62023. Master Plan Proposals. The Council shall proceed to
7 develop proposals consisting of a scope of work and cost estimates
8 for all elements of the Plan. The Council shall incorporate in its
9 annual budget submission to the Legislature the amount of financial
10 resources needed to facilitate the objectives of this Chapter.

11 §62024. Coordination of Effort. Any existing Committee,
12 Commission, Task Force or body mandated to engage in planning for
13 Guam or for particular areas or jurisdictions within Guam, shall seek
14 to ensure that such planning efforts are provided the appropriate
15 financial, human, technical and support resources necessary to
16 accomplish any mandates or requirements of law relative to
17 development planning; provided, however, that such planning efforts
18 are supportive of and consistent with the intent of this Chapter.

19 For purposes of this Chapter, all plans prepared by any agency
20 or instrumentality of the government of Guam shall be circulated to
21 other agencies or instrumentalities affected by such plan and to the
22 Bureau for review and finalization not later than sixty (60) days
23 prior to submission of the plan to the Council.

24 §62025. Severability. If any provision of this Chapter or the
25 application thereof to any person or circumstances is held invalid,
26 such invalidity shall not affect other provisions or applications of
27 this Chapter which can be given effect without the invalid provisions
28 or application, and to this end, the provisions of this Chapter are
29 severable."

1 SECTION 2. Section 13200, Title XIV, Chapter III, Government Code,
2 is repealed and reenacted to read:

3 "§13200. Territorial Land-Use Commission. There is within
4 the government of Guam the "Territorial Land-Use Commission."
5 The Commission shall be composed of seven (7) members to be
6 appointed by the Governor by and with the advice and consent of
7 the Legislature for a period of five (5) years; provided,
8 however, that of the seven (7) members first appointed, one (1)
9 shall serve for a term of one (1) year, two (2) shall serve for
10 terms of three (3) years each, and the remaining four (4) shall
11 serve for terms of five (5) years each, as designated by the
12 Governor."

13 SECTION 3. Subsection (a) of Section 48003, Title XLV, Chapter I,
14 Government Code, is repealed and reenacted to read:

15 "(a) "Commission" means Territorial Land-Use Commission."

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 1060

Date: 3/7/90

Resolution No. _____

QUESTION: _____

| | <u>AYE</u> | <u>NAY</u> | <u>NOT VOTING</u> | <u>ABSENT</u> |
|--------------------|------------|------------|-----------------------|---------------|
| J. P. Aguon | ✓ | | | |
| E. P. Arriola | ✓ | | | |
| J. G. Bamba | | ✓ | | |
| M. Z. Bordallo | ✓ | | | |
| D. F. Brooks | | ✓ | | |
| H. D. Dierking | ✓ | | | |
| E. R. Duenas | | | ✓ | |
| E. M. Espaldon | | ✓ | | |
| C. T. C. Gutierrez | ✓ | | | |
| P. C. Lujan | ✓ | | | |
| G. Mailloux | ✓ | | | |
| M. D. A. Manibusan | | ✓ | | |
| T. S. Nelson | ✓ | | | |
| D. Parkinson | ✓ | | | |
| F. J. A. Quitugua | ✓ | | | |
| E. D. Reyes | ✓ | | | |
| M. C. Ruth | | ✓ | | |
| J. T. San Agustin | ✓ | | | |
| F. R. Santos | ✓ | | | |
| T. V. C. Tanaka | | ✓ | | |
| A. R. Unpingco | | ✓ | | |

13 7 1

Introduced

Bill No. 1060 (COR)

Introduced By: E.D. Reyes
J.P. Aguon
G. Mailloux

DEC 28 '89

AN ACT TO ESTABLISH THE PROCESS FOR COMPREHENSIVE
DEVELOPMENT PLANNING IN THE TERRITORY OF GUAM AND TO
AMEND CHAPTER II, TITLE LXV OF THE GOVERNMENT CODE

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

2 SECTION 1. Chapter I, Title LXV of the Government Code is repealed
3 and reenacted to read:

4 "CHAPTER I.

5 COMPREHENSIVE PLANNING

6 §62010. Legislative Findings. The Legislature recognizes that
7 the Territory of Guam, since the early 1960s, has experienced
8 population, economic and physical growth rates that are among the
9 highest in the region; that ~~the~~ Territory and her people have
10 benefited greatly from all levels of socio-economic and physical
11 development which has thus far taken place, but that the people of
12 Guam, through their elected leaders, wish to sustain and encourage
13 the development of the Territory in a manner that would foster
14 greater economic opportunities and stability for Guam without
15 adversely affecting the cultural, environmental, social and natural
16 resources unique to the island; that without careful study of the
17 types and scale of socio-economic development anticipated for Guam
18 and her residents, there will continue to be an absence of foresight,
19 direction and guidance present in the current and future stages of
20 development needed by the Territory to sustain the desired standards
21 and quality of living for its people; that to fully enjoy the
22 benefits that can and would be derived from Guam's limited human and

1 natural resources, development in the Territory must be guided by a
2 Comprehensive Development Plan that reflects the desires and
3 aspirations of all who are guided by it; that a process for
4 formulating Guam's Comprehensive Development Plan shall be
5 established and shall identify the roles, authorities,
6 responsibilities and processes involved in the formulation of the
7 plan;

8 That there is a pressing need to establish policies which would
9 reflect the people's aspirations with respect to the future
10 development of the Territory; policies which evolve from sound
11 strategic planning initiatives; policies that would take into account
12 all diverse elements of community needs and desires; policies that
13 would channel the deployment of resources to meet the following goals
14 and objectives:

- 15 1. Upgrade the quality of life for Guam's people;
- 16 2. Create conditions and opportunities whereby people fully
17 participate and benefit at every level of social and
18 economic activity;
- 19 3. Maintain balance and equity between development and the
20 environment in order to preserve the unique culture,
21 traditions and beauty of the island;
- 22 4. Optimize the use of resources to meet present and future
23 infrastructure and suprastructure requirements of the
24 people of the Territory;
- 25 5. Develop and maintain infrastructure capacity at a level
26 that could sustain future population, socio-economic and
27 physical growth.

28 §62011. Legislative Intent. It is the intent of the
29 Legislature to address the void that presently exists between the

1 policy-making body of the Territory and the public and private
2 interests engaged in implementing physical, social and economic
3 development for the Territory. It is the intent of the Legislature
4 to establish a process and mechanism through which duly adopted
5 policies of the Territory are linked with all elements of
6 governmental and non-governmental development planning and
7 implementation activity. The Territory has experienced the ill-
8 effects of fragmented and disjointed development efforts resulting
9 from the absence of both an integrated planning process and a
10 Comprehensive Development Plan that contains the parameters for the
11 Territory's growth. It is the intent of the Legislature that all
12 planning efforts that occur in the Territory, be they private or
13 public, adhere and conform to the adopted policies, goals and
14 objectives set forth in Guam's Comprehensive Development Plan.

15 It is the intent of the Legislature to ensure that the people of
16 the Territory are not subjected to unbridled and unmanageable growth
17 that would threaten the benefits, comforts and privileges that each
18 Guam citizen is entitled to, and further, that the formulation of the
19 Guam Comprehensive Development Plan would serve to guide the island's
20 growth and development up to and beyond the twenty-first century.

21 The Legislature wishes to collectively draw input, participation
22 and expertise from all segments of the community in the effort to
23 establish comprehensive planning for the Territory and to solicit the
24 services of development planning experts from both the public and
25 private sectors.

26 In its desire to establish short-range and comprehensive long-
27 term development objectives for the Territory, inclusive of but not
28 limited to the areas of education, visitor industry, economic
29 development, community development, health, transportation,

1 communication, public safety, agriculture, taxation, culture, labor
2 and human resources, recreation, environment, and political
3 development, the Legislature hereby establishes strategies for
4 initiating comprehensive planning for Guam and the formulation of the
5 Guam Comprehensive Development Plan. These strategies shall be as
6 follows:

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

1 J. To recommend creative legislation regulating our use of
2 land for the protection of future generations.

3 Nothing in this Act is intended to limit the scope of any
4 element or the areas of concern cited in this Act. However, it is
5 the intention of the Legislature to fully integrate all planning
6 elements and concerns within a viable development planning mechanism.

7 §62012. Territorial Planning Council, Creation and Membership.

8 A. Territorial Planning Council. Creation and Membership.

9 There is hereby created within the government of Guam a
10 Territorial Planning Council consisting of twelve (12)
11 members to include the Chairperson of the Territorial
12 Planning Commission; the Director of the Department of Land
13 Management; the Director of the Bureau of Planning; the
14 Administrator of the Guam Economic Development Authority;
15 the Director of the Department of Commerce; the General
16 Manager of the Guam Visitors Bureau; one member of the
17 Mayors' Council of Guam, to be nominated by the Mayors'
18 Council of Guam and appointed by the Governor; three
19 members of the Legislature, including one minority member,
20 nominated by the Speaker and appointed by the Governor; and
21 two members of the business community appointed by the
22 Governor with the advice and consent of the Legislature.

23 B. The Council shall select a Chairperson and Vice-Chairperson
24 to preside over its affairs.

25 C. The Director of the Bureau of Planning shall act as the
26 Executive Secretary for the Council.

27 D. Council members may be represented by designees at
28 meetings, but only members or those officially acting for
29 the members may cast a vote.

1 E. The Council shall develop rules, procedures, regulations or
2 other requirements to govern its meetings, hearings,
3 business and affairs.

4 §62013. Council Responsibilities and Authority. The
5 responsibilities and authority of the Council shall be:

6 A. To cause to be prepared, through the services of a
7 consortium of both public and private experts possessing
8 diverse planning experience and expertise, a comprehensive
9 development plan (hereinafter called 'plan'), which shall
10 provide short- and long-range guidance for the social,
11 economic, infrastructure, suprastructure, and physical
12 development of the Territory, and which shall contain a
13 statement of development objectives, standards and
14 principles with respect to the most desirable use of land
15 within the Territory for residential, recreational,
16 agricultural, commercial, industrial, and other uses
17 completely serviced by an access and circulation network
18 and infrastructure consistent with proper protection to
19 enhance the quality of the environment and preserve Guam's
20 natural beauty and historical heritage;

21 B. To harmonize, improve and assist in implementing
22 comprehensive planning activities at all levels of
23 government;

24 C. To insure that the current planning programs and projects
25 are consistent with the comprehensive development plan and
26 the Comprehensive Program and Financial Plan (as referenced
27 in the Executive Budget Act) and the policies enumerated in
28 this Chapter;

29 D. To adopt any rules or regulations in accordance with the

1 Administrative Adjudication Act and exercise all other
2 powers necessary and proper for the discharge of its
3 responsibilities;

4 E. To review all comprehensive development plan elements, as
5 referenced in §62020, with the assistance of the Bureau of
6 Planning, and make detailed written recommendations to the
7 Governor, including minority dissenting opinions, for
8 approval, disapproval, revision, amendment or referral to
9 specific agencies or groups for further study and review;

10 F. To enter into and carry out any agreement or agreements in
11 connection with the provisions cited in this Act and to
12 solicit assistance from public, private or federal sources
13 as required in the development planning process and which
14 are not inconsistent with or contrary to the laws of the
15 Territory; and

16 G. To report on the last Monday of January to the Governor a
17 summary of the planning program and progress.

18 §62014. Support and Coordination for Comprehensive Planning.

19 All agencies, departments, boards, commissions and other
20 instrumentalities of the Territorial government shall review their
21 present statutory authority, administrative regulations and current
22 planning policies and procedures to determine whether there is any
23 duplication, any deficiencies or inconsistencies therein which
24 prohibit or tend to prohibit full accommodations between them and the
25 purposes and provisions of this Chapter and shall propose to the
26 Council at a date determined by the Council such measures as may be
27 necessary to bring their planning authority and policies into
28 conformity with the intent, purposes, and procedures set forth in
29 this Chapter. All master plans, development plans, long-range plans,

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

9 §62015. Plan Review: Public Hearings. The Comprehensive Plan
10 or any of its elements, prepared by the various public agencies or
11 any private entity, shall be submitted to the Council for review.
12 Within forty-five (45) days following receipt of any such element or
13 elements by the Council, the Council shall hold one or more public
14 hearings thereon. Announcements of such hearings shall be placed in
15 a newspaper of general circulation on Guam ten (10) days and one (1)
16 day prior thereto. Summaries of the element or elements to be heard
17 shall be prepared by the Bureau of Planning and submitted to
18 appropriate news or other media.

19 §62015.1. Plan Submission. Within thirty (30) days after the
20 hearing of the plan or any of its elements, the Council shall submit
21 to the Governor its recommendation thereon including a summary of
22 testimony at the hearing.

23 §62015.2. Cooperation of Other Departments. Every department
24 and agency of the government of Guam is hereby directed to render
25 such assistance to the Council as the Council may require.

26 §62016. Plan Adoption. The Comprehensive Development Plan or
27 any of its elements received by the Governor from the Council shall
28 be approved, disapproved or referred to the Council for further
29 recommendation prior to approval. The Governor shall have sixty (60)

1 calendar days to act on the plan or any of its elements submitted;
2 however, if no action is taken within sixty (60) calendar days, the
3 plan or any of its elements shall be deemed approved. Following
4 approval by the Governor, the plan or any of its elements shall be
5 submitted to the Guam Legislature within ten (10) calendar days for
6 adoption by law. The Legislature shall review and approve or
7 disapprove the plan or any of its elements within sixty (60) calendar
8 days. Failure by the Legislature to act within sixty (60) calendar
9 days shall result in the plan or any of its elements being deemed
10 approved.

11 §62017. Bureau of Planning. There is created within the Office
12 of the Governor, the Bureau of Planning (hereinafter referred to as
13 'BP'), to serve as staff for the Council and to administer
14 comprehensive planning functions. The BP Director will carry the
15 title 'Director of Planning' and shall be appointed by the Governor
16 with the consent of the Legislature. He shall be a person who, as a
17 result of his training, experience and attainments, is exceptionally
18 well-qualified to analyze and interpret development trends and
19 information of all kinds, to appraise and coordinate planning
20 programs and supervise the execution of the responsibilities of the
21 Council in accordance with the policies set forth in this Chapter.
22 He shall be responsible for the administration of this Chapter and
23 shall supervise the BP staff which, in addition to its regular
24 duties, shall serve the Council.

25 §62018. Same: Staff Organization. The BP staff shall be
26 organized into several divisions, sections, or units such as is
27 sufficient to appraise, coordinate and assist in the preparation of
28 long-range planning programs for the social, economic,
29 infrastructure, and suprastructure development of the Territory of

1 Guam. Expertise, either singly or collectively, should be evident in
2 such areas as community facilities, conservation, cultural
3 development, demography, economics, education, environment, finance,
4 infrastructure, land utilization, natural resources, transportation,
5 urban and rural design, utilities, and visitor industry. Preparation
6 of planning elements, not the duty and function of staff and line
7 agencies, shall be the responsibility of the BP staff.

