

CHAPTER 3
TERRITORIAL PLANNING COMMISSION

- Article 1. Operational Policies.
2. Subdivision Rules and Regulations.
 3. Interim "H" Resort-Hotel Zone.
 4. Flood Hazard Areas.
 5. Wetland Areas.
 6. Comprehensive Development Plan.
 7. Development Review Committee.

Article 1
Operational Policies

- §3101. Authority.
- §3102. Purpose.
- §3103. Official Name.
- §3104. Official Address.
- §3105. Place of Meeting.
- §3106. Commission Creation, Membership and Compensation.
- §3107. Powers.
- §3108. Regular Officers.
- §3109. Additional Officers and Assistant Officers.
- §3110. Appointment and Elections.
- §3111. Terms of Office.
- §3112. Vacancies.
- §3113. Duties of Officers.
- §3114. Other Duties and Functions.
- §3115. Regular Meetings.
- §3116. Special Meetings.
- §3117. Quorum.
- §3118. Voting.
- §3119. Order of Business.
- §3120. Parliamentary Procedure: The Rules.
- §3121. Amendments.

NOTE: Rule-making authority cited for formulation of operational rules and regulations, 21 GCA §60401.

§3101. Authority. These Rules and Regulations are promulgated under the authority of 21 GCA §60101.

§3102. Purpose. The purpose of these Rules and Regulations is to govern the meetings and proceedings of the Territorial Planning Commission, acting pursuant to the legislative authority mentioned above.

§3103. Official Name. The official name of the Commission shall be the Territorial Planning Commission.

§3104. Official Address. The official address of the Territorial Planning Commission shall be c/o Department

of Land Management, Government of Guam, Agana, Guam.

§3105. Place of Meeting. The Commission will hold its regular meeting at a location to be determined by a majority vote at any regular meeting.

§3106. Commission Creation, Membership and Compensation. 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 two (2) 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 two (2) shall serve for terms of five (5) years each, as designated by the Governor. The Governor shall appoint a member of the Commission to serve as Chairman.

Members of the Commission shall receive no compensation as such for duties prescribed by this Title, but shall be reimbursed for their reasonable and necessary travel and incidental expenses incurred in the course of their official duties, as certified by the Treasurer of Guam.

§3107. Powers. The powers of the Commission shall be vested in the members thereof then in office. Such powers of the Commission are defined under the following:

- (1) 21 GCA Chapter 60, Article 3, known as the Land Records.
- (2) 21 GCA Chapter 62, known as the Subdivision Law of the territory of Guam.
- (3) 21 GCA Chapter 61, known as the Zoning Law of the territory of Guam.
- (4) 21 GCA Chapter 66, known as the Building Law of the territory of Guam.
- (5) Public Law 12-200, known as the Comprehensive Planning Act.
- (6) Other laws as may be enacted by the Legislature.

§3108. Regular Officers. Regular officers of the Commission shall be Chairman, Vice- Chairman and Executive Secretary.

§3109. Additional Officers and Assistant Officers. The Commission may, by resolution, appoint such

additional officer or officers, or assistant officer or officers, establish the terms of office of such officers and define the duties of such officers as the Commission may by such resolution determine necessary or desirable.

§3110. Appointment and Elections. The Chairman shall be appointed by the Governor with the advice and consent of the Legislature. The Vice-Chairman shall be elected by the Commission from among its members. The Executive Secretary to the Commission shall be the Director of Land Management.

§3111. Terms of Office. The terms of office for the Vice-Chairman shall be for the calendar year. The term of office of the Chairman and the Executive Secretary shall be concurrent with the directorship of their appointment.

§3112. Vacancies. Should the office of the Vice-Chairman become vacant, the Commission shall fill the vacancy by electing another Vice-Chairman from among its members.

§3113. Duties of Officers. The Chairman shall preside at all meetings of the Commission. At such meetings, he shall submit such proper information and recommendations to the Commission as he may deem proper concerning the policies, administration and other affairs of the Commission.

The Chairman shall sign all contracts and other important documents and letters of the Commission upon approval of the Commission in accordance with 18 GAR §3118.

The Vice-Chairman shall perform the duties of the Chairman in the absence or incapacity of the Chairman. In the case of the resignation or death of the Chairman, the Vice-Chairman shall perform such duties as are imposed upon the Chairman until such time as a new Chairman shall be appointed.

The Executive Secretary shall serve as administrative officer of the Commission, shall be directly responsible to it, and subject thereto, shall have complete control and responsibility for the execution of the Commission policies, the administration of its affairs, and the furnishing of such technical and clerical personnel and office facilities as may be reasonably

§3114. Other Duties and Functions. The officers of the Commission shall perform such other duties and functions

as may from time to time be appropriately required by the Commission or by the Rules and Regulations.

