

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

Dear Mr. Speaker:

MAR 21, 1990

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

Attachment

**Sincerely.
(Signed)
JOSEPH F. ADA**

Governor

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 pm.

Therese F. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:

JOSEPH F. ADA
Governor of Guam

Date March 21, 1990
Public Law No. 20-147

TWENTIETH GUAM LEGISLATURE

1989 (First) Regular Session

Public Law 20-147

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

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

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 Chapter II, Title LXV, Government Code, is repealed and reenacted to read:

**CHAPTER II.
COMPREHENSIVE PLANNING**

§62010. Legislative Findings. The Legislature recognizes that since the early 1960s, Guam has experienced population, economic and physical growth rates that are among the highest in the region; that Guam and her people have benefitted greatly from all levels of socioeconomic and physical development which has thus far taken place but it is the desire of the people of Guam to sustain and encourage the development of the island in a manner that would foster greater economic opportunities and stability for Guam without adversely affecting the cultural, environmental, social and natural resources unique to the island; that without careful study of the types and scale of socio-economic development anticipated for Guam and her residents, there will continue to be an absence of foresight, direction and guidance present current and future stages of development needed by Guam to sustain the desired standards and quality of living for its people; that to fully enjoy the benefits that can and would be derived from Guam's limited human and natural

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

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

1. To upgrade the quality of life for Guam's people;
2. To create conditions and opportunities whereby people fully participate and benefit at every level of social and economic activity;
3. To maintain balance and equity between development and the environment in order to preserve the unique culture, traditions and beauty of the island,
4. To optimize the use of resources to meet present and future infrastructure and supra structure requirements of the people of Guam;
5. To develop and maintain infrastructure capacity at a level that could sustain future population, socio-economic and physical growth.

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

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

In its desire to establish short-range and comprehensive long-term development objectives for Guam, inclusive of but not limited to the areas of education, visitor industry, economic

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

- A. To determine the extent that Guam's land, water and human resources limit urban and rural development;
- B. To plan for the preservation of the natural charm and character of Guam within the framework of a growing population and modern technology;
- C. To establish specified areas of use within urban, suburban, rural, agriculture, conservation, industrial, and resort contexts;
- D. To provide a development pattern that enhances the comfort, convenience and economic welfare of the individual;
- E. To prepare land-use capability criteria as a basis for real property evaluation that equalize the divergent qualities of location;
- F. To reappraise the extent of public, private and Federal land tenure in Guam and provide guidelines for relocation of inefficient or inappropriate uses;
- G. To plan for the development and extension of necessary infrastructure and transportation facilities;
- H. To plan for a high quality environment essentially free from pollution and with adequate and well-kept open space throughout Guam's varying activity centers;
- I. To prepare criteria of substandard neighborhoods and identify areas that meet these criteria;
- J. To recommend creative legislation regulating Guam's use of land for the protection of future generations.

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

§62012. Territorial Planning Council.

- (a) Creation and Membership. There is hereby created within the government of Guam a Territorial Planning Council (the "Council") of twelve (12) members consisting of the Director of Land Management, the Director of Planning, the Administrator of the Guam Economic Development Authority, the Director of Commerce, the General Manager of the

Guam Visitors Bureau, one (1) member of the Mayors' Council to be nominated by the Mayors' Council and appointed by the Governor, three (3) members of the Legislature, including one (1) minority member, each to be nominated by the Speaker and appointed by the Governor, one (1) member of the Chamber of Commerce appointed by the Governor with the advice and consent of the Legislature, one (1) member of the community at large appointed by the Governor with the advice and consent of the Legislature, and the Administrator of the Guam Environmental Protection Agency.

- (b) Chairperson. The Council shall select a Chairperson and Vice- Chairperson from among its members to preside over its affairs.
- (c) Executive Secretary. The Director of Planning shall be the Executive Secretary of the Council.
- (d) Procedures. The Council shall, pursuant to the Administrative Adjudication Law, adopt rules, procedures, and regulations to govern its meetings, hearings, business and affairs.
- (e) Fees. Members of the Council who are not public officials shall be compensated Fifty Dollars (\$50) per meeting not to exceed One Hundred Dollars (\$100) per month.