8 §62019. BP Powers. In the execution of its responsibilities
9 under this Chapter, the BP is authorized to perform the following
10 functions:

- 11 A. To apply for and accept grants, loans, contributions,
12 appropriations and assistance from the federal government
13 and from any other sources, public or private, and enter
14 into and carry out contracts or agreements in connection
15 therewith, and include in any contract for financial
16 assistance with the federal laws as it may deem reasonable
17 and appropriate and which are not inconsistent with the
18 purposes of this Chapter and the laws of the Territory;
- 19 B. To contract for any professional services if such work or
20 services cannot satisfactorily be performed by its
21 employees;
- 22 C. To conduct, or cause to be conducted, investigations,
23 studies, surveys, research and analysis relating to
24 physical, human, social, and economic development of the
25 community and to publish the results thereof;
- 26 D. To develop and recommend territorial policies to foster and
27 promote the improvement of planning activity and
28 development quality;
- 29 E. To utilize to the fullest extent possible, the services,

1 facilities and information of public and private agencies
2 and organizations and individuals in order that duplication
3 of effort and expenses may be avoided;

4 F. To review, appraise and make such use as it sees fit of all
5 existing plans and those presently being prepared;

6 G. To develop an information system and data bank for the
7 continual collection and storage of public information
8 needed or utilized in the development plan process; and

9 H. To report to the Council and the Legislature of its annual
10 progress and of its fiscal year.

11 §62020. Content of the Plan. The Comprehensive Development
12 Plan for Guam shall contain specific elements as follows:

13 A. A land-use element together with the appropriate zoning
14 recommendations supporting distribution, location and the
15 extent of uses of land for housing, business, industry,
16 agriculture, recreation, education, public buildings, open
17 space, conservation and other categories of public and
18 private uses of land, which include islands, reef and
19 lagoon areas, and the sea within the territorial waters,
20 inclusive of a statement of the standards of population and
21 building density and building intensity for the various
22 districts and other areas covered by the Plan, and
23 regulatory criteria governing the use, development and
24 subdivision of land;

25 B. A community design element consisting of standards and
26 principles governing the subdivision and development of
27 land and showing recommended designs for community and
28 neighborhood development and redevelopment, including sites
29 for schools, parks, playgrounds and other community uses;

- 1 C. A transportation element which would provide a
2 comprehensive transportation and circulation system
3 consisting of existing and proposed major routes,
4 thoroughfares, highways, and collector streets; locations
5 of rights-of-way, terminals, viaducts, and grade
6 separation, port, harbor, aviation and mass transit lines,
7 and related facilities, all of which are correlated with
8 the land use element of the Plan;
- 9 D. A regulatory element concerning parking facilities and
10 building setback lines and the delineations of such systems
11 on the land, a system of street naming, housing and
12 building numbering, and such other matters as may be
13 related to the improvement of circulation of traffic;
- 14 E. A public services and facilities element showing general
15 plans for sewage, refuse disposal, drainage, and local
16 utilities, and rights-of-way, easements, and facilities for
17 them;
- 18 F. A public buildings element identifying locations and
19 arrangement of civic and community centers, public schools,
20 libraries, police and fire stations, and other public
21 buildings, including their architecture and the landscape
22 treatment of their grounds;
- 23 G. A housing element consisting of standards and plans for
24 elimination of substandard dwelling conditions, the
25 improvement of housing, and the provision of adequate sites
26 for housing;
- 27 H. A redevelopment element for the elimination of unsafe or
28 blighted areas, community redevelopment and the
29 revitalization of housing sites, business and industrial

1 sites, public building sites, and for other purposes
2 authorized by law;

3 I. A conservation element to guide the conservation,
4 development, and utilization of natural resources including
5 forests, soils, rivers and other waters, harbors,
6 fisheries, wildlife, minerals, and other natural resources
7 which, as sub-elements, may also incorporate the following:

- 8 1. Reclamation of land and waters;
- 9 2. Flood control;
- 10 3. Prevention and control of pollution of streams
11 and other waters;
- 12 4. Regulations of the use of land in stream channels
13 and conservation areas;
- 14 5. Prevention, control, and correction of the
15 erosion of soils, beaches, and shores; and
- 16 6. Protection of watersheds.

17 J. A recreation element establishing a comprehensive system of
18 areas and public sites for recreation, including the
19 following and, when practicable, their locations and
20 proposed development:

- 21 1. Natural reservations,
- 22 2. Parks,
- 23 3. Parkways,
- 24 4. Beaches,
- 25 5. Reef and lagoons,
- 26 6. Playgrounds,
- 27 7. Historic and Archaeological sites, and
- 28 8. Other recreation areas.

29 K. A safety element for the protection of the community from

1 natural and man-made hazards including features necessary
2 for such protection as evacuation routes, peak load water
3 supply requirements, minimum road widths, clearances around
4 structures, geologic hazard mapping in areas of known
5 geologic hazards;

6 L. A visitor industry element which will establish cooperation
7 and coordination between the public and private sectors to
8 provide for steady and regulated growth within the visitor
9 industry, while developing the industry in a manner that
10 will continue to provide new business and job opportunities
11 and steady employment for the people of Guam, and which
12 will enable Guam's people to obtain job training and
13 education geared for upward job mobility within the
14 industry;

15 M. A short and long-range socio-economic development strategy
16 to include policy, opportunities, and programs to address
17 or alleviate problems concerning health services, manpower
18 planning, employment opportunity, education, elimination of
19 poverty, law enforcement, welfare, substandard housing,
20 consumer protection, public revenue and expenditures,
21 cultural heritage preservation, visitor industry, and the
22 like to include population characteristics and economic
23 analysis with projections for each region and sub-region of
24 the island;

25 N. A short and long-range capital improvements program and
26 projects to be derived from public and private input and
27 compiled from schedules of proposed capital improvements
28 submitted to the Council by each department, agency,
29 division, board, commission, branch, and instrumentality of

1 the government of Guam; and which shall provide
2 recommendations and identify programs for the balanced
3 development of the island's port, highway, communication,
4 and public transportation facilities including, but not
5 limited to, institutions of higher learning, health and
6 welfare facilities, correctional institutions, elementary
7 and secondary schools, electric power, water, telephone,
8 sewer and other utility facilities;

9 O. A statement of specific policies for at least each of the
10 following general areas: socio-economic and human resource
11 development, natural resource development, environmental
12 protection, historical, and cultural preservation, public
13 safety, housing and community development, education, land-
14 use and population growth, visitor industry, or in other
15 areas deemed appropriate by the Council;

16 P. Such additional elements dealing with other subjects, which
17 in the judgment of the Council relate to the physical
18 development of the Territory.

19 §62021. Plan Implementation and Financing. The Comprehensive
20 Development Plan shall contain a schedule of programs and projects to
21 be implemented annually. Funding for such programs and projects
22 shall be identified in the Plan by the project's or program's
23 principal or administering government agency or instrumentalities.
24 Funding for programs or projects contained in the plan which do not
25 fall under the authority or responsibility of any particular
26 instrumentality of the government of Guam shall be derived in the
27 following manner: Ten percent (10%) of the monthly government
28 revenues collected beginning 01 October 1990 shall be specifically
29 reserved and immediately deposited beginning Fiscal Year 1991 in the

1 Territorial Development Fund, which is hereby created. Such funds
2 shall be used solely for the implementation of the projects and
3 programs as prioritized in the Guam Comprehensive Development Plan
4 and which are not directly or indirectly funded through a budget
5 periodically submitted to the Legislature by an agency or
6 instrumentality of the government of Guam or through the budget of an
7 autonomous or semi-autonomous entity of the government of Guam.

8 §62022. The Chairman of the Council shall prepare and submit an
9 annual fiscal year budget for the Territorial Planning Council to the
10 Legislature within ninety (90) calendar days upon the enactment of
11 this Act into law. Such budget shall contain a financial breakdown
12 of personnel, administrative and all operating costs to be incurred
13 by the Council in the performance of provisions set forth in this
14 Act. Said personnel expenditures shall be applied to the full
15 staffing requirements of the Council not to exceed four (4) full-time
16 employees (FTEs) inclusive of an Executive Director, an
17 administrative secretary, and two (2) technical or administrative
18 support staff as determined by the Council immediately upon passage
19 of this Act.

20 §62023. The Council shall proceed to develop proposals
21 consisting of a scope of work and cost estimates for the study and
22 master planning of an area or areas within the Territory, subjected
23 to or impacted by rapid growth of the island's visitor industry. The
24 Council shall incorporate in its annual budget submission to the
25 Legislature the amount of financial resources needed to facilitate
26 the visitor industry master planning to the extent the Council
27 determines necessary.

28 §62024. Coordination of Effort. Any existing Committee,
29 Commission, Task Force or body mandated to engage in planning the

1 Territory or areas or jurisdictions within the Territory, shall seek
2 to ensure that such planning efforts are provided the appropriate
3 financial, human, technical and support resources necessary to
4 accomplish any mandates or requirements of law relative to
5 development planning, provided, however, that such planning efforts
6 are supportive of and consistent with the intent of this Act.

7 §62025. Severability. If any provision of this Chapter or the
8 application thereof to any person or circumstances is held invalid,
9 such invalidity shall not affect other provisions or applications of
10 this Chapter which can be given effect without the invalid provisions
11 or application, and to this end, the provisions of this Chapter are
12 severable."



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

27 February 1990

SPEAKER JOE T. SAN AGUSTIN
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committees on Economic Development and General Governmental Operations, to which was jointly referred **BILL NO. 1060** [An Act to Establish the Process for Comprehensive Development Planning in the Territory of Guam and to Amend Chapter II, Title LXV of the Government Code], wish to report back to the Legislature with their recommendation to pass Substitute Bill No. 1060. The voting record is as follows:

ECONOMIC DEVELOPMENT

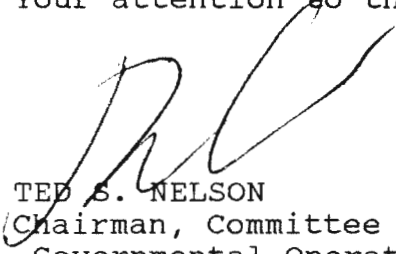
| | |
|---------------------------|-----------|
| TO PASS | <u>12</u> |
| NOT TO PASS | <u>0</u> |
| TO REPORT OUT ONLY | <u>0</u> |
| TO PLACE IN INACTIVE FILE | <u>0</u> |
| OFF-ISLAND | <u>0</u> |


GENERAL GOVERNMENTAL OPERATIONS

| | |
|---------------------------|-----------|
| TO PASS | <u>11</u> |
| NOT TO PASS | <u>1</u> |
| TO REPORT OUT ONLY | <u>1</u> |
| TO PLACE IN INACTIVE FILE | <u>0</u> |
| OFF-ISLAND | <u>0</u> |

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


TED S. NELSON
Chairman, Committee on General
Governmental Operations


EDWARD D. REYES
Chairman, Committee on Economic
Development

Attachments.



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

27 February 1990

SPEAKER JOE T. SAN AGUSTIN
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committees on Economic Development and General Governmental Operations, to which was jointly referred **BILL NO. 11** [An Act to Amend Chapter 1, Title LXVI of the Government Code to Provide for the Organization of Comprehensive Planning Throughout the Territory of Guam], wish to report back to the Legislature with their recommendation to place Bill No. 11 in inactive file. The voting record is as follows:

ECONOMIC DEVELOPMENT


| | |
|---------------------------|-----------|
| TO PASS | <u>0</u> |
| NOT TO PASS | <u>0</u> |
| TO REPORT OUT ONLY | <u>0</u> |
| TO PLACE IN INACTIVE FILE | <u>11</u> |
| OFF-ISLAND | <u>0</u> |
| ABSTAIN | <u>1</u> |


GENERAL GOVERNMENTAL OPERATIONS

| | |
|---------------------------|-----------|
| TO PASS | <u>0</u> |
| NOT TO PASS | <u>0</u> |
| TO REPORT OUT ONLY | <u>0</u> |
| TO PLACE IN INACTIVE FILE | <u>12</u> |
| OFF-ISLAND | <u>0</u> |
| ABSTAIN | <u>1</u> |

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


TED S. NELSON
Chairman, Committee on General
Governmental Operations


EDWARD D. REYES
Chairman, Committee on Economic
Development

Attachments.



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

27 February 1990

SPEAKER JOE T. SAN AGUSTIN
Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Dear Mr. Speaker:

The Committees on Economic Development and General Governmental Operations, to which was jointly referred **BILL NO. 887** [An Act to Adopt the Kabales Na Planu Para Guahan], wish to report back to the Legislature with their recommendation to place Bill No. 887 in inactive file. The voting record is as follows:

ECONOMIC DEVELOPMENT

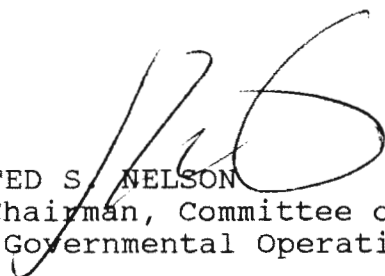
| | |
|---------------------------|-----------|
| TO PASS | <u>0</u> |
| NOT TO PASS | <u>0</u> |
| TO REPORT OUT ONLY | <u>0</u> |
| TO PLACE IN INACTIVE FILE | <u>11</u> |
| OFF-ISLAND | <u>0</u> |
| ABSTAIN | <u>1</u> |

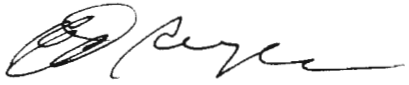
GENERAL GOVERNMENTAL OPERATIONS

| | |
|---------------------------|-----------|
| TO PASS | <u>0</u> |
| NOT TO PASS | <u>0</u> |
| TO REPORT OUT ONLY | <u>0</u> |
| TO PLACE IN INACTIVE FILE | <u>12</u> |
| OFF-ISLAND | <u>0</u> |
| ABSTAIN | <u>1</u> |

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.


TED S. NELSON
Chairman, Committee on General
Governmental Operations


EDWARD D. REYES
Chairman, Committee on Economic
Development

Attachments.



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

27 February 1990

MEMORANDUM

TO: Members, Committee on Economic Development
Members, Committee on General Governmental Operations

FROM: Chairman, Committee on Economic Development
Chairman, Committee on General Governmental Operations

SUBJECT: Joint Committee Report - Bill Nos. 1060, 11 and 887

Transmitted herewith for your information and action is the Joint Report of the Committees on Economic Development and General Governmental Operations on Bill Nos. 1060 [An Act to Establish the Process for Comprehensive Development Planning in the Territory of Guam and to Amend Chapter II, Title LXV of the Government Code]; 11 [An Act to Amend Chapter 1, Title LXVI of the Government Code to Provide for the Organization of Comprehensive Planning Throughout the Territory of Guam]; and 887 [An Act to Adopt the Kabales Na Planu Para Guahan].

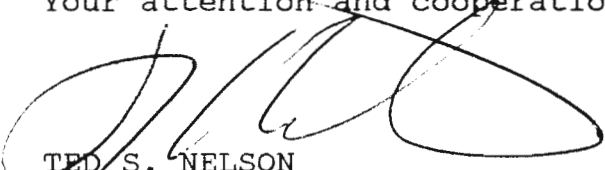
In summary, the Committees recommend **TO PASS** Bill No. 1060, and to place Bill Nos. 11 and 887 in **INACTIVE FILE**.


The narrative report is accompanied by the following:

1. Bill Nos. 1060, 11 and 887;
2. Joint Committee Voting Sheets;
3. Written Testimony; and
4. Substitute Bill No. 1060.

Should you have any questions on the narrative report or the accompanying documents, please contact me.

Your attention and cooperation in this matter is greatly appreciated.


TED S. NELSON
Chairman, Committee on General
Governmental Operations


EDWARD D. REYES
Chairman, Committee on Economic
Development

Attachments.



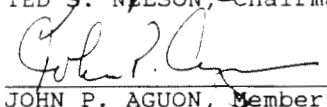

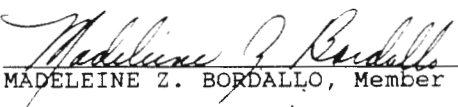


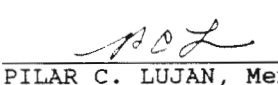
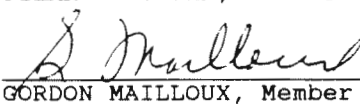
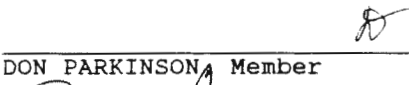

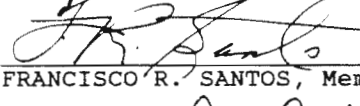
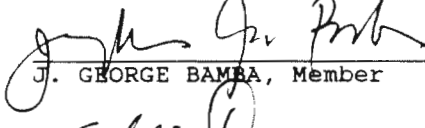
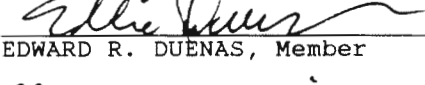

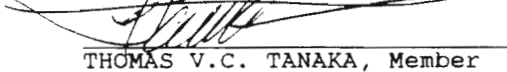
COMMITTEES ON ECONOMIC DEVELOPMENT
AND GENERAL GOVERNMENTAL OPERATIONS

BILL NO. 1060 - AN ACT TO ESTABLISH THE PROCESS FOR
COMPREHENSIVE DEVELOPMENT PLANNING IN THE TERRITORY OF
GUAM AND TO AMEND CHAPTER II, TITLE LXV OF THE GOVERNMENT
CODE

| | TO PASS | NOT TO PASS | REPORT OUT ONLY | INACTIVE FILE | OFF- ISLAND |
|--|------------|----------------|--------------------|------------------|----------------|
| <i>ED Reyes</i> EDWARD D. REYES, Chairman | ✓ | | | | |
| <i>T. Nelson</i> TED S. NELSON, Chairman | ✓ | | | | |
| <i>John P. Agumon</i> JOHN P. AGUMON, Member | ✓ | | | | |
| <i>E. Arriola</i> ELIZABETH P. ARRIOLA, Member | ✓ | | | | |
| <i>Madeleine Z. Bordallo</i> MADELEINE Z. BORDALLO, Member | ✓ | | | | |
| <i>H. Dierking</i> HERMINIA D. DIERKING, Member | ✓ | | | | |
| <i>C. Gutierrez</i> CARL T. GUTIERREZ, Member | ✓ | | | | |
| <i>P. Lujan</i> PILAR C. LUJAN, Member | ✓ | | | | |
| <i>G. Mailloux</i> GORDON MAILLOUX, Member | ✓ | | | | |
| <i>D. Parkinson</i> DON PARKINSON, Member | | ✓ | | | |
| <i>Joe T. San Agustin</i> JOE T. SAN AGUSTIN, Ex-Officio Member | ✓ | | | | |
| <i>F. R. Santos</i> FRANCISCO R. SANTOS, Member | ✓ | | | | |
| <i>J. George Bamba</i> J. GEORGE BAMBA, Member | ✓ | | | | |
| <i>E. R. Duenas</i> EDWARD R. DUENAS, Member | ✓ | | | | |
| <i>Marilyn D. Manibusan</i> MARILYN D. MANIBUSAN, Member | ✓ 2/27/90 | | | | |
| <i>Thomas V.C. Tanaka</i> THOMAS V.C. TANAKA, Member | | ✓ | ✓ | | |