§3115. Regular Meetings. Regular meetings of the Commission shall be held on the 2nd and 4th Thursdays of each month at 8:30 A.M. If such meeting falls on a legal holiday, the meeting shall be the subsequent Tuesday.

§3116. Special Meetings. Special meetings shall be held at such time and places as the Commission may determine, or may be called by the Chairman at such time and place as he may determine, and must be called by him upon the written request of three (3) or more members of the Commission filed with the Executive Secretary. Notice of any special meetings must be given at least twenty-four (24) hours prior to the time of said meeting, and is to be given in writing, or in such form as the Chairman may direct. Any and all business of the Commission may be transacted at such a special meeting.

Special meetings shall be held for hearing of appeals from any order, requirement, decision or determination of the Building Official or his authorized representative or any rule, regulation or amendment or repeal thereof, made by the Building Official.

§3117. Quorum. Four (4) members of the Commission shall constitute a quorum for the purpose of conducting its business, exercising its powers and for all other purposes.

§3118. Voting. Every official act taken by the Commission shall be adopted by a majority vote of at least four (4) votes. If less than four (4) affirmative or negative votes are obtained, the action shall be automatically tabled until an affirmative or negative vote of not less than four (4) is obtained; provided, however, that if any proposed act is tabled for three (3) successive meetings for any reason, it shall automatically be deemed to have been disapproved. Directions to the Executive Secretary shall be by motion adopted by a majority vote.

§3119. Order of Business. At the regular meetings of the Commission, the following shall be the order of business:

- (1) Notation of attendance;
- (2) Approval of minutes not previously approved;
- (3) Consideration of zoning applications for changes or variances as outlined in the Zoning Law;

(4) Consideration of subdivision matters as outlined in the Subdivision Law;

(5) Consideration of master plan features requiring detailed discussion;

(6) Miscellaneous matters;

(7) Adjournment.

§3120. Parliamentary Procedure: The Rules. Parliamentary procedure set forth in Robert's Rules of Order shall govern all meetings of the Commission except as otherwise herein provided.

§3121. Amendments. These Rules and Regulations may be amended by the Commission at any regular meeting by a majority vote, or any special meeting by a majority vote, provided that the proposed amendment to any particular section is included in the notice of such special meeting.

NOTE: Rules adopted August 21, 1975; amended on July 27, 1978; filed with Legislative Secretary, May 19, 1979.

Article 2
Subdivision Rules and Regulations

- §3201. Design and Layout of Subdivisions.
- §3202. Same: General.
- §3203. Same: Streets.
- §3204. Same: Lots and Blocks.
- §3205. Same: Easements.
- §3206. Same: Variation.
- §3207. Road Classifications and Standards: Road Classifications.
- §3208. Same: Road Standards.
- §3209. Same: Typical Sections.
- §3210. Agricultural Subdivisions.
- §3211. Same: General.
- §3212. Same: Specific Requirements.
- §3213. Data and Map Requirements.
- §3214. Same: Preliminary Sketch Plan.
- §3215. Same: Tentative Subdivision Map.
- §3216. Same: Final Subdivision Map.
- §3217. Other Maps Requiring Recording: General.
- §3218. Same: Definitions.
- §3219. Same: Design and Access Requirements.
- §3220. Same: Map and Data Requirements.
- §3221. Same: Special Requirements for Parental Estates and Land Registration Surveys.
- §3222. Improvement Plans.
- §3223. Same: General.

NOTE: Rule-making authority cited for formulation of regulations by the Territorial Planning Commission, 21 GCA §60405, §61103 and §62106.

§3201. Design and Layout of Subdivisions. The following design standards shall apply to all subdivisions, agriculture subdivisions, lot parcelling, decedents estates and parental subdivisions submitted to the Territorial Planning Commission or its legally authorized agent for approval under 21 GCA Chapter 62.

The Subdivider shall observe all design standards for land subdivision as hereinafter provided. These standards shall be considered minimum standards, and shall be varied from or waived only as provided in 18 GAR §3206.

§3202. Same: General. (a) Conformance with Master Plan. Any proposed subdivision shall conform, as far as practicable, to the proposals and intention of the Master Plan for the territory of Guam as formally adopted in whole or in part by the Territorial Planning Commission, unless substitute proposal may be shown to the satisfaction of the Commission or its agent, to better serve the general area of the subdivision and the island.

(b) **Protection of Natural Features.** Due regard shall be shown for all natural features such as trees, water courses, scenic points, historic locations and similar community assets, which, if preserved, will add attractiveness and value to the subdivision.

(c) **Reserve Strips.** Reserve strips prohibiting access to streets or adjoining property shall not be permitted, except where, in the opinion of the Commission or its agent, such strips shall be in the public interest.