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

- (a) Prepare Plan. To cause to be prepared, through the services of a consortium of both public and private experts possessing diverse planning experience and expertise, a comprehensive development plan (the "Plan"), which shall provide short- and long-range guidance for the social, economic, infrastructure, suprastructure, and physical development of Guam, and which shall contain a statement of development objectives, standards and principles with respect to the most desirable use of land within Guam 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;
- (b) Assist Planning. To harmonize, improve and assist in implementing comprehensive planning activities at all level of government;
- (c) Insure Consistency. To insure that the current planning programs and projects are consistent with the comprehensive development plan and the comprehensive program and financial plan (set out in the Executive Budget Acts) and the policies enumerated in this Chapter;
- (d) Rules. To adopt any necessary rules or regulations in accordance with the Administrative Adjudication Law and to exercise all other powers necessary and proper for the

discharge of its responsibilities;

- (e) **Recommendations.** To develop all elements of the comprehensive development plan for Guam, as described in 62020 of this Chapter, and to make detailed written recommendations to the Governor, including minority dissenting opinions, for approval, disapproval, revision, amendment or referral to specific agencies or groups for further study and review;
- (f) **Agreements.** To enter into and carry out any agreement or agreements in connection with the provisions of this Chapter and to solicit assistance from public, private or Federal sources as required in the development planning process and which are not inconsistent with or contrary to the laws of Guam; and
- (g) **Annual Report.** To deliver to the Governor on the last Monday of January of each year a written report of the planning program and progress.

62014. Support and Coordination for Comprehensive Planning. All agencies, departments, boards, commissions and other instrumentalities of the government of Guam shall review their present statutory authority, administrative regulations and current planning policies and procedures to determine whether there is any duplication, any deficiencies or inconsistencies therein which prohibit or tend to prohibit integration, coordination and compliance with respect to the purposes and provisions of this Chapter and shall thereafter propose to the Council at a date determined by the Council such measures as may be necessary to bring their planning authority functions and programs into conformity with the intent, purposes, and procedures set forth in this Chapter. All master plans, development plans, long-range plans, and the like prepared by public agencies shall be submitted to the Council for processing as part of the comprehensive planning program. Emphasis will be placed on the continuing nature of the comprehensive plan program rather than a final completion of a single plan. The Council may assign, with concurrence of the director or other head of the agency involved, planning staffs or portions thereof of staff or line agencies who shall prepare portions of the plan under the supervision of the Bureau of Planning.

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

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

62015.2. Cooperation of Other Departments. Every department and agency of the

government of Guam is hereby directed to render such assistance to the Council as the Council may require.

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

62017. Bureau of Planning. There is created within the Office of the Governor, the Bureau of Planning (the "Bureau"), which shall provide technical assistance, support and planning information to the Council and assist the Council in its effort to integrate and coordinate all levels of development planning throughout the government of Guam. The administrator of the Bureau, who shall be designated Director of Planning (the "Director"), shall be appointed by the Governor with the consent of the Legislature, and shall be a person who, as a result of training, experience and attainments, is exceptionally well-qualified to analyze and interpret development trends and information of all kinds, to appraise and coordinate planning programs and supervise the execution of the responsibilities of the Council in accordance with the policies set forth in this Chapter. The Director shall be responsible for the administration of this Chapter and shall supervise the staff of the Bureau which, in addition to its regular duties, shall serve the Council.

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

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

- (a) Grants. To apply for and accept grants, loans, contributions, appropriations and assistance from the Federal government and from any other sources, public or private, and enter into and carry out contracts or agreements in connection therewith, and include in any contract for financial assistance with the Federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this Chapter and the

laws of Guam;

- (b) **Contracts.** To contract for any professional services if such work or services cannot satisfactorily be performed by its employees;
- (c) **Studies.** To conduct, or cause to be conducted, investigations, studies, surveys, research and analysis relating to physical, human, social, and economic development of Guam and to publish the results thereof;
- (d) **Policies.** To develop and recommend territorial policies to foster and promote the improvement of planning activity and development quality;
- (e) **Private Services.** 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) **Appraise Plans.** 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) **Data Bank.** 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) **Annual Report.** To report to the Council and the Legislature of its annual progress and of its fiscal year activities.