COMMITTEES ON ECONOMIC DEVELOPMENT
AND GENERAL GOVERNMENTAL OPERATIONS

BILL NO. 11 - AN ACT TO AMEND CHAPTER 1, TITLE LXVI OF
THE GOVERNMENT CODE TO PROVIDE FOR THE ORGANIZATION OF
COMPREHENSIVE PLANNING THROUGHOUT THE TERRITORY OF GUAM

| | TO PASS | NOT TO PASS | REPORT OUT ONLY | INACTIVE FILE | OFF- ISLAND |
|--|--------------|----------------|--------------------|------------------|----------------|
|  EDWARD D. REYES, Chairman | | | | ✓ | |
|  TED S. NELSON, chairman | ✓ | | | ✓ | |
|  JOHN P. AGUON, Member | ✓ | | | ✓ | |
|  ELIZABETH P. ARRIOLA, Member | | | | ✓ | |
|  MADELEINE Z. BORDALLO, Member | | abstain | | | |
|  HERMINIA D. DIERKING, Member | | | | ✓ | |
|  CARL T.C. GUTIERREZ, Member | | | | ✓ | |
|  PILAR C. LUJAN, Member | | | | ✓ | |
|  GORDON MAILLOUX, Member | | | | ✓ | |
|  DON PARKINSON, Member | | | | ✓ | |
|  JOE T. SAN AGUSTIN, Ex-Officio Member | | | | ✓ | |
|  FRANCISCO R. SANTOS, Member | ✓ | | | ✓ | |
|  J. GEORGE BAMBA, Member | | | | ✓ | |
|  EDWARD R. DUENAS, Member | | | | ✓ | |
|  MARILYN P. MANIBUSAN, Member | | | | ✓ 2/27/90 | |
|  THOMAS V.C. TANAKA, Member | | | | ✓ | |

COMMITTEES ON ECONOMIC DEVELOPMENT
AND GENERAL GOVERNMENTAL OPERATIONS

BILL NO. 887 - AN ACT TO ADOPT THE KABALES NA PLANU PARA
GUAHAN

| | TO PASS | NOT TO PASS | REPORT OUT ONLY | INACTIVE FILE | OFF- ISLAND |
|---|--------------------|----------------|--------------------|------------------|----------------|
| <i>[Signature]</i> EDWARD D. REYES, Chairman | | | | ✓ | |
| <i>[Signature]</i> TED S. NELSON, Chairman | <i>[Signature]</i> | | | ✓ | |
| <i>[Signature]</i> JOHN P. AGUON, Member | | | | ✓ | |
| <i>[Signature]</i> ELIZABETH P. ARRIOLA, Member | | | | ✓ | |
| <i>[Signature]</i> MADELEINE Z. BORDALLO, Member | <i>[Signature]</i> | | | | |
| <i>[Signature]</i> HERMINIA D. DIERKING, Member | | | | ✓ | |
| <i>[Signature]</i> CARL T.C. GUTIERREZ, Member | | | | ✓ | |
| <i>[Signature]</i> PILAR C. LUAN, Member | <i>[Signature]</i> | | | ✓ | |
| <i>[Signature]</i> GORDON MAILLOUX, Member | | | | ✓ | |
| <i>[Signature]</i> DON PARKINSON, Member | | | | ✓ | |
| <i>[Signature]</i> JOE T. SAN AGUSTIN, Ex-Officio Member | | | | ✓ | |
| <i>[Signature]</i> FRANCISCO R. SANTOS, Member | | | | ✓ | |
| <i>[Signature]</i> J. GEORGE BAMBA, Member | | | | ✓ | |
| <i>[Signature]</i> EDWARD R. DUENAS, Member | | | | ✓ | |
| <i>[Signature]</i> MARILYN J. MANIBUSAN, Member | | | | ✓ 2/2/90 | |
| <i>[Signature]</i> THOMAS V.C. TANAKA, Member | | | | ✓ | |

COMMITTEE ON ECONOMIC DEVELOPMENT
COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS

JOINT REPORT ON

BILL NO. 1060 [AN ACT TO ESTABLISH THE PROCESS FOR COMPREHENSIVE DEVELOPMENT PLANNING IN THE TERRITORY OF GUAM AND TO AMEND CHAPTER II, TITLE LXV OF THE GOVERNMENT CODE]

BILL NO. 11 [AN ACT TO AMEND CHAPTER 1, TITLE LXVI OF THE GOVERNMENT CODE TO PROVIDE FOR THE ORGANIZATION OF COMPREHENSIVE PLANNING THROUGHOUT THE TERRITORY OF GUAM]

AND

BILL NO. 887 [AN ACT TO ADOPT THE KABALES NA PLANU PARA GUAHAN]

INTRODUCTION

The Committees on Economic Development and General Governmental Operations conducted a joint public hearing on Bill No. 1060, 11 and 887 at the Legislative Session Hall at 9:00 a.m. on November 29, 1989.

Committee Members in attendance were as follows: Senators Edward D. Reyes and Ted S. Nelson, Chairmen; and Senators Madeleine Z. Bordallo, Elizabeth P. Arriola, Francisco R. Santos, and Thomas V.C. Tanaka.

TESTIMONIES

Testimonies were received in both written and oral form from the following individuals: Ray Messer, Consultant; Peter P. Leon Guerrero, Director of the Bureau of Planning; Jesse L.G. Perez, Protehi I Tanota; Mark Charfauros, Protehi I Tanota; Tony Artero, Guam Board of Realtors; Mayors Ignacio Cruz (Merizo) and Frank Portusach (Agana Heights); and Edith Blankenfield.

J. Neal Crenshaw II, President of the Guam Society of Professional Engineers, provided written testimony for the Committee.

COMMITTEE FINDINGS

A review of all testimony provided indicated that there is widespread support for Bill 1060, which would provide for greater planning and development guidance throughout the Territory. Concerns were raised about the Territorial Planning Commission's inability to administer and effectively guide growth and development in Guam, particularly in recent years during which Guam's economy has experienced phenomenal growth.

Bill No. 11, for the most part, is similar to Bill No. 1060 in spirit and intent. Bill No. 11, however, proposes modification to the existing planning laws for Guam without establishing clear and direct linkages among all entities involved in development planning for the Territory. Hence, there needs to occur both consolidation and incorporation of essential elements contained in Bill Nos. 11 and 1060.

The focus appears to be on the collective action needed from the policy and law-making body of the Territory, namely the Guam Legislature, wherefrom clear development policy and growth decision must originate.

Many are concerned about lack of clear and decisive direction that has caused both social and economic development to occur at levels which the island may not be able to physically and infrastructurally sustain throughout the forthcoming decade.

What is being indirectly conveyed to island leaders is a simple but nevertheless important sense that there must be "appropriate limits set for social, economic and physical growth", limits that would not threaten the continued livelihood of the island and her people. How can or should this be done?

The foundation for desirable growth and development stems from essential land-use decisions. Guam is forced at the present time to allow or disallow development, using a land-use plan adopted in the mid-1960s. While this plan met the needs of past development trends and characteristics, it is found to be grossly lacking for today's purposes. It is for this precise reason that the Territorial Planning Commission has not been able to effectively address development issues and matters falling under its purview. An island-wide comprehensive development plan is needed and needed now.

Some opposition to Bill 1060 came from Mayors Buck Cruz and Frank Portusach. Apparently, both elected leaders hold the view that the 1978 Kabales Na Planu Para Guahan would provide the type of direction and limits being sought for development of the Territory. Though this reasoning is quite acceptable, there is serious question regarding the validity of such a perception. Thorough analysis and detail review of the 1978 Kabales Na Planu indicates that an official land-use master plan, comprehensive in nature, is needed. Development policies in the 1978 Plan require both review and formal adoption by the Legislature. Meanwhile, there is the issue of establishing specific limits to growth per a comprehensive plan, an area of concern not encompassed in the 1978 Kabales Na Planu.

COMMITTEE RECOMMENDATIONS

1. Incorporate and consolidate appropriate technical and substantive amendments offered in Bill No. 11 into Bill 1060.
2. After incorporating its elements into Bill No. 1060, place Bill No. 11 in the Inactive File.
3. Place Bill No. 887 in the Inactive File.

TWENTIETH GUAM LEGISLATURE
1989 (First) Regular Session

Bill No. 1020 (CIR)

Introduced By: E.D. Reyes
J.P. Aguon
G. Mailloux

[Handwritten signatures and initials]
④
M. J. Manibusan

*9920
Rec. 10/11*

AN ACT TO ESTABLISH THE PROCESS FOR COMPREHENSIVE
DEVELOPMENT PLANNING IN THE TERRITORY OF GUAM AND TO
AMEND CHAPTER II, TITLE LXV OF THE GOVERNMENT CODE

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

2 SECTION 1. Chapter I, Title LXV of the Government Code is repealed
3 and reenacted to read:

4 "CHAPTER I.

5 COMPREHENSIVE PLANNING

6 §62010. Legislative Findings. The Legislature recognizes that
7 the Territory of Guam, since the early 1960s, has experienced
8 population, economic and physical growth rates that are among the
9 highest in the region; that the Territory and her people have
10 benefited greatly from all levels of socio-economic and physical
11 development which has thus far taken place, but that the people of
12 Guam, through their elected leaders, wish to sustain and encourage
13 the development of the Territory in a manner that would foster
14 greater economic opportunities and stability for Guam without
15 adversely affecting the cultural, environmental, social and natural
16 resources unique to the island; that without careful study of the
17 types and scale of socio-economic development anticipated for Guam
18 and her residents, there will continue to be an absence of foresight,
19 direction and guidance present in the current and future stages of
20 development needed by the Territory to sustain the desired standards
21 and quality of living for its people; that to fully enjoy the
22 benefits that can and would be realized...

1 natural resources, development in the Territory must be guided by a
2 Comprehensive Development Plan that reflects the desires and
3 aspirations of all who are guided by it; that a process for
4 formulating Guam's Comprehensive Development Plan shall be
5 established and shall identify the roles, authorities,
6 responsibilities and processes involved in the formulation of the
7 plan;

8 That there is a pressing need to establish policies which would
9 reflect the people's aspirations with respect to the future
10 development of the Territory; policies which evolve from sound
11 strategic planning initiatives; policies that would take into account
12 all diverse elements of community needs and desires; policies that
13 would channel the deployment of resources to meet the following goals
14 and objectives:

- 15 1. Upgrade the quality of life for Guam's people;
- 16 2. Create conditions and opportunities whereby people fully
17 participate and benefit at every level of social and
18 economic activity;
- 19 3. Maintain balance and equity between development and the
20 environment in order to preserve the unique culture,
21 traditions and beauty of the island;
- 22 4. Optimize the use of resources to meet present and future
23 infrastructure and suprastructure requirements of the
24 people of the Territory;
- 25 5. Develop and maintain infrastructure capacity at a level
26 that could sustain future population, socio-economic and
27 physical growth.

28 §62011. Legislative Intent. It is the intent of the
29 Legislature to address the void that presently exists between the

1 policy-making body of the Territory and the public and private
2 interests engaged in implementing physical, social and economic
3 development for the Territory. It is the intent of the Legislature
4 to establish a process and mechanism through which duly adopted
5 policies of the Territory are linked with all elements of
6 governmental and non-governmental development planning and
7 implementation activity. The Territory has experienced the ill-
8 effects of fragmented and disjointed development efforts resulting
9 from the absence of both an integrated planning process and a
10 Comprehensive Development Plan that contains the parameters for the
11 Territory's growth. It is the intent of the Legislature that all
12 planning efforts that occur in the Territory, be they private or
13 public, adhere and conform to the adopted policies, goals and
14 objectives set forth in Guam's Comprehensive Development Plan.

15 It is the intent of the Legislature to ensure that the people of
16 the Territory are not subjected to unbridled and unmanageable growth
17 that would threaten the benefits, comforts and privileges that each
18 Guam citizen is entitled to, and further, that the formulation of the
19 Guam Comprehensive Development Plan would serve to guide the island's
20 growth and development up to and beyond the twenty-first century.

21 The Legislature wishes to collectively draw input, participation
22 and expertise from all segments of the community in the effort to
23 establish comprehensive planning for the Territory and to solicit the
24 services of development planning experts from both the public and
25 private sectors.

26 In its desire to establish short-range and comprehensive long-
27 term development objectives for the Territory, inclusive of but not
28 limited to the areas of education, visitor industry, economic
29 development, community development, health, transportation,

1 communication, public safety, agriculture, taxation, culture, labor
2 and human resources, recreation, environment, and political
3 development, the Legislature hereby establishes strategies for
4 initiating comprehensive planning for Guam and the formulation of the
5 Guam Comprehensive Development Plan. These strategies shall be as
6 follows:

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

1 J. To recommend creative legislation regulating our use of
2 land for the protection of future generations.

3 Nothing in this Act is intended to limit the scope of any
4 element or the areas of concern cited in this Act. However, it is
5 the intention of the Legislature to fully integrate all planning
6 elements and concerns within a viable development planning mechanism.

7 §62012. Territorial Planning Council, Creation and Membership.

8 A. Territorial Planning Council. Creation and Membership.

9 There is hereby created within the government of Guam a
10 Territorial Planning Council consisting of twelve (12)
11 members to include the Chairperson of the Territorial
12 Planning Commission; the Director of the Department of Land
13 Management; the Director of the Bureau of Planning; the
14 Administrator of the Guam Economic Development Authority;
15 the Director of the Department of Commerce; the General
16 Manager of the Guam Visitors Bureau; one member of the
17 Mayors' Council of Guam, to be nominated by the Mayors'
18 Council of Guam and appointed by the Governor; three
19 members of the Legislature, including one minority member,
20 nominated by the Speaker and appointed by the Governor; and
21 two members of the business community appointed by the
22 Governor with the advice and consent of the Legislature.

23 B. The Council shall select a Chairperson and Vice-Chairperson
24 to preside over its affairs.

25 C. The Director of the Bureau of Planning shall act as the
26 Executive Secretary for the Council.

27 D. Council members may be represented by designees at
28 meetings, but only members or those officially acting for
29 the members may cast a vote.

1 E. The Council shall develop rules, procedures, regulations or
2 other requirements to govern its meetings, hearings,
3 business and affairs.

4 §62013. Council Responsibilities and Authority. The
5 responsibilities and authority of the Council shall be:

6 A. To cause to be prepared, through the services of a
7 consortium of both public and private experts possessing
8 diverse planning experience and expertise, a comprehensive
9 development plan (hereinafter called 'plan'), which shall
10 provide short- and long-range guidance for the social,
11 economic, infrastructure, suprastructure, and physical
12 development of the Territory, and which shall contain a
13 statement of development objectives, standards and
14 principles with respect to the most desirable use of land
15 within the Territory for residential, recreational,
16 agricultural, commercial, industrial, and other uses
17 completely serviced by an access and circulation network
18 and infrastructure consistent with proper protection to
19 enhance the quality of the environment and preserve Guam's
20 natural beauty and historical heritage;

21 B. To harmonize, improve and assist in implementing
22 comprehensive planning activities at all levels of
23 government;

24 C. To insure that the current planning programs and projects
25 are consistent with the comprehensive development plan and
26 the Comprehensive Program and Financial Plan (as referenced
27 in the Executive Budget Act) and the policies enumerated in
28 this Chapter;

29 D. To adopt any rules or regulations in accordance with the

1 Administrative Adjudication Act and exercise all other
2 powers necessary and proper for the discharge of its
3 responsibilities;

4 E. To review all comprehensive development plan elements, as
5 referenced in §62020, with the assistance of the Bureau of
6 Planning, and make detailed written recommendations to the
7 Governor, including minority dissenting opinions, for
8 approval, disapproval, revision, amendment or referral to
9 specific agencies or groups for further study and review;

10 F. To enter into and carry out any agreement or agreements in
11 connection with the provisions cited in this Act and to
12 solicit assistance from public, private or federal sources
13 as required in the development planning process and which
14 are not inconsistent with or contrary to the laws of the
15 Territory; and

16 G. To report on the last Monday of January to the Governor a
17 summary of the planning program and progress.

18 §62014. Support and Coordination for Comprehensive Planning.