(d) **Further Subdivision.** In cases where a tract is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow the logical further subdivision and economic extension of streets, utility easements, drainage ways and public areas into such parcels.

§3203. Same: Streets. (a) **Arrangement.** The proposed streets shall be considered in their relation to existing and planned streets, to topographic and geologic conditions and to public convenience and safety. They shall provide for:

(1) Appropriate continuation of existing arterial and collector streets;

(2) Extension of arterial and collector streets into adjoining land;

(3) The discouragement of through traffic on residential streets;

(4) The maximum attractiveness, livability and amenity of the subdivisions; and

(5) Subdivisions of one hundred (100) or more lots will normally be required to have more than one (1) access to an existing collector or arterial street or to a proposed collector or arterial street which is to be built in conjunction with the proposed subdivision.

(b) **Street Jogs.** Street jogs in arterial and collector streets of less than five hundred (500) feet shall not be allowed. Street jogs in residential streets of less than two hundred (200) feet shall not be allowed.

(c) **Rights-of-Way Widths and Alignment.** Rights-of-way widths and alignment shall conform to the standards adopted by the Territorial Planning Commission within the "Road Classifications and Standards" as attached hereto; and made a part hereof. (See 18 GAR §3207.)

(d) **Intersections.** Rights-of-way centerline shall be laid out so as to intersect as nearly as possible at right angles. No right of way shall intersect any other right of way at less than seventy-five degrees (75_).

(e) **Cul-de-sac.** All cul-de-sac streets shall:

(1) Not exceed seven hundred (700) feet in length; and

(2) Not provide access to more than twenty-five (25) lots.

§3204. Same: Lots and Blocks. (a) **Block Lengths.** Unless specifically approved by the Territorial Planning Commission, block lengths shall not be less than two hundred (200) feet, nor more than two thousand (2,000) feet. Where blocks exceed one thousand (1,000) feet, crosswalk ways may be required.

(b) **Lot Design.** No lot shall have a length to width relationship that exceeds a three (3) to one (1) ration.

(c) **Panhandle Lots.** No panhandle lot shall exceed nine thousand five hundred (9,500) square feet in area except in "A" zones.

(d) **Lot Area.** Lot sizes shall meet all requirements of the Zoning Laws.

§3205. Same: Easements. Wherever possible, all easements shall be continuous from block to block, and their layout shall create as few irregularities as possible:

(a) **Water Courses.** Drainage conduits and channels when not located in a public street, road or alley, or within a public drainage easement, must be located in a recorded and dedicated public easement when on private property. Necessary dedication for construction on private property not owned by applicant must be recorded before the improvement will be approved for construction.

Where a minor improvement of a drainage channel falls on adjacent property (such as daylighting a ditch profile), written permission from the adjacent property owners for such construction, and a copy of the approval of the adjacent owners shall be submitted to the Director of Public Works prior to approval of the improvement plans.

In general drainage easements will have simply described boundaries (described in brief) and simple form and referenced to a well defined point or line:

(1) Easements for closed conduits shall meet the following requirements:

(A) Minimum width of fifteen (15) feet, with the pipe located at quarter point on north or west.

(B) On pipes of twenty-four (24) inches diameter and greater or trenches exceeding five (5) feet in depth the easement will have additional width to provide ample working space as required by the Director of Public Works.

(2) Rights-of-way for major Open Channels as defined in Public Works standards shall have sufficient width to contain the open channel with side slopes, and a fifteen (15) foot service road.

(b) **Utilities.** Utility easements shall generally follow lot lines and shall not be less than ten (10) feet in width.

(c) Access easements:

(1) All access easements shall be separate lots, reserved exclusively as public access and utility easements and recorded by separate document (Declaration of Easement) attached to the map.

(2) Any adjacent property that is land-locked must ordinarily be served by a dedicated street or easement.

§3206. Same: Variation. Strict compliance with the requirements of these Rules and Regulations may be waived only when, in the judgment of the Commission, such action is in the public interest and not inconsistent with the Subdivision Law. In waiving strict compliance, the Commission may require such alternative conditions as will serve substantially the same objective as the standards or regulations waived.

§3207. Road Classifications and Standards: Road Classifications. The streets and roads are classified on the basis of use and importance. In the classification of various routes, which have been established in order of relative

importance, both the present and future uses have been considered:

(a) Classes of Streets:

(1) **Class "A" Streets** - proposed street improvements for residential developments having a minimum size of less than ten thousand (10,000) square feet per lot shall be Class "A." The net square footage of said residential developments shall be considered to be that portion of the total square footage less the area of parcels required for street purposes. Class "A" streets shall have an asphalt concrete surface and an aggregate base with concrete curb and gutter. Sidewalks and side slopes as recommended by the Soils Engineer or an approved retaining wall within an expanded right-of-way line. Permanent slope easements may be used upon approval of the Director of Public Works.