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

- (a) **Land Use.** 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 subdivision of land;
- (b) **Community Design.** A community design element consisting of standards and principles governing the subdivision and development of land and showing recommended designs for community and neighborhood development and redevelopment, including sites for schools, parks, playgrounds and other community uses;
- (c) **Transportation.** A transportation element which would provide a comprehensive

- transportation and circulation system consisting of existing and proposed major routes, thoroughfares, highways, and collector streets; locations of rights-of-way, terminals, viaducts, and grade separation, port, harbor, aviation and mass transit lines, and related facilities, all of which are correlated with the land use element of the Plan;
- (d) Regulations. A regulatory element concerning parking facilities and building setback lines and the delineations of such systems on the land, a system of street naming, housing and building numbering, and such other matters as may be related to the improvement of circulation of traffic;
 - (e) Public Facilities. A public services and facilities element showing general plans for sewage, refuse disposal, drainage, and local utilities, and rights-of-way, easements, and facilities for them;
 - (f) Public Lands. A public lands element that provides an inventory of all government of Guam and federal lands;
 - (g) Public Buildings. A public buildings element identifying locations and arrangement of civic and community centers, public schools, libraries, police and fire stations, and other public buildings, including their architecture and the landscape treatment of their grounds;
 - (h) Housing. A housing element consisting of standards and plans for elimination of substandard dwelling conditions, the improvement of housing, and the provision of adequate sites for housing;
 - (i) Redevelopment. A redevelopment element for the elimination of unsafe or blighted areas, community redevelopment and the **revitalization of housing sites**, business and industrial sites, public building sites, and for other purposes authorized by law;
 - (j) Conservation. A conservation element to guide the conservation, development, and utilization of natural resources including forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources which, as sub-elements, may also incorporate the following:
 - 1. Reclamation of land and waters;
 - 2. Flood control;
 - 3. Prevention and control of pollution of streams and other waters;
 - 4. Regulations of the use of land in stream channels and conservation areas;
 - 5. Prevention, control, and correction of the erosion of soils, beaches, and shores;

and

6. Protection of watersheds.
- (k) Recreation. A recreation element establishing a comprehensive system of areas and public sites for recreation, including the following and, when practicable, their locations and proposed development:
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) Safety. A safety element for the protection of the community from natural and man-made hazards including 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) Tourism. 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) Development Policy. 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 like to include population characteristics and economic analysis with projections for each region and sub-region of the island;20(o) Capital Improvements. A short and long-range capital improvements program and projects to be derived from public and private input and compiled from schedules of proposed capital improvements submitted to the Council by each department, agency, division, board, commission, branch, and instrumentality of the government of Guam; and which shall provide recommendations and identify programs for the balanced development of the island's port, highway, communication, and public transportation facilities including, but not limited to, institutions of higher learning, health and welfare facilities, correctional institutions, elementary and secondary schools, electric power, water, telephone, sewer and other utility facilities;

- (p) Policy Statements. A statement of specific policies for at least each of the following general areas: Socio-economic and human resource development, natural resource development, environmental protection, historical, and cultural preservation, public safety, housing and community development, education, land-use and population growth, visitor industry, or in other areas deemed appropriate by the Council;
- (O) Other Elements. Such additional elements dealing with other subjects, which in the judgment of the Council relate to the physical development of Guam.

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

62022. Annual Budget. The Chairman of the Council shall prepare and submit the Council's first annual fiscal year budget to the Legislature within ninety (90) calendar days of the enactment of this Chapter, and thereafter shall submit its annual budgets prior to the end of each fiscal year. Such budget shall contain a financial breakdown of personnel, administrative and all operating costs to be incurred by the Council in the performance of provisions set forth in this Chapter. Said personnel expenditures shall be applied to the full staffing requirements of the Council as submitted to the Legislature by the Council.

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

62024. Coordination of Effort. Any existing Committee, Commission, Task Force or body mandated to engage in planning for Guam or for particular areas or jurisdictions within Guam, shall seek to ensure that such planning efforts are provided the appropriate financial, human, technical and support resources necessary to accomplish any mandates or requirements of law relative to development planning; provided, however, that such planning efforts are supportive of and consistent with the intent of this Chapter. For purposes of this Chapter, all plans prepared by any agency or instrumentality of the government of Guam shall be circulated to other agencies or instrumentalities affected by such plan and to the Bureau for review and finalization not later than sixty (60) days prior to submission of the plan to the Council.

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

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

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

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

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