19 All agencies, departments, boards, commissions and other
20 instrumentalities of the Territorial government shall review their
21 present statutory authority, administrative regulations and current
22 planning policies and procedures to determine whether there is any
23 duplication, any deficiencies or inconsistencies therein which
24 prohibit or tend to prohibit full accommodations between them and the
25 purposes and provisions of this Chapter and shall propose to the
26 Council at a date determined by the Council such measures as may be
27 necessary to bring their planning authority and policies into
28 conformity with the intent, purposes, and procedures set forth in
29 this Chapter. All master plans, development plans, long-range plans,

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

9 §62015. Plan Review: Public Hearings. The Comprehensive Plan
10 or any of its elements, prepared by the various public agencies or
11 any private entity, shall be submitted to the Council for review.
12 Within forty-five (45) days following receipt of any such element or
13 elements by the Council, the Council shall hold one or more public
14 hearings thereon. Announcements of such hearings shall be placed in
15 a newspaper of general circulation on Guam ten (10) days and one (1)
16 day prior thereto. Summaries of the element or elements to be heard
17 shall be prepared by the Bureau of Planning and submitted to
18 appropriate news or other media.

9 §62015.1. Plan Submission. Within thirty (30) days after the
0 hearing of the plan or any of its elements, the Council shall submit
1 to the Governor its recommendation thereon including a summary of
2 testimony at the hearing.

3 §62015.2. Cooperation of Other Departments. Every department
4 and agency of the government of Guam is hereby directed to render
5 such assistance to the Council as the Council may require.

6 §62016. Plan Adoption. The Comprehensive Development Plan or
7 any of its elements received by the Governor from the Council shall
8 be approved, disapproved or referred to the Council for further
9 recommendation prior to approval. The Governor shall have sixty (60)

1 calendar days to act on the plan or any of its elements submitted;
2 however, if no action is taken within sixty (60) calendar days, the
3 plan or any of its elements shall be deemed approved. Following
4 approval by the Governor, the plan or any of its elements shall be
5 submitted to the Guam Legislature within ten (10) calendar days for
6 adoption by law. The Legislature shall review and approve or
7 disapprove the plan or any of its elements within sixty (60) calendar
8 days. Failure by the Legislature to act within sixty (60) calendar
9 days shall result in the plan or any of its elements being deemed
10 approved.

11 §62017. Bureau of Planning. There is created within the Office
12 of the Governor, the Bureau of Planning (hereinafter referred to as
13 'BP'), to serve as staff for the Council and to administer
14 comprehensive planning functions. The BP Director will carry the
15 title 'Director of Planning' and shall be appointed by the Governor
16 with the consent of the Legislature. He shall be a person who, as a
17 result of his training, experience and attainments, is exceptionally
18 well-qualified to analyze and interpret development trends and
19 information of all kinds, to appraise and coordinate planning
20 programs and supervise the execution of the responsibilities of the
21 Council in accordance with the policies set forth in this Chapter.
22 He shall be responsible for the administration of this Chapter and
23 shall supervise the BP staff which, in addition to its regular
24 duties, shall serve the Council.

25 §62018. Same: Staff Organization. The BP staff shall be
26 organized into several divisions, sections, or units such as is
27 sufficient to appraise, coordinate and assist in the preparation of
28 long-range planning programs for the social, economic,
29 infrastructure, and suprastructure development of the Territory of

1 Guam. Expertise, either singly or collectively, should be evident in
2 such areas as community facilities, conservation, cultural
3 development, demography, economics, education, environment, finance,
4 infrastructure, land utilization, natural resources, transportation,
5 urban and rural design, utilities, and visitor industry. Preparation
6 of planning elements, not the duty and function of staff and line
7 agencies, shall be the responsibility of the BP staff.

8 §62019. BP Powers. In the execution of its responsibilities
9 under this Chapter, the BP is authorized to perform the following
10 functions:

- 11 A. To apply for and accept grants, loans, contributions,
12 appropriations and assistance from the federal government
13 and from any other sources, public or private, and enter
14 into and carry out contracts or agreements in connection
15 therewith, and include in any contract for financial
16 assistance with the federal laws as it may deem reasonable
17 and appropriate and which are not inconsistent with the
18 purposes of this Chapter and the laws of the Territory;
- 19 B. To contract for any professional services if such work or
20 services cannot satisfactorily be performed by its
21 employees;
- 22 C. To conduct, or cause to be conducted, investigations,
23 studies, surveys, research and analysis relating to
24 physical, human, social, and economic development of the
25 community and to publish the results thereof;
- 26 D. To develop and recommend territorial policies to foster and
27 promote the improvement of planning activity and
28 development quality;
- 29 E. To utilize to the fullest extent possible, the services,

1 facilities and information of public and private agencies
2 and organizations and individuals in order that duplication
3 of effort and expenses may be avoided;

4 F. To review, appraise and make such use as it sees fit of all
5 existing plans and those presently being prepared;

6 G. To develop an information system and data bank for the
7 continual collection and storage of public information
8 needed or utilized in the development plan process; and

9 H. To report to the Council and the Legislature of its annual
10 progress and of its fiscal year.

11 §62020. Content of the Plan. The Comprehensive Development
12 Plan for Guam shall contain specific elements as follows:

13 A. A land-use element together with the appropriate zoning
14 recommendations supporting distribution, location and the
15 extent of uses of land for housing, business, industry,
16 agriculture, recreation, education, public buildings, open
17 space, conservation and other categories of public and
18 private uses of land, which include islands, reef and
19 lagoon areas, and the sea within the territorial waters,
20 inclusive of a statement of the standards of population and
21 building density and building intensity for the various
22 districts and other areas covered by the Plan, and
23 regulatory criteria governing the use, development and
24 subdivision of land;

25 B. A community design element consisting of standards and
26 principles governing the subdivision and development of
27 land and showing recommended designs for community and
28 neighborhood development and redevelopment, including sites
29 for schools, parks, playgrounds and other community uses;

- 1 C. A transportation element which would provide a
2 comprehensive transportation and circulation system
3 consisting of existing and proposed major routes,
4 thoroughfares, highways, and collector streets; locations
5 of rights-of-way, terminals, viaducts, and grade
6 separation, port, harbor, aviation and mass transit lines,
7 and related facilities, all of which are correlated with
8 the land use element of the Plan;
- 9 D. A regulatory element concerning parking facilities and
10 building setback lines and the delineations of such systems
11 on the land, a system of street naming, housing and
12 building numbering, and such other matters as may be
13 related to the improvement of circulation of traffic;
- 14 E. A public services and facilities element showing general
15 plans for sewage, refuse disposal, drainage, and local
16 utilities, and rights-of-way, easements, and facilities for
17 them;
- 18 F. A public buildings element identifying locations and
19 arrangement of civic and community centers, public schools,
20 libraries, police and fire stations, and other public
21 buildings, including their architecture and the landscape
22 treatment of their grounds;
- 23 G. A housing element consisting of standards and plans for
24 elimination of substandard dwelling conditions, the
25 improvement of housing, and the provision of adequate sites
26 for housing;
- 27 H. A redevelopment element for the elimination of unsafe or
28 blighted areas, community redevelopment and the
29 revitalization of housing sites, business and industrial

1 sites, public building sites, and for other purposes
2 authorized by law;

3 I. A conservation element to guide the conservation,
4 development, and utilization of natural resources including
5 forests, soils, rivers and other waters, harbors,
6 fisheries, wildlife, minerals, and other natural resources
7 which, as sub-elements, may also incorporate the following:

- 8 1. Reclamation of land and waters;
- 9 2. Flood control;
- 10 3. Prevention and control of pollution of streams
11 and other waters;
- 12 4. Regulations of the use of land in stream channels
13 and conservation areas;
- 14 5. Prevention, control, and correction of the
15 erosion of soils, beaches, and shores; and
- 16 6. Protection of watersheds.

17 J. A recreation element establishing a comprehensive system of
18 areas and public sites for recreation, including the
19 following and, when practicable, their locations and
20 proposed development:

- 21 1. Natural reservations,
- 22 2. Parks,
- 23 3. Parkways,
- 24 4. Beaches,
- 25 5. Reef and lagoons,
- 26 6. Playgrounds,
- 27 7. Historic and Archaeological sites, and
- 28 8. Other recreation areas.

29 K. A safety element for the protection of the community from

1 natural and man-made hazards including features necessary
2 for such protection as evacuation routes, peak load water
3 supply requirements, minimum road widths, clearances around
4 structures, geologic hazard mapping in areas of known
5 geologic hazards;

6 L. A visitor industry element which will establish cooperation
7 and coordination between the public and private sectors to
8 provide for steady and regulated growth within the visitor
9 industry, while developing the industry in a manner that
10 will continue to provide new business and job opportunities
11 and steady employment for the people of Guam, and which
12 will enable Guam's people to obtain job training and
13 education geared for upward job mobility within the
14 industry;

15 M. A short and long-range socio-economic development strategy
16 to include policy, opportunities, and programs to address
17 or alleviate problems concerning health services, manpower
18 planning, employment opportunity, education, elimination of
19 poverty, law enforcement, welfare, substandard housing,
20 consumer protection, public revenue and expenditures,
21 cultural heritage preservation, visitor industry, and the
22 like to include population characteristics and economic
23 analysis with projections for each region and sub-region of
24 the island;

25 N. A short and long-range capital improvements program and
26 projects to be derived from public and private input and
27 compiled from schedules of proposed capital improvements
28 submitted to the Council by each department, agency,
29 division, board, commission, branch, and instrumentality of

1 the government of Guam; and which shall provide
2 recommendations and identify programs for the balanced
3 development of the island's port, highway, communication,
4 and public transportation facilities including, but not
5 limited to, institutions of higher learning, health and
6 welfare facilities, correctional institutions, elementary
7 and secondary schools, electric power, water, telephone,
8 sewer and other utility facilities;

9 O. A statement of specific policies for at least each of the
10 following general areas: socio-economic and human resource
11 development, natural resource development, environmental
12 protection, historical, and cultural preservation, public
13 safety, housing and community development, education, land-
14 use and population growth, visitor industry, or in other
15 areas deemed appropriate by the Council;

16 P. Such additional elements dealing with other subjects, which
17 in the judgment of the Council relate to the physical
18 development of the Territory.

19 §62021. Plan Implementation and Financing. The Comprehensive
20 Development Plan shall contain a schedule of programs and projects to
21 be implemented annually. Funding for such programs and projects
22 shall be identified in the Plan by the project's or program's
23 principal or administering government agency or instrumentalities.
24 Funding for programs or projects contained in the plan which do not
25 fall under the authority or responsibility of any particular
26 instrumentality of the government of Guam shall be derived in the
27 following manner: Ten percent (10%) of the monthly government
28 revenues collected beginning 01 October 1990 shall be specifically
29 reserved and immediately deposited beginning Fiscal Year 1991 in the

1 Territorial Development Fund, which is hereby created. Such funds
2 shall be used solely for the implementation of the projects and
3 programs as prioritized in the Guam Comprehensive Development Plan
4 and which are not directly or indirectly funded through a budget
5 periodically submitted to the Legislature by an agency or
6 instrumentality of the government of Guam or through the budget of an
7 autonomous or semi-autonomous entity of the government of Guam.

8 §62022. The Chairman of the Council shall prepare and submit an
9 annual fiscal year budget for the Territorial Planning Council to the
10 Legislature within ninety (90) calendar days upon the enactment of
11 this Act into law. Such budget shall contain a financial breakdown
12 of personnel, administrative and all operating costs to be incurred
13 by the Council in the performance of provisions set forth in this
14 Act. Said personnel expenditures shall be applied to the full
15 staffing requirements of the Council not to exceed four (4) full-time
16 employees (FTEs) inclusive of an Executive Director, an
17 administrative secretary, and two (2) technical or administrative
18 support staff as determined by the Council immediately upon passage
19 of this Act.

20 §62023. The Council shall proceed to develop proposals
21 consisting of a scope of work and cost estimates for the study and
22 master planning of an area or areas within the Territory, subjected
23 to or impacted by rapid growth of the island's visitor industry. The
24 Council shall incorporate in its annual budget submission to the
25 Legislature the amount of financial resources needed to facilitate
26 the visitor industry master planning to the extent the Council
27 determines necessary.

28 §62024. Coordination of Effort. Any existing Committee,
29 Commission, Task Force or body mandated to engage in planning the

1 Territory or areas or jurisdictions within the Territory, shall seek
2 to ensure that such planning efforts are provided the appropriate
3 financial, human, technical and support resources necessary to
4 accomplish any mandates or requirements of law relative to
5 development planning, provided, however, that such planning efforts
6 are supportive of and consistent with the intent of this Act.

7 §62025. Severability. If any provision of this Chapter or the
8 application thereof to any person or circumstances is held invalid,
9 such invalidity shall not affect other provisions or applications of
10 this Chapter which can be given effect without the invalid provisions
11 or application, and to this end, the provisions of this Chapter are
12 severable."

Introduced

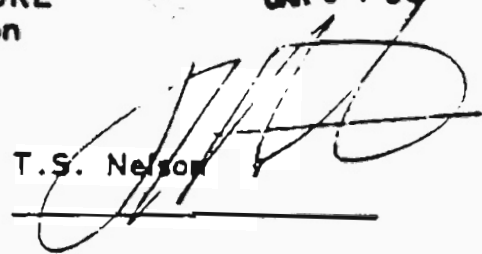
TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

JAN 04 '89

Bill No. 11 (COR)

Introduced by:

T.S. Nelson



AN ACT TO AMEND CHAPTER I, TITLE LXVI OF THE
GOVERNMENT CODE TO PROVIDE FOR THE
ORGANIZATION OF COMPREHENSIVE PLANNING
THROUGHOUT THE TERRITORY OF GUAM.

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

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

5 "CHAPTER I

6 Comprehensive Planning

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

- 1 non-governmental activities with a dynamic
2 comprehensive development plan; and
3 D. Provide factual data, projections, and analysis to
4 assist policy makers in the selection of programs
5 and the establishment of priorities.

6 Section 62011. Comprehensive Planning Objectives.
7 Initial objectives, which will be amended and expanded as
8 conditions warrant, are:

- 9 A. To determine the extent that our natural resources
10 limit urban and rural development;
11 B. To plan for the preservation of the natural charm
12 and character of Guam within the framework of a
13 growing population and modern technology;
14 C. To establish generalized areas of use within an
15 urban, rural, agriculture, conservation, and resort
16 context;
17 D. To provide a development pattern that enhances the
18 comfort, convenience, and economic welfare of the
19 individual;
20 E. To prepare land capability criteria as a basis for
21 real property evaluation that tends to equalize the
22 divergent qualities of location;
23 F. To reappraise the total land tenure of the Territory
24 and provide guidelines for relocation of inefficient
25 or inappropriate major uses;
26 G. To plan for the development and extension of the
27 infrastructure and transportation facilities;

- 1 H. To plan for a high quality environment essentially
2 free from pollution and with adequate and well-kept
3 open space throughout our varying activity centers;
4 I. To prepare criteria of substandard neighborhoods
5 and identify areas that meet criteria levels; and
6 J. To recommend creative legislation regulating our
7 use of land for the protection of future
8 generations.

9 Section 62012. Central Planning Council. Creation and
10 Membership.

- 11 A. Central Planning Council. Creation and
12 Membership. There is hereby created [in the
13 Government of Guam] a Central Planning Council
14 (hereinafter referred to as "Council"), consisting of
15 [eleven (11)] the members of the TPC and two (2)
16 to be appointed by the Governor from the heads of
17 departments or agencies of the Government of
18 Guam. [and two (2) to be appointed by the Speaker
19 from among private citizens.] Council members
20 shall elect a Chairperson and a Vice-Chairperson
21 whose terms on the Council. The Attorney General
22 or his authorized designee shall act as legal counsel
23 to the Council.
- 24 B. The Director of Planning shall be the [Chairman of
25 the Council] Executive Secretary of the Council
26 without the power to vote.
- 27 C. [Council members may be represented by designees

1 at meetings but only those officially acting for the
2 members may cast a vote.] Each member of the
3 Council shall be paid Fifty Dollars (\$50.00) per pay
4 for each day on which the Council meets, provided
5 however, that such compensation shall not exceed
6 One Hundred Dollars (\$100.00) per month.