(2) **Class "B" Streets** - proposed street improvements for all residential developments having a minimum size of more than ten thousand (10,000) square feet but less than twenty thousand (20,000) square feet per lot shall be Class "B" and shall have the same components as Class "A," except that sidewalks may be omitted. Permanent slope easements may be used upon approval of the Director of Public Works.

(3) **Class "C" Streets** - proposed street improvements for all residential developments having a minimum size of more than twenty thousand (20,000) square feet and less than forty thousand (40,000) square feet per lot shall be Class "C" and shall have the components as Class "A," except that curbs and gutters and sidewalks may be omitted.

(4) **Class "D" Streets** - proposed street improvements for all residential developments having a minimum size of more than one (1) acre (or forty thousand (40,000) square feet) per lot may be Class "D" and shall have the components of Class "A," except that curb and gutters, asphalt concrete surface course and sidewalks may be omitted. Class "D" streets shall only be allowed in agriculture zoned area.

NOTE: In Hillside Area - where cross slopes exceed ten percent (10%) of the rights-of-way widths, pavement width may be reduced on approval by the Director of Public Works.

(b) **Types of Streets.** All streets within the Territory will also be considered within the following street types:

(1) **Type of M.R. Street** - a minor residential street with a right of way width of forty-four (44) feet and a face to face of curb width of twenty-eight (28) feet; or

(2) **Type C.R. Street** - a major arterial street with a right-of-way width of sixty (60) feet and a face to face of curb of forty-four (44) feet; or

(3) **Type M.A. Street** - a major arterial street with a right-of-way width of eighty (80) feet and improvements as required by the Department of Public Works with the approval of the Territorial Planning Commission.

(4) **Alley** - a street depressed in the center, with a right of way and surface width of twenty (20) feet.

(c) **Traffic Demand.** The following standard of design for width of paved portion of streets based on traffic demand shall be used:

(1) A road serving less than one hundred (100) dwelling units, with its entire length devoted to residential uses, shall be considered a "minor residential" type street.

(2) A road delineated on the approved Master Plan of Highways as a primary access road shall be considered a "Major Arterial" type street.

(3) Any road not within the above two (2) descriptions shall be considered a "collector residential" type street.

§3208. Same: Road Standards. The following standards for the design of geometric and profiles shall govern the preparation of plans for road related improvements:

(a) **Minimum Grades and Cross Slope:**

(1) Minimum grade on new streets shall be 0.33% where curb and gutter are used, and 0.15%

where drains and side ditches are used; maximum grade shall be 10% unless approved by Director of Public Works.

(2) Minimum grade of gutter section constructed on existing streets shall be 0.33%.

(3) Minimum cross slope on new streets shall be 2.0%.

(4) Minimum cross slope on widening shall be 1.5%.

(5) When two (2) streets intersect neither street shall have a grade greater than 3.0% for major and 6.0% for minor, for a minimum distance of forty (40) feet measured from the curb line of the intersected street, except in unusually rough terrain with approval of Director of Public Works.

(6) The lengths of vertical curves at the intersections of two (2) street grades shall be in accord with AASHO Standards. However, in minor residential streets, vertical curves may be omitted where the algebraic difference in grades does not exceed 2.0%.

(b) **Street Patterns.** The street pattern in the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood. The following principles shall be observed:

(1) Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect. The centerline of streets, if not in alignment, shall be offset at least two hundred (200) feet for minor residential streets and five hundred (500) feet for arterial and collector streets.

(2) Proposed streets shall be extended to the boundary lines of the land to be subdivided unless prevented by topography or other physical conditions, or unless, in the opinion of the Commission, such extension is not necessary for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

(3) Proposed street centerline shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. However, no right-of-way centerline shall intersect any other right-of-way centerline at less than seventy-five degrees (75_).

(c) Design Adjacent to Major Arterial Streets. Subdivision design adjacent to major arterial streets shall be as specified in the General Plan and as determined by the Commission. The following principles and standards shall be observed:

(1) Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and by minimizing the interference with traffic on such thoroughfares.

(2) The number of intersecting streets along major arterial streets shall be held to a minimum. Wherever practicable, such intersections shall be spaced not less than one thousand (1,000) feet on center.

(3) Frontage roads, if required, shall conform to the requirement of Department of Public Works and shall be separated from the major arterial streets by means of bulb-type intersections capable of stacking at least two (2) cars between the frontage.

(4) Where frontage roads are not required, residential lots adjacent to the major arterial street shall be required to be served by a minor residential street paralleling such major arterial street at least one hundred seventy-five (175) feet therefrom, or by a series of cul-de-sacs or loop streets extending towards such major arterial street from a collector street at least six hundred (600) feet therefrom. In such cases, a wall-fence of a design approved by the Commission shall be required at the rear of properties adjacent to the major arterial street.

(5) Where the rear of any lot borders any major arterial street, the subdivider may be required to execute and deliver to the government of Guam an instrument, deemed sufficient by the Attorney General, prohibiting the right of ingress

and egress from such major arterial street to such lot.

(d) **Curbs, Sidewalks and Pedestrian Ways.** The following principles and standards shall apply to the design and installation of curbs and sidewalks and pedestrian ways:

(1) Vertical curbs and gutters shall be required in all subdivisions.

(2) Sidewalks shall be required on both sides of the street in any subdivision, or portion thereof, having lots with an average area less than ten thousand (10,000) square feet.

(3) When required for access to schools, playgrounds, shopping centers, transportation facilities, other community facilities or for unusually long blocks, the Commission may require pedestrian ways not less than ten (10) feet in width. Such pedestrian ways shall be provided with a concrete walk of suitable width.

(4) Cross Gutters Will Not be Allowed Crossing Type M.A. Streets. Cross gutters will be permitted to cross Type M.R. and C.R. streets only with the specific approval of the Director of Public Works.

(e) **Curve Data:**

(1) The curve data for all centerline curves, excluding knuckles, shall be computed and shown on the plans. Radii of curvature on centerline shall not normally be less than five hundred (500) feet for M.A. streets; one hundred seventy-five (175) feet for M.R. streets and three hundred (300) feet for C.R. streets, unless otherwise approved by the Director of Public Works.

(2) The radius for right-of-way lines in cul-de-sacs shall be a minimum of forty-five (45) feet unless otherwise specified by the Director of Public Works. A curve of thirty-seven (37) feet radius shall connect the tangent and the radius curve. The radius of face of curb shall be a minimum of thirty-seven (37) feet.

(f) **Roadbed Design.** The roadbed will be designed in accordance with and on the basis of the

standards adopted by the Department of Public Works.

(g) **Driveway Design.** All driveways hereafter constructed shall comply with the following conditions:

(1) In all commercial and industrial zoning districts, the driveway openings shall be not less than twelve (12) feet in width or more than thirty-six (36) feet in width.

(2) In residential districts, the driveway openings shall be not less than twelve (12) feet in width nor more than twenty (20) feet in width, provided, however, a driveway serving two (2) or more parcels may be twenty-nine (29) feet in width. For the special case of a four (4) unit residential building, the driveway opening may be twenty-seven (27) feet in width.

(3) Driveways serving a single parcel of property or serving any of the several adjacent parcels under single ownership shall be separated by at least twenty-five (25) feet of full vertical curb.

(4) Driveways serving separate but adjoining parcels under different ownership shall be separated by at least ten (10) feet of full vertical curb in residential districts.

(5) Driveways serving corner lots shall be so located that:

(A) a driveway on either street shall be twenty-five (25) feet from the projected curb line of the intersecting street; and,

(B) no part of the driveway shall be located closer than five (5) feet of a curb return.

(6) Driveway shall form an angle of thirty degrees (30_) or less with a line perpendicular to or radial to street alignment for a distance of eighteen (18) feet behind property line measured along the shortest side of said driveway.

(7) Any two (2) driveways in a commercial development must be separated by ten (10) feet of vertical curb.

(8) Concrete driveways shall not be allowed within the right-of-way lines when entering Class C streets. Driveways entering Class B or C streets shall meet the property lines at such a grade so as to permit conversion to Class A street without regrading beyond the property line.

(9) Where a portion of front yard area is used or intended to be used for the purposes of vehicular movement, storage or parking safety curb of portland cement concrete six (6) inches wide, fourteen (14) inches deep and extending six (6) inches above the surface of ground, shall be formed along and inside of the property line to full extent excepting driveway openings. Such curb may be omitted if the sidewalk area is blocked off from such area by a thirty (30) inch minimum height fence. Construction of driveways shall also conform to the requirements of standard drawings.

§3209. Same: Typical Sections. Attached, and made a part hereof, are drawings showing the typical sections to be used in subdivision improvements.

NOTE: The drawings referred to in §3209, above, were not included within these Rules and Regulations at the time of the original publication. However, they are available from the Territorial Planning Commission.

§3210. Agricultural Subdivisions. The following definition, design standards and procedure requirements shall apply to all agriculture subdivisions submitted to the Territorial Planning Commission, or its legally authorized agent for approval under 21 GCA Chapter 62.

§3211. Same: General. (a) **Waivers.** The Subdividers shall observe all definitions, design standards and procedure requirements for agriculture subdivision as hereinafter provided - these provisions shall be varied from or waived only as provided in 21 GCA Chapter 75.