7 Section 62013. Council responsibilities. The Council
8 shall have the following responsibilities.

- 9 A. To act as an advisory, reviewing, and coordinating
10 body to harmonize, improve, and assist in
11 implementing planning activities at all levels of
12 government;
- 13 B. To insure that the current planning programs are
14 consistent with the Comprehensive Development Plan
15 and the Comprehensive Program and Financial Plan
16 (as referenced in the Executive Budget Act) and
17 the policies enumerated in this Chapter;
- 18 C. To adopt any rules or regulations in accordance
19 with the Administrative Adjudication Act and
20 exercise all other powers necessary and proper for
21 the discharge of its responsibilities;
- 22 D. To encourage the establishment of advisory
23 committees from the village commissioners
24 [legislative staff officers,] and the collective civic
25 organizations, which Advisory Committees will
26 organize at their own discretion and meet on their
27 own initiative or at the request of the Council;

1 E. To review all comprehensive development plan
2 elements, as referenced in [60020] 62020 with the
3 assistance of advisory committees and the Bureau of
4 Planning, and make detailed written
5 recommendations to the Governor, including minority
6 dissenting opinions, for approval disapproval,
7 revision, amendment, or referral to specific
8 agencies or groups for further study and review;
9 and

10 F. To report [on the first Monday of December] by no
11 later than December 31 of each year to the
12 Governor [or the Governor-elect in an election
13 year] and the Legislature a summary of the
14 planning program and progress.

15 Section 62014. Coordination of Functional Responsibili-
16 ties. All agencies, departments, boards, commissions, and
17 other instrumentalities of the Territorial government shall
18 review their present statutory authority, administrative
19 regulations, duplication, any deficiencies or inconsistencies
20 therein which prohibit or tend to prohibit full accommodations
21 between them and the purposes and provisions of this
22 Chapter and shall propose to the Council each January such
23 measures as may be necessary to bring their planning
24 authority and policies into conformity with the [development
25 plans, long-range plans, and the like] plans prepared by
26 public agencies which recommend policies to guide the
27 long-range development of the Territory shall be submitted to

1 the Council for processing as part of the comprehensive
2 planning program.

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

10 Section 62015. Plan Review: Public Hearings.
11 Comprehensive Plan elements, prepared by the various public
12 agencies, shall be submitted to the Council for review.
13 Within forty-five (45) working days following receipt of any
14 such element or elements by the Council, the Council shall
15 hold one or more public hearings thereon. Announcements of
16 such hearings shall be placed in a newspaper of general
17 circulation on Guam ten (10) days and one (1) day prior
18 thereto. All costs for newspaper announcements shall be
19 borne by the agency that prepared the Plan. Summaries of
20 the element or elements to be heard shall be prepared by the
21 [BP various public agencies] and submitted to appropriate
22 news or other media[.] by the Bureau of Planning.

23 Section 62015.1 Plan Submission. Within fifteen (15)
24 working days after the last hearing of a plan element or
25 elements, the Council shall submit to the Governor its
26 recommendation thereon including a summary of testimony at
27 the hearing.

1 [Section 62015.2. Cooperation of other Departments.
2 Every department and agency of the Government of Guam is
3 hereby directed to render such assistance to the Council as
4 the Council may require.]

5 Section 62016. Plan Adoption. Comprehensive Plan
6 elements received by the Governor from the Council may be
7 approved, disapproved, or referred to the Council for further
8 recommendation prior to approval. Following approval by the
9 Governor, plan elements shall be submitted to the Guam
10 Legislature for adoption by resolution.["] Plan elements
11 submitted to the Legislature shall be considered approved if
12 the Legislature fails to act on the plan within ninety (90)
13 calendar days after receipt of the plan element.

14 Section 62017. Bureau of Planning. There is created,
15 within the Office of the Governor, the Bureau of Planning
16 (hereinafter referred to as "BP") to serve as staff for the
17 Council and to administer central planning functions. The BP
18 Director will carry the title "Director of Planning" and shall
19 be appointed by the Governor with the consent of the
20 Legislature. He shall be a person who as a result of his
21 training, experience, and attainments is exceptionally well
22 qualified to analyze and interpret development trends and
23 information of all kinds, appraise and coordinate planning
24 programs, and supervise the execution of the responsibilities
25 of the Council in accordance with the policies set forth in this
26 Chapter. The Director's salary shall be provided by Section
27 4106 of the Government Code of Guam. He shall be

1 responsible for the administration of this Chapter and shall
2 supervise the BP staff.

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

16 Section 62019. BP Powers. In the execution of its
17 responsibilities under this Chapter, the BP is authorized to
18 perform the following functions:

19 A. To apply for and accept grants, loans,
20 contributions, appropriations, and assistance from
21 the Federal government and from any other
22 sources, public or private, and enter into and
23 carry out contracts or agreements in connection
24 therewith, [and include in any contract for financial
25 assistance with the federal laws] as it may deem
26 reasonable and appropriate and which are not
27 inconsistent with the purposes of this Chapter and

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

the laws of the Territory;

B. To contract for any professional services if such work or services cannot satisfactorily be performed by its employees;

C. To conduct, or cause to be conducted, investigations, studies, surveys, research, and analysis relating to physical, human, social, political, and economic development of the community and to public the results thereof;

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

E. To prepare, or cause to be prepared in conjunction with the Comprehensive Program and Financial Plan, a comprehensive development plan (hereinafter called "Plan"), which shall provide long-range guidance for the social, economic, political, and physical development of the Territory, and which shall contain a statement of development objectives and principles with respect to the most desirable use of land within the Territory for residential, recreational, agricultural, commercial, industrial, and other uses completely serviced by an access and circulation network and infrastructure consistent with proper protection to enhance the quality of the environment and preserve Guam's natural beauty and historical heritage;

1 F. To submit the Plan to the Council for public
2 hearings as provided in this Chapter;

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

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

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; and

15 J. To charge for any or all documents, the proceeds
16 of which shall be utilized by the BP to purchase
17 required materials for public administration.

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

22 A. A land use element which designates the proposed
23 general distribution and general location and extent
24 of the uses of the land for housing, business,
25 industry, agriculture, recreation, education, public
26 buildings and grounds, conservation, and other
27 categories of public and private uses of land, which

- 1 Include islands, reef and lagoon areas, and the sea
2 within the territorial waters, and also includes a
3 statement of the standards of population density
4 and building intensity for the various districts and
5 other areas covered by the Plan, and regulatory
6 devices governing the use, development, and
7 subdivision of land;
- 8 B. A community design element consisting of standards
9 and principles governing the subdivision and
10 development of land and showing recommended
11 designs for community and neighborhood
12 development and redevelopment, including sites for
13 schools, parks, playgrounds, and other uses;
- 14 C. A transportation element showing a comprehensive
15 transportation and circulation system consisting of
16 existing and proposed major routes, thoroughfares,
17 highways, and collector streets; locations of right-
18 of-ways, terminals, viaducts, and grade separation,
19 port, harbor, aviation and mass transit lines, and
20 related facilities, all of which are correlated with
21 the land use element of the Plan;
- 22 D. A regulatory elementary concerning parking
23 facilities and building setback lines and the
24 delineations of such systems on the land, a system
25 of street naming, housing and building numbering,
26 and such other matters as may be related to the
27 improvement of circulation of traffic;

- 1 E. A public services and facilities element showing
2 general plans for sewerage, refuse disposal,
3 drainage, and local utilities, and right-of-ways,
4 easements, and facilities for them;
- 5 F. A public buildings element showing locations and
6 arrangement of civic and community centers, public
7 schools, libraries, police and fire stations, and
8 other public buildings, including their architecture
9 and the landscape treatment of their grounds;
- 10 G. A housing element consisting of standards and
11 plans for elimination of sub-standard dwelling
12 conditions, the improvement of housing, and the
13 provision of adequate sites for housing;
- 14 H. A redevelopment element for the elimination of slums
15 and blighted areas and for community redevelopment
16 including housing sites, business and industrial
17 sites, public building sites, and for other purposes
18 authorized by law;
- 19 I. A conservation element for the conservation,
20 development, and utilization of natural resources
21 including forests, soils, rivers and other waters,
22 harbors, fisheries, wildlife, minerals, and other
23 natural resources which may also cover the
24 following:
- 25 (1) Reclamation of land and waters;
- 26 (2) Flood control;
- 27 (3) Prevention and control of pollution of

- 1 streams and other waters;
- 2 (4) Regulations of the use of land in stream
- 3 channels and conservation plan;
- 4 (5) Prevention, control, and correction of the
- 5 erosion of soils, beaches, and shores;
- 6 and
- 7 (6) Protection of watersheds.
- 8 J. A recreation element showing a comprehensive
- 9 system of areas and public sites for recreation,
- 10 including the following and, when practicable, their
- 11 locations and proposed development:
- 12 (1) Natural reservations,
- 13 (2) Parks,
- 14 (3) Parkways,
- 15 (4) Beaches,
- 16 (5) Reef and lagoons,
- 17 (6) Playgrounds,
- 18 (7) Historic and Archeologic sites, and
- 19 (8) Other recreation areas.
- 20 K. A safety element for the protection of the
- 21 community from [fires and geologic] natural and
- 22 man-made hazards including features necessary for
- 23 such protection as evacuation routes, peak load
- 24 water supply requirements, minimum road widths,
- 25 clearances around structures, geologic hazard
- 26 mapping in areas of known geologic hazards;
- 27 L. Such additional elements dealing with other subjects

1 which in the judgment of the Council or the
2 Director relate to the physical development of the
3 Territory;

4 M. A [five year] socio-economic plan to include policy,
5 opportunities, and programs to attack problems
6 concerning health services, manpower planning,
7 employment opportunity, education, elimination of
8 poverty, law enforcement, welfare, substandard
9 housing, consumer protection, public revenue and
10 expenditures, cultural heritage preservation, and
11 the like to include population characteristics and
12 economic analysis with projections for each region
13 and sub-region of the island;

14 N. A [five year schedule of proposed] capital improve-
15 ments program to be compiled and prioritized from
16 schedules of proposed capital improvements, and
17 submitted to the Council by each department,
18 agency, division, board, commission, branch, and
19 instrumentality of the Government of Guam; and
20 [which schedule shall include a policy for the
21 balanced development of port, highway, and public
22 transportation facilities including, but not limited
23 to, the University of Guam, health and welfare
24 facilities, correctional institutions, elementary and
25 secondary schools, electric power, water,
26 telephone, sewer, and other utility facilities;

27 O. A statement of specific policies for at least each of

1 the following general areas: social and human
2 resource development, natural resource
3 development, and utilization of environment
4 protection and quality, historical, and cultural
5 heritage preservation.

6 Section 62021. Severability. If any provision of this
7 Chapter or the application thereof to any person or
8 circumstances is held invalid, such invalidity shall not affect
9 other provisions or applications of this Chapter which can be
10 given effect without the invalid provisions or application, and
11 to this end the provisions of this Chapter are severable.

12 Section 62022. Plan Amendments. Cognizant of the
13 continuing nature of the comprehensive planning program
14 established by this Act, it is the Legislature's intent that the
15 Director of Planning exercise discretion in determining
16 whether or not amendments to adopted plans require CPC
17 review as provided in Sections 62015 and 62016, subject to
18 the following:

19 A. Amendments which revise the board policy or
20 policies in adopted plans shall be reviewed by CPC
21 as provided in Sections 62015 and 62016.

22 B. All other amendments shall be submitted to the
23 Governor by the CPC. Following approval by the
24 Governor, such amendments shall be transmitted to
25 the Legislative Secretary for filing as provided in
26 the Administrative Adjudication Act.

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Bill No. 887

Introduced By:

M. Z. BORDALLO *MZ*

PBW

AN ACT TO ADOPT THE KABALES NA PLANU PARA GUAHAN

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

2 Legislative Intent. It is the finding of the Legislature
3 that Public Law 12-200, as amended, requires the preparation
4 of a dynamic comprehensive development plan that will guide
5 Guam's future growth;

6 The Bureau of Planning has prepared the Guam Comprehensive
7 Development Plan which satisfies the objectives of P.L. 12-200
8 as amended;

9 The plan has been presented at a series of public hearing
10 and has been reviewed and approved by the Central Planning
11 Council;

12 The Legislature recognizes the need for the adoption of a
13 plan which provides the framework for Guam's future growth and
14 development.

15 Section 1. The Kabales Na Planu Para Guahan is adopted as
16 the official community development policy of the Territory of
17 Guam. All agencies, departments and instrumentalities of the
18 Government of Guam are hereby directed to implement those
19 policies under their respective jurisdictions. The Bureau of
20 Planning is hereby directed to monitor implementation and
21 periodically update the Plan, consistent with the provisions
22 of Public Law 12-200, as amended.

TESTIMONY OF MR. PETER P. LEON GUERRERO, DIRECTOR

BUREAU OF PLANNING ON BILL NO. 11 (COR)

Bill 11 (COR) amends Public Law 12-200 which is the Bureau of Planning's enabling legislation. The amendments suggested in Bill 11 for the most part will bring Public Law 12-200 in line with other existing laws and correct apparent discrepancies between Public Law 12-200 and Public Law 13-89. The latter law amended the composition of the Central Planning Council but allowed members to appoint alternates and allowed the Director, Bureau of Planning to remain as Chairman. Bill 11 changes these provisions which I fully support.

The Bill also adds a new Section 62022 regarding Amendments to the Comprehensive Development Plan. While I agree that planning is a continuous process, it is expressly because of this reason that plan amendments should also follow the process as established under Section 62015. Therefore, I suggest that Section 62022 be revised to read:

Section 62022. Plan Amendments. Cognizant of the continuing nature of the comprehensive planning program established by this Act, it is the Legislature's intent that plan amendments be reviewed pursuant to Section 62015 and Section 62015.1 of this Act.

With regards to the changes made by Bill 11 to Section 62012 (i.e., the deletion of the Speaker's appointees), this provision is apparently included in recognition of the principle of separation of powers between the Legislative and Executive Branch.

I further suggest that the words "political" be deleted wherever they are used in Bill 11 as a commission has already been formed to address political status.

I have also enclosed a listing of minor revisions to Bill 11 that I hope the Legislature will consider.

With these proposed changes, I believe the Bill would achieve its intent of providing a mechanism for the development and adoption of a guiding document that charts the proper management and growth of our economy in balance with the protection of the fragile island environment and social development of our people.

Thank you for the opportunity to provide testimony, and I am prepared to discuss this Bill with you.


PETER P. LEON GUERRERO

SPECIFIC COMMENTS ON BILL 11(COR)

The following minor changes are suggested for inclusion in Bill 11:

1. Page 3, line 21 - add "of office shall be coextensive with their terms" after "whose terms" and before "on the Council".
2. Page 5, line 19 - add "and current planning policies and procedures to determine whether there is any" after "regulations" and before "duplication".
3. Page 5, line 24 - add "intent, purposes, and procedures set forth in this Chapter. All [master plans," before "into conformity with the and before "development".
4. Page 6, line 21 - delete bracket after "agencies" and place closed bracket after BP.
5. Page 7, lines 1-4 - We suggest that this section be retained.
6. Page 9, line 9 - change "public" to "publish"
7. Page 10, line 17 - change "administration" to "dissemination"
8. Page 14, line 26 - add a closed bracket after utility facilities
9. Page 15, line 19 - change "board" to "broad"



GOVERNMENT OF GUAM
AGANA GUAM 96910

TESTIMONY OF
PETER P. LEON GUERRERO, DIRECTOR
BUREAU OF PLANNING
ON
BILL NO. 887

Bill 887 proposes to adopt the Kabales Na Planu Para Guahan or the Guam Comprehensive Development Plan (CDP). I am pleased to advise you, Mr. Chairman, that the Governor has already directed the Bureau of Planning to review the CDP, particularly from the context of updating the content of the Plan. Even though this plan was developed eleven (11) years ago, the recommended policies remain valid now as ^{they were then.} ~~it was then.~~

I would be remiss however if I did not point out to the Committee, that the Land Use section of the Plan cannot be fully implemented with passage of Bill 887. The Land Use section can not be implemented because I believe that specific legislation to amend Guam's zoning maps must be passed by the Legislature. This is the reason the Tumon Bay Master Plan could not be fully implemented. In any event, in 1979 the Bureau of Planning held another series of public hearings to approve the CDP in line with Public Law 12-200 as amended and a change to the land use designation in the Geus River area (from urban to rural) was made which is not currently reflected in the Plan. Finally, I must point out that the Legislature should recognize that private properties were designated "Conservation" in the Land Use Plan section of the CDP.

I would like to take this opportunity to commend the staff of the Bureau of Planning who assisted in the preparation of this plan. In particular, I would like to acknowledge the efforts of former Planning Directors Mr. Paul Souder, under whom I worked in 1978 during ^{the} plan's preparation, and Ms. Betty Guerrero, who attempted to obtain plan approval in 1979.

I do not have any objections to the immediate legislative adoption of the Kabales Na Planu Para Guahan through Bill 887, as I am sure the Legislature would have no objection in adopting revisions to the Plan at some future date.

Thank you for the opportunity to testify.


PETER P. LEON GUERRERO

TESTIMONY ON BILL 1060
BY
PETER P. LEON GUERRERO
DIRECTOR, BUREAU OF PLANNING

Mr. Chairman, members of the Committee, thank you for giving me the opportunity to comment on Bill 1060.

The agencies of the Government of Guam have, for many years now, been suggesting that a comprehensive plan and/or elemental master plans are necessary if Guam is to maintain the quality of the natural and human environments, and develop a healthy, economic environment at the same time. For too many years, such plans have been created but have yet to be adopted by law. I am very pleased that at last, the public is becoming aware of the need for such guidance, and because of that public consciousness, it appears that Guam may finally adopt such a plan.

Bill 1060 goes a long way in achieving subtle refinements to P.L. 12-200, which were necessary in establishing a direction for plan development. In our review of the Bill, however, we find some sections that may create confusion, but which the Bureau believes could be rectified. To this end, Mr. Chairman, I have appended to my testimony a list of various troublesome points, and I am prepared to discuss each of these points in this hearing, as well as in other meetings with you and your staffs.

Just to highlight some of the concerns I have, please allow me to review them briefly.

FEDERAL LANDS

The inclusion of Federal Lands for the purpose of appraising and developing guidelines for relocation, in the context of master planning strategies is inappropriate, and I recommend that this reference be deleted.

RELATIONSHIP between BOP and COUNCIL STAFF

The designation of the director of the Bureau as Executive Secretary to the Council; the exclusion of references to the advisory, reviewing and coordinating role of the Council; the recurring role of the Bureau as staff to the Council and supervision in the preparation of planning elements to the Comprehensive Development Plan, as well as the powers vested in the Bureau, seem to be all confused by Section 62022, which establishes a separate Council staff including an Executive Director. Nowhere other than in Section 62022 is the Council staff mentioned, and the absence of any other references leads me to question the exact role of the Council staff in accomplishing the intent of this Bill, and its relationship to the Bureau, with respect to the Bureau's role in accomplishing the purposes of the Bill. In that I'm not certain of its intended responsibilities or functions, I cannot offer any insights on resolving my confusion.

VISITOR INDUSTRY MASTER PLANNING

Section 62023 singles out the visitor industry as needing a special appropriation for a master planning effort as though the other areas such as recreation, environmental and infrastructure planning, to mention a few of the planning areas, do not demand the same attention. In my view, the need for allocating funds to ensure the adequacy of financial support to develop such plans are already addressed in Section 62021, and the treatment of visitor industry master planning should be as with the rest of the planning elements.

Overall, Mr. Chairman, this Bill addresses the problems and needs associated with growth management and community planning. The concerns put forth in this testimony are not irresolvable, and with the necessary modifications and clarifications, the Bureau feels this legislation could be the vehicle for accomplishing a mutually aspired goal. The Bureau looks forward to undertaking the task it has been assigned in finally achieving an updated and, more importantly, an adopted master plan for Guam and its people.

Again, thank you for the opportunity to testify on this Bill, and I am prepared to discuss this important proposal with you.


PETER P. LEON GUERRERO

SPECIFIC COMMENTS ON BILL 1060 BY THE BUREAU OF PLANNING

In Section 62011, page 4, (F), line 21; the addition of "inclusive of federal lands" would suggest an ability to accomplish an analysis which is, quite frankly, beyond the resource and political capabilities of the Government of Guam. While we do not disagree on the desirability to map and influence federal activity location, the addition of this wording in describing master planning strategies may only serve to impede achieving those strategies. We are not suggesting that GovGuam has no voice in federal development. To the contrary, through federal consistency provisions administered by the Bureau, NEPA requirements administered by GEPA, Federal Historic Preservation requirements administered by the Department of Parks and Recreation, and Federal Endangered Species requirements administered by the Department of Agriculture, GovGuam can exert a very substantial influence over federal activities on federal lands. This influence, however, is over specific and individual projects and proposals, rather than over categorical, development locations in a master planning context. We would suggest the elimination of the reference to federal properties for the purposes of this Bill.

Section 62012, page 5; with respect to the Council's composition, all members should represent the largest possible constituency. For that reason, we would recommend against the inclusion of two members of the business community. Input from that sector will of course be sought and included in plan formulation, but such an appointment would (or should) necessitate an equal representation from the environmental, educational, labor communities, to mention a few. If the purpose of this representation is to assure input from the business community, it is my opinion that at various stages of the planning process, extensive meetings and hearings will take place to acquire the views of the public in the plan's development, and I believe that input from the business community will obviously be received during that process.

FUNCTIONS OF THE BUREAU, THE COUNCIL, AND THE COUNCIL STAFF

Generally throughout this bill, the function of the Council staff, and its relationship to the Bureau of Planning are unexplained and confusing. For example, Section 62017, page 9, assigns the Bureau of Planning with staff responsibilities to the Council. Section 62022, page 16, in requiring the establishment of a Territorial Planning Council annual budget, also provides for the personnel expenditure of a Council staff, including an Executive Director.

In Section 62013(B), on page 6, the exclusion of the words "To act as an advisory, reviewing and coordinating body....", appears to delegate the Council with the day to day responsibilities for the implementation of planning functions. This is not only impractical, but would be an improper delegation of both executive and legislative branch functions, and (given the two person support staff), impossible to carry out. We strongly recommend the reinsertion of that necessary wording to clarify the Council's position as other than a daily functioning agency.

In Section 62018, Page 10, line 5-7, there is some confusion over which staff (line 6) is being referred to, as two sets of staff are assigned to the Council by this bill (sections 62017 and 62022). Additionally, the preparation of certain planning elements will certainly be the responsibility of an autonomous agency, such as GAA, GPA, GTA, etc. In order not to delete those current and proper authorities, the words or autonomous should be inserted after the word line.

Again, in terms of confusion over responsibilities (re: Council, BP, executive director, administrative staff), the responsibility for **development** of the CDP should be clarified. We would suggest that this be inserted as a new Section 62019 (A), and reletter the current (A)-(H) to (B)-(I).

In Section 62020, page 12, line 15; **sewage** should read **sewerage**.

In Section 62021, page 15, line 27, it would seem premature to assign specific percentage allocations of government income toward implementation of the plan without a thorough economic impact study by BBMR. Without such a study, a full 10% of government revenues would seem excessively high. In any event, the inclusion of this section at this time is preferred than none at all. However, it is recommended that a study on the economic impact of this provision

be incorporated as a periodic function to adjust the allocation from time to time, to reflect the appropriate amounts needed to accomplish the provisions of this section, without creating an undue burden in other budgetary needs of the government.

Section 62022, Page 16, Lines 14-19; Aside from the confusions over these positions as already mentioned, it is unclear whether these are classified employees, who their hiring authority is, what agency would be responsible for ASO responsibilities.

Section 62023, Page 16; This section would appear to be contrary to comprehensive planning. While visitor industry development and impacts can (for the moment) be defined by geographic areas,

tourism does not exist in isolation, and cannot be dealt with as if it did. Tourism planning is one element of comprehensive planning and is best dealt with as a part and not a whole. The Bureau recommends deletion of this section.

ALV
P. O. Box 1728
Agana, Guam 96910
November 29, 1989

Chairman E. D. Reyes
Committee on Economic Development
Senator Madeleine Z. Bordallo, Member
Senator Francisco R. Santos, Member

Mr. Chairman and Members of the Committee:

My name is Edith R. Blankenfeld, a concerned citizen. I am here to testify in favor of Bills 11, 887 and 1060 since our Territory needs a comprehensive plan for the development of our island.

However, I am here to ask that you address some of the problems that now exist and incorporate them into the comprehensive plan as follows:

- 1) Zoning laws need to be updated as it is so obsolete; i.e., the Harmon Industrial Park is so designated yet zoning in some of the areas are for single family dwelling. Who in the world would want to build a home in the midst of an industrial park area?
- 2) Tumon has been designated hotel zone; yet building code indicates building should not be higher than six stories. Who in the world would build a hotel 6 stories high only, especially where premium land exists?
- 3) Parking is a big problem on the island; yet the law requires only 1 parking stall per unit. Although hotels are built primarily for tourists who do not individually drive but are carted in buses, the local people utilize the hotels for parties, theaters and dinners who arrive in individual automobiles. This is also a problem in housing areas where almost every household on Guam has at least two automobiles. One sees parking problem all over the island. The hotel is no exception. This is a very difficult problem to address.
- 4) Light industrial park and other commercial zones must be incorporated into the comprehensive plan in different sections of the island so that traffic can be dispersed. The whole population of Guam need not converge to Tamuning and Harmon Park for their needs, especially in the hardware needs such as plumbing and equipment rentals. I ask that you be cognizant of the traffic problems that now exist in the northern part of the island and plan to designate industrial and commercial zones in the central and southern part of the island to alleviate the traffic problems in the northern part of the island.
- 5) In the comprehensive plan, please consider concentrating all government agencies in one area. As it is now, to get a business or building permit, one must travel from Adelup (Planning Bureau) to Anigua (Rev & Tax) to Agana (land Management) to Agana Heights (Parks & Rec) to Mangilao (Public Health) to Harmon (EPA) (GPA) to Tamuning (GTA) (PUAG) and Public Works, which takes at least one day of travelling by vehicle to each of these agencies. And this takes more than one trip since it needs reviewing and signatures of the person in charge. Time and gas all costs money which ultimately are passed on to consumers. These are all reflected in the exorbitant costs of housing.

Thank you for allowing me to testify and I hope that you will consider addressing some of these problems into the comprehensive plan for the development of our island.

Edith R. Blankenfeld
Edith R. Blankenfeld



GUAM BOARD OF REALTORS

P. O. BOX GV • AGANA, GUAM 96910
(671) 477-2081



December 6, 1989



GUAM BOARD OF REALTORS TESTIMONY IN FAVOR OF BILLS: # 1060, # 11, and # 887

Honorable Chairman, and members of the committee, thank you for the opportunity to be heard. The work of Realtors naturally touch the life of everyone because underneath all is real estate. Because of that, the members of the Guam Board of Realtors feel that we would be negligent if we did not submit our position on these three very important bills involving real estate and development.

It's self-evident from what we see and the complaints we hear everyday, that throughout our island communities we have a chaotic mess of unplanned developments. For that reason, we would like to see these bills approved but more importantly, that their provisions be implemented at once as they are indeed way overdue.

In addition, because real estate is the issue here, we would similarly be remiss if we did not request on the on-set for an amendment in any one of the bills where appropriate, for the Real Estate Commission to be made a part of the Planning Council so that the REC can exercise its inherent right to be involved in all land use planning in our community.

The obstacle to Guam's proper economic growth in the past had been the Federal Government through its powerful arm we all know so well as the Pentagon (military). The obstacle to Guam's new industrial age (tourism, having received the feds blessing in 1961) is the callous nationalistic attitude that is prevalent with our local and national government officials for quite sometime and even today. The people of Guam have not received proper and sincere government representation.

Over 800,000 Realtors, on Guam and throughout the country, agree in a testimony in Congress, on August 2, 1988 in favor of Congressman Blaz's Bill HR 2601, that private property rights must be respected and protected. Private properties are essential components in community development of a free society as they generate revenue for the state and are the bases for prosperity for its people today and in the future.

The "Long Range Comprehensive Economic Development Plan" for Guam that we are trying to create here, would be at best extremely

difficult or imposible, unless the government's gross violations of private property rights throughout the island are addressed and corrected concurrently with the implementation of "The Master Plan."

We are not questioning the United States' right to own, operate, and maintain property on Guam. What we are questioning is the manner in which the properties were taken, and the misuse of the properties taken.

In addition to the points above, the Realtors hereby request another amendment to the applicable bill for the concerns about aircraft and auto safety, and aircraft noise pollution to be included in "The Master Plan."

The government is supposed to do everything in its power for the safety and welfare of its people. The contrary is true with the insensible expansion of the airport at its present location. The number of daily auto accidents show that the island is rapidly becoming a bumper-car alley. And the noise pollution by aircraft is already unbearable and increasing as rapidly as tourism.

We shouldn't have to wait for another human tragedy before deciding that the airport in the middle of the island, is a wrong location. The airport at its present location is just waiting unnecessarily for an accident with catastrophic proportion to happen; this time, it would be the likes of a jumbo jet crashing down on residential areas, shopping centers, office buildings, churches, and other areas where large number of people gather.

This potential catastrophe is avoidable by relocating the airport. Also that a new 30 mile expressway in the center of the island from North to South be constructed to solve the traffic jam problems of today which will be worse because of the ever increasing number of vehicles on island.

These major changes, if incorporated in Guam's comprehensive economic development plan, would provide the balance needed and will accommodate large developments such as the Miama Hills complex in Yona, and others that will surely follow in the very near future.

If the above suggestions are incorporated, "The Master Plan" will provide the badly needed auto and air traffic safety and the balance to accommodate future developments properly. These major changes for Guam are triple and quadruple in necessity because they will eliminate the life threatening condition, the health hazards of increasing daily noise pollution over populated central Guam by both military and commercial aircraft. Oddly

enough, it will also release acres and acres of otherwise 100% badly needed usable and developable land that are now held hostage by the airport safety requirements.

In conclusion, because the island is very small, 212 square miles total, Guam must properly plan not only for the maximum and best use of every square inch available, but also, that all future developments must adequately address all concerns including that of conservation and the protection of the environment. This is vital and at once must be made a top priority and be the axiom.

We would like to think that there's a new climate of cooperation and commitment on Guam. Guam can and will profit from a true partnership between the government and the industry despite the cost involved in the major changes that are needed. We must insist on a Real Estate Commission and one that would be concerned, actively involved, and complementing the efforts of other government agencies engrossed in Guam's development.

Once again, thank you very much,



Tony Artero
President - elect, Guam Board of Realtors



the real estate office

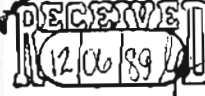
ARTERO REALTY

International Real Estate Marketing

2nd Floor, YMLG Bldg. Route 8 • P.O. Box 988, Agana, Guam USA 96910
Phone: (671) 477-1985 / 1986 • Fax: (671) 477-0940



December 4, 1989



ANTONIO T. ARTERO TESTIMONY ON
BILLS: # 1060, # 11, and # 887
PRESENTED TO THE ECONOMIC DEVELOPMENT COMMITTEE
20TH GUAM LEGISLATURE, GOVERNMENT OF GUAM

Honorable Chairman, and members of the committee, thank you for the opportunity to be heard. Good or bad, we have a choice. We could either take it or leave it. This is my country and I choose to keep it. As a concern citizen, it's part of my duty to help make my country good if it's not good. If it's already good, then it's my duty still to help keep it good or make it better. To that end, I have been privileged to serve proudly for 20 years in the submarine force protecting our freedom. The only apology I feel necessary is that this paper is rather long.

As a Real Estate Broker now, I feel that I touch the life of everyone directly or indirectly because underneath all is real estate. For that reason, and because the issues in these three bills are pertaining to real estate and development, its not only necessary but extremely important that I submit my testimony in favor of these bills. The Guam Board of Realtors will be presenting a seperate testimony.

It's self-evident from what we see and the complaints we hear everyday that throughout our island communities we have a chaotic mess of unplanned developments. These bills, should not only be approved but more importantly, their provisions should be implemented at once. These bills with some amendments would provide the mechanism to solve our economic development problems plus more.

I would be remiss if I did not request on the on-set for an amendment in any one of the bills where appropriate, for the Real Estate Commission to be made a part of the Planning Council so that the REC can exercise its inherent right to be involved in all land use planning in our community. I would similarly be remiss if I did not take this opportunity to comment negatively on proposed bill 1058.

There is no question about the absolute importance of these bills

before this committee and the people of Guam. I agree with you and your members that Guam must have a "Long Range Comprehensive Economic Development Plan." However "The Master Plan" we are trying to create here will not materialize unless the government's gross negligence and violations of private property rights throughout the island are addressed and corrected, before or concurrently with the implementation of "The Master Plan." The reason is as stated below.

Although Guam had been flying the American flag for 91 years, and the economic condition today is good for the privileged few, the situation we're in is, in one word, vulnerable. It is vulnerable primarily because America's stewardship of Guam centers on selfish interest. The proofs are:

1) The destruction of our self-sustaining local economy during the re-occupation of Guam, which to date, the Federal Government has not succeeded in, and perhaps has no intention replacing the loss of these and other basic essentials such as: cattle grazing lands, a saw mill, and a livestock slaughter house. We had those assets plus more before WWII without the need of any Federal Government aids. America has never recognized takeover, but yet, permitted the military to take 1/3 of our island by force, violating our private property rights;

2) 45 years later, the so-called "Land Claims Compensation" that Congress authorized in 1977 had turned into a fiasco of a settlement proposal wherein the people involved were pitted against each other in seeking their fair share of a forced settlement and yet, still, another unjust amount. The mishandling of the claims has broken-up the class action suit into three separate options due largely to the manipulation of facts to cover up the wrong doing of the government, and the unwillingness of the Justice Department to render justice for us on Guam. You can count in one hand the number of times Judge Peckam or his replacement came to Guam. That in itself shows the level of their concern about us.