(b) **Zone.** Agriculture subdivisions are only allowed in rural "A" zoned areas.

(c) **Other Requirements.** In addition to this Chapter, the following regulations, laws and standards apply to all Agriculture Subdivisions:

(1) All applicable laws contained in 21 GCA Chapter 62.

(2) 18 GAR §3201-§3206. of these Rules and Regulations.

(3) Chapter 2 of these Rules and Regulations, excepting all improvement requirements. (18 GAR §3207-§3209)

§3212. Same: Specific Requirements. (a) **Map Requirements.** The specific rules and regulations concerning the following are contained in 18 GAR §3213-§3216.

(1) Preliminary Sketch Plan.

(2) Final Map.

(b) **Roadway Requirements.** Whenever a lot or parcel is not served by a public street, a graded street shall be established within the public access easement. Such street shall be constructed in such a manner so as to be readily transversed by ordinary vehicles. This usability shall be demonstrated by the Subdivider.

§3213. Data and Map Requirements. The following data and map requirements shall apply to all materials submitted to the Territorial Planning Commission or its legally authorized agent, for approval under 21 GCA Chapter 62.

The applicant shall observe all requirements for map or data submissions as hereinafter provided. These standards shall be considered minimum standards, and shall be varied from or waived only as provided in 18 GAR §3217-3221.

§3214. Same: Preliminary Sketch Plan. All persons applying for any subdivision or lot parcelling approval shall first submit a sketch plan to the Planning Division, Department of Land Management:

(a) **General.** Such sketch plan shall indicate the location of the existing and proposed subdivision, lots, blocks, streets, topography (U.S.G.S. if no other suitable topography), easements and other relevant information.

(b) **Owner's Name.** The name of the proposed subdivision owner and subdivision planner shall be indicated.

(c) **Interview.** Person (or agent) applying for subdivision approval shall accompany the submission

of the sketch plan in order to discuss the proposed subdivision with the Planner-in-Charge of subdivision review. At this time, applicable requirements will be discussed and explained to applicant and Planner-in-Charge will make his recommendations and identify issues.

(d) **Scale.** Sketch plan shall be submitted on one (1) or more sheets having dimensions of twenty-four (24) inches by thirty-six (36) inches. The scale shall be one (1) inch = four hundred (400) feet or larger, as may be applicable.

§3215. Same: Tentative Subdivision Map. All persons applying for the approval of a regular subdivision shall submit six (6) copies of a tentative map to the Planner-in-Charge of subdivision approval. Such map shall include the following information:

(a) **Vicinity Sketches.** Vicinity sketch shall show the streets and tract lines of all the existing subdivisions within approximately one-half (1/2) mile of the boundary of the proposed tract together with the names and/or numbers of all tracts between the proposed tracts and the nearest existing highways or thoroughfares.

(b) **Elevations.** Proposed design elevation of every street intersection and along all streets and show finished grades and elevations on:

(1) Pads (not required for Agricultural Subdivisions);

(2) Along streets at every linear two hundred (200) feet intervals;

(3) At all street intersections; and

(4) Percent grades along all street with elevations at each B.C. and E.C. shall also be shown.

(c) **Horizontal Curves.** All horizontal curves must be labeled with the length of curve and radius.

(d) Zoning and Land Use:

(1) Existing zoning, also zoning of adjacent property, must be shown.

(2) Show approximate location of all existing structures within one hundred (100) feet of the boundary and land use, for adjacent property.

(e) **Letter of Intent to Subdivide.** Two (2) copies of statements of intent on form supplied by Planning Division shall be submitted. This form shall include the proposed source of water supply and sewage disposal method. (Not required for Agricultural Subdivisions.)

(f) **Storm Drainage Information.** The approximate boundaries of areas subject to inundation or storm water overflows, the location, width and direction of flow of all water courses to an existing water course.

(g) **Landscaping:**

(1) All trees in excess of six (6) inches diameter measured at two (2) feet above the existing ground, must be shown and saved wherever possible.

(2) A statement of the type and location of proposed street trees.

(3) A statement as to the intention of the Subdivider in regard to slope planting and erosion control.

(h) **Restrictions.** An outline of any conditions, restrictive reservations or covenants existing or proposed.

§3216. Same: Final Subdivision Map. All persons submitting final subdivision maps shall abide by the following requirements:

(a) **Map Form:**

(1) If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(2) **Sheet Numbers.** The particular number of the sheet and the total number of sheets comprising the map shall be stated on each sheet, and its relation to each adjoining sheet shall be clearly shown.

(3) **Border.** The exterior boundary of the land included within the subdivision shall be indicated

by a blue- colored border. The map shall show the definite location of the subdivision and particularly its relation to surrounding surveys.