For America time is eternal. But for the people on Guam, the fragile time has run out on some and very little is left for others who are immanently qualified for just compensation. Just compensation is still pending on many parcels;

3) America completely transformed the people of Guam without providing us proper representation in the U.S. Government, resulting in taxation with oppression;

4) The lack of any proper economic development plan since WWII has caused havoc to land poor and penniless Chamorros;

The obstacle to Guam's proper economic growth in the past had

been the Federal Government through its powerful arm we all know so well as the Pentagon (military). The obstacle to Guam's new industrial age (tourism, having received the feds blessing in 1961) is the callous nationalistic attitude that is prevalent with our local and national government officials for quite sometime and even today. The people of Guam have not received proper and sincere government representation.

I am not questioning the United States' right to own, operate, and maintain property on Guam. What I'm questioning is the manner in which the properties were taken, and the misuse of the properties taken. Our property rights problems with the government override all others including the pending B52 Bombers permanent move. Private property rights problems with the government block the path for an islandwide comprehensive economic development plan.

It's no great wonder that we depend on imported foods for our existence. But I can't believe that some people are actually surprised that affordable housing has now reached a real super critical stage on Guam.

Obviously, an elected leader can be too close to the trees that he can't see the forest. Senator Don Parkinson in his infinite wisdom wants to correct the government's designed private property problems with more problems of the same kind to further erode private property rights. Bill 1058 is wrong because it's like adding malignity to a tumor. Bill 1058 is unconstitutional because it will be an infringement of one's right to acquire, use, and transfer property, a basic right and freedom of the people in this country.

It is unspeakable and totally distressing that a solution to the problem created by the government is for more problems from the government. We are not in Moscow or China! May I remind Senator Parkinson that he came to Guam because we are Americans. Just imagine an elected official, motivated by wanton desire to be re-elected, recklessly encouraging removal of a fundamental right of the people that has been established for over 200 years. Bill 1058 will not solve the affordable property problem and will not help our economy. It's clearly a classic example of an election year bill since there are more landless people than there are land owners. Bear in mind that the government of Guam is holding 1/3 of the land, similar to the Federal Government's holding.

Our economic condition now is particularly vulnerable because Guam is to be used by America, again, only as an expendable item. In short, the boom we are experiencing today can be stopped at the whim of Congress or the Department of Defense. Although I agree with Congressman Blaz in the removal of the B52s from Guam, the manner in which it became an issue is a good example.

Clearly, the leadership of the Federal Government on Guam has been consistently practicing unconstitutional acts by treating the people of Guam as rags. Obviously this intolerable condition has to change so that Guam can forge a real and brighter path for the future of its people equally, not only for the elite.

In reality, the only natural resource really in the hands of the people is 1/3 of our little island, a mere 70 square miles, but with a grand host of stringent federal restrictions. The other 2/3 of the island ended up with the government through oppressive take-overs. Since money motivates everything, it's no great wonder why outsiders with money are in control of choice properties. This of course, includes the powerful government. The government has aided outside interest over the past 45 years to profit from the Chamorros. A good example is our Tumon Bay and the tourist industry which is now creeping into various other parts of the island.

Today, "real property ownership" is synonymous with "conflicting situations." Although the government is holding the larger piece of the rock, some property owners have lived off their rental income from the Government comfortably, while other property owners can only expect to pay more taxes every year even if their property is rendered useless because of land-lock situation caused by the government, or is held hostage by the airport AICUZ zone also caused by the government.

Abraham Lincoln once said, "The Strength of a Nation Lies in the Homes of its People." It is therefore not only essential but imperative that we re-order local, national, and global priorities instead of further violating one's private property rights. We must reactivate our concern in the utilization of the soil for food on our dinner tables because today, our dependency on importation of food is dismal to say the least. Just one shipload of food not reaching Guam successfully would place us in a critical shortage. That dependency and the dependency for various imported commodities and federal aid have a direct relationship with the correctional facility bursting at the seams. The activation of those idle government control lands even if only for agricultural use and/or homes for the homeless will certainly be beneficial.

We must stop fooling ourselves thinking that we on Guam can't beat the staggering odds against us. The tiny country on an eight square mile Island of Nauru would not have become the richest had they allowed their topsoil to be taken at will and at rock bottom price. Keep in mind that Mother Nature is never kind to a Fool.

If the problems with private property rights on Guam are not going to be solved soon, as it can easily be done by a stroke of

a pen, then there is no need in deliberating on these bills further because all that we will accomplish is blowing a lot of hot air.

In addition, I hereby request for another amendment to one of the three bills where applicable. The concerns about aircraft and auto safety, and aircraft noise pollution should be included in "The Master Plan."

The government is supposed to do everything in its power for the safety and welfare of its people. The contrary is true with the insensible \$72M expansion project of the airport at its present hazardous location. The number of daily auto accidents show that the island is rapidly becoming a bumper-car alley. And the noise pollution by aircraft is already unbearable and increasing as rapidly as tourism.

I and including a large number of voters, would like to see the airport and Naval Air Station relocated to Northwest Field and Andersen Air Force Base respectively. Take-offs and landings mostly over the ocean would prove safer and quieter for our communities. And that a new 30 mile expressway in the center of the island from Merizo to the new airport be constructed to solve the traffic jam problems and to accommodate the ever increasing number of vehicles today and certainly much more years ahead.

We shouldn't have to wait for another human tragedy before deciding that the airport location in the middle of the island, a creation of the military, is in the wrong location. The airport at its present location is just waiting unnecessarily for accident with catastrophic proportion to happen; this time, it would be the likes of a jumbo jet crashing down on residential areas, shopping centers, office buildings, churches, and other areas where large number of people gather. For all practical purposes, it's avoidable.

These major changes, if incorporated in Guam's comprehensive economic development plan, would also provide the balance needed to accommodate mega-buck developments such as the Miama Hills complex in Yona, and others that will surely follow in the very near future; not to mention its accompanying increase in vehicular traffic.

These suggested major changes for Guam will be triple and quadruple in necessity because they will eliminate the life threatening condition of potential aircraft accidents over our communities, and the health hazards of increasing daily noise pollution over populated central Guam by both military and commercial aircraft. Oddly enough, it will also release

acres and acres of otherwise 100% badly needed usable and developable land that are now held hostage by the airport safety requirements.

Senators, please consider these suggestions. If the above suggestions are incorporated in "The Master Plan" it will provide the badly needed auto and air traffic safety today and for the future. Granted, it would be costly but we can't afford not to have it. We are talking about the welfare of our people. Besides, in a relatively short time, it'll pay itself back a hundredfold from the increase in Guam's potential to accommodate future developments properly.

In conclusion, Guam's primary economic dominance is in its strategic location. The importance of that is immeasurable. Guam not only played a key role in keeping America free for decades but also helped in maintaining world peace. Congress and the Administration should treat Guam as part of the country in every sense of the word; and not only when it's in the best interest of America or the Department of Defense.

Guam no doubt, is essential to America, and Guam is obviously please to be America's most forward outpost. Our vehicle license plates capture the Guamanians' prideful strong dedication and genuine loyalty to country with "GUAM USA."

America today spends over \$300B annually protecting freedom for America and that of its allies worldwide. In that game, Guam plays a vital role in the advance deployment of the various nuclear weapons. As such, Guam becomes America's decoy. We have become a primary nuclear target in protecting America and other countries. But Guam must still fight the final battle of true liberation from military oppression. America should provide the funds needed for obvious reasons to effect these needed changes that would solve most of our problems which for the most part, were created by the Federal Government in the first place.

The removal of the Berlin Wall can serve only as our beacon of hope that America will acknowledge that the time is overdue for America, to practice that which it preaches, "Democracy." America must allow total and unconditional political, civil, and human rights to the people of Guam who are shackled with military oppression since WWII.

We would love to see the Reagan Regiment for freedom that becomes the Bush Brigade, similarly for freedom, becomes a freedom in reality for us on Guam USA.

Our concerns with population explosion, noise pollution, and environmental destructions should be reflected in Guam's economic development plan. We must play unprecedented roles in our efforts for attaining the harmony of population growth with the environment in organize land developments.

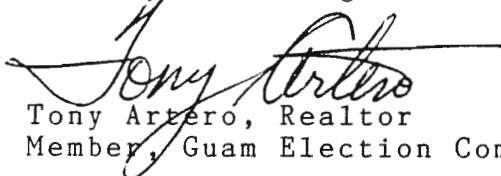
Because the island is very small, 212 square miles total, Guam must properly plan not only for the maximum and best use of every square inch available, but also, that all future developments must adequately address all concerns including that of conservation and the protection of the environment. This is vital and at once must be made a top priority and be the axiom.

Since private properties are essential components in community development of a free society as they generate revenue for the state and are the bases for prosperity for its people today and in the future, private property rights must be protected. We must insist on a Real Estate Commission and one that would be concerned, actively involved, and complementing the efforts of other government agencies engrossed in Guam's development.

I would like to think that there's a new climate of cooperation and commitment on Guam. Guam can and will profit from a true partnership between the government and the industry.

"We Must Remember that Any Oppression, Any Injustice, Any Hatred, is a Wedge Designed to Attack Our Civilization" - Franklin Delano Roosevelt.

Thank you once again for the opportunity to be heard.


Tony Artero, Realtor
Member, Guam Election Commission

TWENTIETH GUAM LEGISLATURE
1989 (First) Regular Session

Bill No. 1060 (COR)

As Substituted by the Committees on Economic
Development & General Governmental Operations

Introduced By: E.D. Reyes
J.P. Aguon
G. Mailloux
T.S. Nelson

AN ACT TO ESTABLISH THE PROCESS FOR COMPREHENSIVE
DEVELOPMENT PLANNING IN THE TERRITORY OF GUAM AND TO
AMEND CHAPTER II, TITLE LXV OF THE GOVERNMENT CODE

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

2 SECTION 1. Chapter II, Title LXV of the Government Code is repealed
3 and reenacted to read:

4 "CHAPTER II.

5 COMPREHENSIVE PLANNING

6 §62010. Legislative Findings. The Legislature recognizes that
7 the Territory of Guam, since the early 1960s, has experienced
8 population, economic and physical growth rates that are among the
9 highest in the region; that the Territory and her people have
10 benefited greatly from all levels of socio-economic and physical
11 development which has thus far taken place, but that the people of
12 Guam, through their elected leaders, wish to sustain and encourage
13 the development of the Territory in a manner that would foster
14 greater economic opportunities and stability for Guam without
15 adversely affecting the cultural, environmental, social and natural
16 resources unique to the island; that without careful study of the
17 types and scale of socio-economic development anticipated for Guam
18 and her residents, there will continue to be an absence of foresight,
19 direction and guidance present in the current and future stages of
20 development needed by the Territory to sustain the desired standards
21 and quality of living for its people; that to fully enjoy the

1 benefits that can and would be derived from Guam's limited human and
2 natural resources, development in the Territory must be guided by a
3 Comprehensive Development Plan that reflects the desires and
4 aspirations of all who are guided by it; that a process for
5 formulating Guam's Comprehensive Development Plan shall be
6 established and shall identify the roles, authorities,
7 responsibilities and processes involved in the formulation of the
8 plan;

9 That there is a pressing need to establish policies which would
10 reflect the people's aspirations with respect to the future
11 development of the Territory; policies which evolve from sound
12 strategic planning initiatives; policies that would take into account
13 all diverse elements of community needs and desires; policies that
14 would channel the deployment of resources to meet the following goals
15 and objectives:

- 16 1. Upgrade the quality of life for Guam's people;
- 17 2. Create conditions and opportunities whereby people fully
18 participate and benefit at every level of social and
19 economic activity;
- 20 3. Maintain balance and equity between development and the
21 environment in order to preserve the unique culture,
22 traditions and beauty of the island;
- 23 4. Optimize the use of resources to meet present and future
24 infrastructure and suprastructure requirements of the
25 people of the Territory;
- 26 5. Develop and maintain infrastructure capacity at a level
27 that could sustain future population, socio-economic and
28 physical growth.

29 §62011. Legislative Intent. It is the intent of the

1 Legislature to integrate its policy-making efforts with public and
2 private interests engaged in physical, social and economic
3 development planning for the Territory. It is the intent of the
4 Legislature to establish a process and mechanism through which duly
5 adopted policies of the Territory are linked with all elements of
6 governmental and non-governmental development planning and
7 implementation activity. The Territory has experienced the ill-
8 effects of fragmented and disjointed development efforts resulting
9 from the absence of both an integrated planning process and a
10 Comprehensive Development Plan that contain rational parameters for
11 the Territory's growth. It is the intent of the Legislature that all
12 planning efforts that occur in the Territory, be they private or
13 public, adhere and conform to the adopted policies, goals and
14 objectives set forth in Guam's Comprehensive Development Plan.

15 It is the intent of the Legislature to ensure that the people of
16 the Territory are not subjected to unbridled and unmanageable growth
17 that would threaten the benefits, comforts and privileges that each
18 Guam citizen is entitled to, and further, that the formulation of the
19 Guam Comprehensive Development Plan would serve to guide the island's
20 growth and development up to and beyond the twenty-first century.

21 The Legislature wishes to collectively draw input, participation
22 and expertise from all segments of the community in the effort to
23 establish comprehensive planning for the Territory and to solicit the
24 services of development planning experts from both the public and
25 private sectors.

26 In its desire to establish short-range and comprehensive long-
27 term development objectives for the Territory, inclusive of but not
28 limited to the areas of education, visitor industry, economic
29 development, community development, health, transportation,

1 communication, public safety, agriculture, taxation, culture, labor
2 and human resources, recreation, environment, and political
3 development, the Legislature hereby establishes strategies for
4 initiating comprehensive planning for Guam and the formulation of the
5 Guam Comprehensive Development Plan. These strategies shall be as
6 follows:

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

1 J. To recommend creative legislation regulating our use of
2 land for the protection of future generations.

3 Nothing in this Act is intended to limit the scope of any
4 element or the areas of concern cited in this Act. However, it is
5 the intention of the Legislature to fully integrate all planning
6 elements and concerns within a viable development planning mechanism.

7 §62012. Territorial Planning Council, Creation and Membership.

8 A. Territorial Planning Council. Creation and Membership.

9 There is hereby created within the government of Guam a
10 Territorial Planning Council consisting of twelve (12)
11 members to include the Director of the Department of Land
12 Management; the Director of the Bureau of Planning; the
13 Administrator of the Guam Economic Development Authority;
14 the Director of the Department of Commerce; the General
15 Manager of the Guam Visitors Bureau; one member of the
16 Mayors' Council of Guam, to be nominated by the Mayors'
17 Council of Guam and appointed by the Governor; three
18 members of the Legislature, including one minority member,
19 nominated by the Speaker and appointed by the Governor; one
20 member of the Chamber of Commerce appointed by the Governor
21 with the advice and consent of the Legislature; one member
22 of the community at large appointed by the Governor with
23 the advice and consent of the Legislature; and the
24 Administrator of the Guam Environmental Protection Agency.

25 B. The Council shall select a Chairperson and Vice-Chairperson
26 to preside over its affairs.

27 C. The Director of the Bureau of Planning shall act as the
28 Executive Secretary for the Council.

29 D. The Council shall develop rules, procedures, regulations or

1 other requirements to govern its meetings, hearings,
2 business and affairs.

3 E. Members of the Council who are not public officials shall
4 be compensated Fifty Dollars (\$50.00) per meeting not to
5 exceed One Hundred Dollars (\$100.00) per month.