(b) **Required Information and Accompanying Data.** Areas Subject to Inundation. The boundaries of any areas within the subdivision which are subject to usual inundation by water must be shown.

(c) **Certificates and Acknowledgments. Surveyors's.** A certificate by the surveyor responsible for the survey and final map is required. His certificate shall give the date of the survey and state that the survey was made by him or under his direction, and that the survey is true and complete as shown. The certificate shall also state that all the monuments are of the character and occupy the positions indicated, or that the improvement bond includes the cost of monumentation.

(d) Recording:

(1) Copy of final approved Subdivision Map or other maps described in Chapter 5, shall be recorded by Department of Land Management prior to returning approved tracing to surveyor.

(2) Cost of recording shall be borne by owner or applicant.

(3) A separate document (Deed) must be recorded describing the offer and acceptance of all parcels to be dedicated to the Government.

§3217. Other Maps Requiring Recording: General. (a) **Signatures.** All the maps described in 18 GAR §3218 as follows, require the signature of the Territorial Planner (or the Territorial Planning Commission) except: Land Registration Surveys, Remnant Parcel Surveys and Retracement Surveys.

(b) **Combination Maps.** These surveys are checked by the Planner-in-Charge of subdivision for the data indicated. The applicant must apply for approval of these surveys separately. Combination maps are only permitted for "consolidation and parcelling" or "retracement and subdivision."

(c) **No Combination With Registration.** No maps involving registration may be combined with other types of maps.

§3218. Same: Definitions. (a) *Consolidation Survey* shall mean the voiding and combining of lots, parcels or portions thereof, in order to create new lots.

(b) *Decedents Estate* shall mean the division of land (owned by the decedent) by court order.

(c) *Land Registration Survey* shall mean a survey and investigation of presently unregistered land in order to establish a legal title to land.

(d) *Parental Subdivision* shall mean the division of land by the applicant among his living children or their descendants.

(e) *Real Estate Requirements Survey* shall mean a survey prepared in anticipation of government acquisition of land to establish description and ownership.

(f) *Remnant Parcel Survey* shall mean a survey describing the unsurveyed remainder lot or parcel of a larger completely subdivided tract.

(g) *Retracement* a survey based on existing documents to reestablish monuments or to redraw property map.

§3219. Same: Design and Access Requirements. (a) **Public Access Easement.** A forty-four (44) feet wide public access and utility easement shall be recorded by separate document (Declaration of Access) to serve any lot or parcel not served by a public street.

(b) **Graded Street.** Whenever a lot or parcel is not served by a public street, a graded street shall be established within the public access easement. Such graded street shall be constructed in such a manner so as to be readily traversed by ordinary vehicles. This usability shall be demonstrated by the Subdivider.

(c) **Lot Size.** In accord with zoning ordinance, however, where public sewer is not available, a minimum of ten thousand (10,000) square foot lot shall be required unless specifically approved by the Administrator of Environmental Protection Agency. A larger lot may be required if determined by the Administrator of the Environmental Protection Agency.

§3220. Same: Map and Data Requirements. (a) **Retracement Map:**

(1) See Final Map Requirements, 18 GAR §3216(a) and (c) are applicable.

(2) **References:** source documents used as basis for survey shall be clearly indicated on the map.

(3) **Signatures:** Territorial Surveyor, Land Surveyor, Owner and Lessee, if any. (Note: Territorial Planner Signature not required.)

(4) Basic Lot Data - indicate the following:

- (A) Basic lot number.
- (B) Certificate of title number, if any.
- (C) Date of land registration.
- (D) Owner's name and agent, if any.

(5) Required data for adjacent properties:

- (A) Lot numbers.
- (B) All utility and access easements.
- (C) All dedicated rights-of-way.
- (D) Most recent document numbers for all of the above.

(b) Real Estate Requirements Data:

(1) See Final Map Requirements, 18 GAR §3216(a) and (c) are applicable.

(2) Topographic map (U.S.G.S. 1" = 400').

(3) Basic Lot Data - indicate following:

- (A) Basic lot number.
- (B) Date of land registration.
- (C) Certificate of title number.
- (D) Requesting agency's name and purpose.

(4) Signatures: Territorial Planning Commission (Executive Secretary), Territorial Surveyor, Registered Land Surveyor and Requesting Agency.

(5) Required data for adjacent properties:

- (A) Lot numbers.
- (B) All utility and access easements.
- (C) All dedicated rights-of-way.
- (D) Most recent document numbers for all of the above.

(c) Consolidation Survey:

(1) See Final Map Requirements, 18 GAR §3216(a) and (c) are applicable.

(2) Supporting information and document numbers.

(3) Basic Lot Data - clearly indicate the following:

(A) Basic lot numbers.