6 §62013. Council Responsibilities and Authority. The
7 responsibilities and authority of the Council shall be:

8 A. To cause to be prepared, through the services of a
9 consortium of both public and private experts possessing
10 diverse planning experience and expertise, a comprehensive
11 development plan (hereinafter called 'plan'), which shall
12 provide short- and long-range guidance for the social,
13 economic, infrastructure, suprastructure, and physical
14 development of the Territory, and which shall contain a
15 statement of development objectives, standards and
16 principles with respect to the most desirable use of land
17 within the Territory for residential, recreational,
18 agricultural, commercial, industrial, and other uses
19 completely serviced by an access and circulation network
20 and infrastructure consistent with proper protection to
21 enhance the quality of the environment and preserve Guam's
22 natural beauty and historical heritage;

23 B. To harmonize, improve and assist in implementing
24 comprehensive planning activities at all levels of
25 government;

26 C. To insure that the current planning programs and projects
27 are consistent with the comprehensive development plan and
28 the Comprehensive Program and Financial Plan (as referenced
29 in the Executive Budget Act) and the policies enumerated in

1 this Chapter;

2 D. To adopt any rules or regulations in accordance with the
3 Administrative Adjudication Act and exercise all other
4 powers necessary and proper for the discharge of its
5 responsibilities;

6 E. To develop all elements of the comprehensive development
7 plan for Guam, as referenced in §62020, and make detailed
8 written recommendations to the Governor, including minority
9 dissenting opinions, for approval, disapproval, revision,
10 amendment or referral to specific agencies or groups for
11 further study and review;

12 F. To enter into and carry out any agreement or agreements in
13 connection with the provisions cited in this Act and to
14 solicit assistance from public, private or federal sources
15 as required in the development planning process and which
16 are not inconsistent with or contrary to the laws of the
17 Territory; and

18 G. To report on the last Monday of January to the Governor a
19 summary of the planning program and progress.

20 §62014. Support and Coordination for Comprehensive Planning.

21 All agencies, departments, boards, commissions and other
22 instrumentalities of the Territorial government shall review their
23 present statutory authority, administrative regulations and current
24 planning policies and procedures to determine whether there is any
25 duplication, any deficiencies or inconsistencies therein which
26 prohibit or tend to prohibit integration, coordination and compliance
27 with respect to the purposes and provisions of this Chapter and shall
28 propose to the Council at a date determined by the Council such
29 measures as may be necessary to bring their planning authority

1 functions and programs into conformity with the intent, purposes, and
2 procedures set forth in this Chapter. All master plans, development
3 plans, long-range plans, and the like prepared by public agencies,
4 will be required to be submitted to the Council for processing as
5 part of the comprehensive planning program. Emphasis will be placed
6 on the continuing nature of the comprehensive plan program rather
7 than a final completion of a single plan. The Council may assign,
8 with concurrence of the director or head of the agency involved,
9 planning staffs or portions thereof of staff or line agencies who
10 shall prepare portions of the plan under the supervision of the
11 Bureau of Planning.

12 §62015. Plan Review: Public Hearings. The Comprehensive Plan
13 or any of its elements, prepared by the various public agencies or
14 any private entity, shall be submitted to the Council for review.
15 Within forty-five (45) days following receipt of any such element or
16 elements by the Council, the Council shall hold one or more public
17 hearings thereon. Announcements of such hearings shall be placed in
18 a newspaper of general circulation on Guam ten (10) days and one (1)
19 day prior thereto. Summaries of the element or elements to be heard
20 shall be prepared by the Council and submitted to appropriate news or
21 other media.

22 §62015.1. Plan Submission. Within thirty (30) days after the
23 hearing of the plan or any of its elements, the Council shall submit
24 to the Governor its recommendation thereon including a summary of
25 testimony at the hearing.

26 §62015.2. Cooperation of Other Departments. Every department
27 and agency of the government of Guam is hereby directed to render
28 such assistance to the Council as the Council may require.

29 §62016. Plan Adoption. The Comprehensive Development Plan or

1 any of its elements received by the Governor from the Council shall
2 be approved, disapproved or referred to the Council for further
3 recommendation prior to approval. The Governor shall have sixty (60)
4 calendar days to act on the plan or any of its elements submitted;
5 however, if no action is taken within sixty (60) calendar days, the
6 plan or any of its elements shall be deemed approved. Following
7 approval by the Governor, the plan or any of its elements shall be
8 submitted to the Guam Legislature within ten (10) calendar days for
9 adoption by law. The Legislature shall review and approve or
10 disapprove the plan or any of its elements within sixty (60) calendar
11 days. Failure by the Legislature to act within sixty (60) calendar
12 days shall result in the plan or any of its elements being deemed
13 approved.

14 §62017. Bureau of Planning. There is created within the Office
15 of the Governor, the Bureau of Planning (hereinafter referred to as
16 'BP'), to provide technical assistance, support and planning
17 information to the Council and to assist the Council in its effort to
18 integrate and coordinate all levels of development planning
19 throughout the government of Guam. The BP Director will carry the
20 title 'Director of Planning' and shall be appointed by the Governor
21 with the consent of the Legislature. He shall be a person who, as a
22 result of his training, experience and attainments, is exceptionally
23 well-qualified to analyze and interpret development trends and
24 information of all kinds, to appraise and coordinate planning
25 programs and supervise the execution of the responsibilities of the
26 Council in accordance with the policies set forth in this Chapter.
27 He shall be responsible for the administration of this Chapter and
28 shall supervise the BP staff which, in addition to its regular
29 duties, shall serve the Council.

1 §62018. Same: Staff Organization. The BP staff shall be
2 organized into several divisions, sections, or units such as is
3 sufficient to appraise, coordinate and assist in the preparation of
4 long-range planning programs for the social, economic,
5 infrastructure, and suprastructure development of the Territory of
6 Guam. Expertise, either singly or collectively, should be evident in
7 such areas as community facilities, conservation, cultural
8 development, demography, economics, education, environment, finance,
9 infrastructure, land utilization, natural resources, transportation,
10 urban and rural design, utilities, and visitor industry. Preparation
11 of planning elements, not the duty and function of staff and line
12 agencies, shall be the responsibility of the BP staff.

13 §62019. BP Powers. In the execution of its responsibilities
14 under this Chapter, the BP is authorized to perform the following
15 functions:

16 A. To apply for and accept grants, loans, contributions,
17 appropriations and assistance from the federal government
18 and from any other sources, public or private, and enter
19 into and carry out contracts or agreements in connection
20 therewith, and include in any contract for financial
21 assistance with the federal laws as it may deem reasonable
22 and appropriate and which are not inconsistent with the
23 purposes of this Chapter and the laws of the Territory;

24 B. To contract for any professional services if such work or
25 services cannot satisfactorily be performed by its
26 employees;

27 C. To conduct, or cause to be conducted, investigations,
28 studies, surveys, research and analysis relating to
29 physical, human, social, and economic development of the

community and to publish the results thereof;

- D. To develop and recommend territorial policies to foster and promote the improvement of planning activity and development quality;
- E. To utilize to the fullest extent possible, the services, facilities and information of public and private agencies and organizations and individuals in order that duplication of effort and expenses may be avoided;
- F. To review, appraise and make such use as it sees fit of all existing plans, inclusive of the 1978 Kabales Na Planu Para Guahan, and those presently being prepared;
- G. To develop an information system and data bank for the continual collection and storage of public information needed or utilized in the development plan process; and
- H. To report to the Council and the Legislature of its annual progress and of its fiscal year.

§62020. Content of the Plan. The Comprehensive Development Plan for Guam shall contain specific elements as follows:

- A. A land-use element together with the appropriate zoning recommendations supporting distribution, location and the extent of uses of land for housing, business, industry, agriculture, recreation, education, public buildings, open space, conservation and other categories of public and private uses of land, which include islands, reef and lagoon areas, and the sea within the territorial waters, inclusive of a statement of the standards of population and building density and building intensity for the various districts and other areas covered by the Plan, and regulatory criteria governing the use, development and

1 subdivision of land;

2 B. A community design element consisting of standards and
3 principles governing the subdivision and development of
4 land and showing recommended designs for community and
5 neighborhood development and redevelopment, including sites
6 for schools, parks, playgrounds and other community uses;

7 C. A transportation element which would provide a
8 comprehensive transportation and circulation system
9 consisting of existing and proposed major routes,
10 thoroughfares, highways, and collector streets; locations
11 of rights-of-way, terminals, viaducts, and grade
12 separation, port, harbor, aviation and mass transit lines,
13 and related facilities, all of which are correlated with
14 the land use element of the Plan;

15 D. A regulatory element concerning parking facilities and
16 building setback lines and the delineations of such systems
17 on the land, a system of street naming, housing and
18 building numbering, and such other matters as may be
19 related to the improvement of circulation of traffic;

20 E. A public services and facilities element showing general
21 plans for sewage, refuse disposal, drainage, and local
22 utilities, and rights-of-way, easements, and facilities for
23 them;

24 F. A public lands element that provides an inventory of all
25 government of Guam and federal lands;

26 G. A public buildings element identifying locations and
27 arrangement of civic and community centers, public schools,
28 libraries, police and fire stations, and other public
29 buildings, including their architecture and the landscape

1 treatment of their grounds;

2 H. A housing element consisting of standards and plans for
3 elimination of substandard dwelling conditions, the
4 improvement of housing, and the provision of adequate sites
5 for housing;

6 I. A redevelopment element for the elimination of unsafe or
7 blighted areas, community redevelopment and the
8 revitalization of housing sites, business and industrial
9 sites, public building sites, and for other purposes
10 authorized by law;

11 J. A conservation element to guide the conservation,
12 development, and utilization of natural resources including
13 forests, soils, rivers and other waters, harbors,
14 fisheries, wildlife, minerals, and other natural resources
15 which, as sub-elements, may also incorporate the following:

- 16 1. Reclamation of land and waters;
- 17 2. Flood control;
- 18 3. Prevention and control of pollution of streams
19 and other waters;
- 20 4. Regulations of the use of land in stream channels
21 and conservation areas;
- 22 5. Prevention, control, and correction of the
23 erosion of soils, beaches, and shores; and
- 24 6. Protection of watersheds.

25 K. A recreation element establishing a comprehensive system of
26 areas and public sites for recreation, including the
27 following and, when practicable, their locations and
28 proposed development:

- 29 1. Natural reservations,

2. Parks,
3. Parkways,
4. Beaches,
5. Reef and lagoons,
6. Playgrounds,
7. Historic and Archaeological sites, and
8. Other recreation areas.

L. A safety element for the protection of the community from natural and man-made hazards including features necessary for such protection as evacuation routes, peak load water supply requirements, minimum road widths, clearances around structures, geologic hazard mapping in areas of known geologic hazards;

M. A visitor industry element which will establish cooperation and coordination between the public and private sectors to provide for steady and regulated growth within the visitor industry, while developing the industry in a manner that will continue to provide new business and job opportunities and steady employment for the people of Guam, and which will enable Guam's people to obtain job training and education geared for upward job mobility within the industry;

N. A short and long-range socio-economic development strategy to include policy, opportunities, and programs to address or alleviate problems concerning health services, manpower planning, employment opportunity, education, elimination of poverty, law enforcement, welfare, substandard housing, consumer protection, public revenue and expenditures, cultural heritage preservation, visitor industry, and the

1 like to include population characteristics and economic
2 analysis with projections for each region and sub-region of
3 the island;

4 O. A short and long-range capital improvements program and
5 projects to be derived from public and private input and
6 compiled from schedules of proposed capital improvements
7 submitted to the Council by each department, agency,
8 division, board, commission, branch, and instrumentality of
9 the government of Guam; and which shall provide
10 recommendations and identify programs for the balanced
11 development of the island's port, highway, communication,
12 and public transportation facilities including, but not
13 limited to, institutions of higher learning, health and
14 welfare facilities, correctional institutions, elementary
15 and secondary schools, electric power, water, telephone,
16 sewer and other utility facilities;

17 P. A statement of specific policies for at least each of the
18 following general areas: socio-economic and human resource
19 development, natural resource development, environmental
20 protection, historical, and cultural preservation, public
21 safety, housing and community development, education, land-
22 use and population growth, visitor industry, or in other
23 areas deemed appropriate by the Council;

24 Q. Such additional elements dealing with other subjects, which
25 in the judgment of the Council relate to the physical
26 development of the Territory.

27 §62021. Plan Implementation and Financing. The Comprehensive
28 Development Plan shall contain a schedule of programs and projects to
29 be implemented annually. Funding for such programs and projects

1 shall be identified in the Plan by the project's or program's
2 principal or administering government agency or instrumentalities.
3 Funding for programs or projects contained in the plan which do not
4 fall under the authority or responsibility of any particular
5 instrumentality of the government of Guam shall be derived in the
6 following manner: Ten percent (10%) of the monthly government
7 revenues collected beginning 01 October 1990 shall be specifically
8 reserved and immediately deposited beginning Fiscal Year 1991 in the
9 Territorial Development Fund, which is hereby created. Such funds
10 shall be appropriated by the Legislature and solely for the
11 implementation of the projects and programs as prioritized in the
12 Guam Comprehensive Development Plan and which are not directly or
13 indirectly funded through a budget periodically submitted to the
14 Legislature by an agency or instrumentality of the government of Guam
15 or through the budget of an autonomous or semi-autonomous entity of
16 the government of Guam.

17 §62022. The Chairman of the Council shall prepare and submit an
18 annual fiscal year budget for the Territorial Planning Council to the
19 Legislature within ninety (90) calendar days upon the enactment of
20 this Act into law. Such budget shall contain a financial breakdown
21 of personnel, administrative and all operating costs to be incurred
22 by the Council in the performance of provisions set forth in this
23 Act. Said personnel expenditures shall be applied to the full
24 staffing requirements of the Council as submitted to the Legislature
25 by the Council.

26 §62023. The Council shall proceed to develop proposals
27 consisting of a scope of work and cost estimates for all elements of
28 the Comprehensive Development Plan. The Council shall incorporate
29 in its annual budget submission to the Legislature the amount of

1 shall be identified in the Plan by the project's or program's
2 principal or administering government agency or instrumentalities.
3 Funding for programs or projects contained in the plan which do not
4 fall under the authority or responsibility of any particular
5 instrumentality of the government of Guam shall be derived in the
6 following manner: Ten percent (10%) of the monthly government
7 revenues collected beginning 01 October 1990 shall be specifically
8 reserved and immediately deposited beginning Fiscal Year 1991 in the
9 Territorial Development Fund, which is hereby created. Such funds
10 shall be appropriated by the Legislature and solely for the
11 implementation of the projects and programs, which are not directly
12 or indirectly funded through a budget periodically submitted to the
13 Legislature by an agency or instrumentality of the government of Guam
14 or through the budget of an autonomous or semi-autonomous entity of
15 the government of Guam as identified and prioritized in the Guam
16 Comprehensive Development Plan.

17 §62022. The Chairman of the Council shall prepare and submit an
18 annual fiscal year budget for the Territorial Planning Council to the
19 Legislature within ninety (90) calendar days upon the enactment of
20 this Act into law. Such budget shall contain a financial breakdown
21 of personnel, administrative and all operating costs to be incurred
22 by the Council in the performance of provisions set forth in this
23 Act. Said personnel expenditures shall be applied to the full
24 staffing requirements of the Council as submitted to the Legislature
25 by the Council.

26 §62023. The Council shall proceed to develop proposals
27 consisting of a scope of work and cost estimates for all elements of
28 the Comprehensive Development Plan. The Council shall incorporate
29 in its annual budget submission to the Legislature the amount of

1 financial resources needed to facilitate the objectives of this Act.

2 §62024. Coordination of Effort. Any existing Committee,
3 Commission, Task Force or body mandated to engage in planning the
4 Territory or areas or jurisdictions within the Territory, shall seek
5 to ensure that such planning efforts are provided the appropriate
6 financial, human, technical and support resources necessary to
7 accomplish any mandates or requirements of law relative to development
8 planning, provided, however, that such planning efforts are supportive
9 of and consistent with the intent of this Act.

10 For purposes of this Act, all plans prepared by any agency or
11 instrumentality of the government of Guam shall be circulated to other
12 agencies or instrumentalities affected by the plan and to the Bureau
13 of Planning for review and finalization not later than sixty (60) days
14 prior to submission of the plan to the Council.

15 §62025. Section 13200, Title XIV, Chapter III of the Government
16 Code of Guam, as amended, is amended to read:

17 '§13200. Territorial Land-Use Commission. There
18 is within the government of Guam the "Territorial
19 Land-Use Commission." The Commission shall be
20 composed of seven (7) members to be appointed by the
21 Governor by and with the advice and consent of the
22 Legislature for a period of five (5) years; provided,
23 however, that of the two (2) members first appointed,
24 one (1) shall serve for a term of one (1) year, two
25 (2) shall serve for terms of three (3) years each, and
26 the remaining two (2) shall serve for terms of five
27 (5) years each, as designated by the Governor.'

28 §62025.1. Section 48003, Title XLV, Chapter I of the Government
29 Code of Guam is amended to read:

1 §48003. Definitions. As used in this Title,
2 unless the context requires otherwise:

3 (a) "Commission" means Territorial Land-Use
4 Commission.'

5 §62026. Severability. If any provision of this Chapter or the
6 application thereof to any person or circumstances is held invalid,
7 such invalidity shall not affect other provisions or applications of
8 this Chapter which can be given effect without the invalid provisions
9 or application, and to this end, the provisions of this Chapter are
10 severable."