(B) Certificate of title numbers.

(C) Date of land registration.

(D) Owner's name.

(E) **Signatures:** Territorial Planner, Territorial Surveyor, Registered Land Surveyor, Owner and all Lessees.

(4) Required data for adjacent properties:

(A) Lot numbers.

(B) All utility and access easements.

(C) All dedicated rights-of-way.

(D) Most recent document numbers for all of the above.

(d) Remnant Parcel Survey:

(1) See Final Map Requirements, 18 GAR §3216(a) and (c) are applicable.

(2) **Reference:** source documents used as basis for survey shall be clearly indicated.

(3) Basic Lot Data - indicate the following:

(A) Basic lot number.

(B) Certificate of title number.

(C) Date of land registration.

(D) Owner's name.

(E) Signatures: Territorial Surveyor, Registered Land Surveyor, Owner and Lessee, if any. (Note: Territorial Planner signature not required.)

(4) Required data for adjacent properties:

(A) Lot numbers.

(B) All utility and access easements.

(C) All dedicated rights-of-way.

(D) Most recent document numbers for all of the above.

(e) Land Registration Map Data:

(1) See Final Map Requirements, 18 GAR §3216(a) and (c) are applicable.

(2) Basic Lot Data - indicate the following:

(A) Basic lot number.

(B) Claimant's name.

(3) **Signatures:** Territorial Surveyor, Registered Surveyor and Claimant.

(4) Required data for adjacent properties:

(A) Lot numbers.

(B) All utility and access easements.

(C) All dedicated rights-of-way.

(D) Most recent document numbers for all of the above.

§3221. Same: Special Requirements for Parental Estates and Land Registration Surveys. (a) **Parental Estates.** All applicants for parental divisions of property shall be required to submit the following:

(1) A certified copy of a deed for the basic lot indicating ownership by the applicant in fee simple for at least five (5) years prior to the application.

(2) A notarized statement by the applicant listing all his living children or their descendants.

(3) A map, drawn in accordance with all applicable provisions of the Government Code of Guam, indicating a number of lots not to exceed the number of living children and their descendants listed in the notarized statement above.

(4) Deeds for each lot shown on the above map; such lots shall be deeded in fee simple and each deed must contain alienation clauses to the effect that the children or descendants shall not sell, lease or otherwise alienate said lots for a period of at least five (5) years.

(5) Upon final approval by the Territorial Planner, all such deeds and maps must be filed for record within five (5) days of said approval. If deeds and maps are not filed within this period the Territorial Planner's approval shall become null and void.

(b) **Land Registration.** Any survey for land registration shall include the entire contiguous interest of the claimant where such estate or claim is less than five (5) hectares. If an estate or claim is more than five (5) hectares, then the minimum allowable survey is five (5) hectares.

(c) **Recording.** All maps discussed in this Chapter shall be recorded by Land Management prior to being returned to the surveyor. The current fee for recording shall be charged for this service.

§3222. Improvement Plans. The following standards shall apply to all improvement plans submitted to the Territorial Planning Commission, or its legally authorized agent, for approval under 21 GCA Chapter 62.

The Subdivider shall observe all the requirements for improvement plans as hereinafter provided. These standards shall be considered minimum standards, and shall be varied from or waived only as provided in 18 GAR §3206 of these Rules and Regulations.

§3223. Same: General. (a) **Time Limit.** Within the legal time limit, the Subdivider may cause the engineered improvement plans of the subdivision or any part thereof to be prepared by a registered professional engineer in accordance with the tentative plan as approved. All streets and other improvements, which in the opinion of the Commission are necessary for the development of any part of the subdivision, will be required.

(b) **Form.** The improvement plans shall conform to the following provisions:

(1) They shall be legibly drawn, printed or reproduced by process guaranteeing a permanent record on white paper and shall incorporate all the design, calculations and engineering reports as required for comprehensive design.

(2) **Size and Scale.** The size of each drawing sheet shall be as provided in the standard engineering specifications of Public Works. The scales of maps shall be as demanded by good engineering practice.

Engineering calculations and reports shall be made out on 8½ x 11 sheets and submitted bound in folders.

(3) Title sheet shall show the name of the engineer designing the improvements, tract numbers, name of the subdivision, title of improvements shown thereupon and the particular sheet number and the total number of sheets comprising the improvement plans.

(c) **Certificates and Acknowledgments.** The following certificates and acknowledgments shall appear on all the sheets of the improvement plans:

(1) Engineer's Certificate - name of the registered civil engineer submitting the plans.

(2) Recommendation for approval by the subdivision control section of the Department of Public Works.

(3) Approval by the Director of Public Works.

(d) **Required Information.** The improvement plans shall show the engineered details of the improvements required by the Commission and shall be in accordance with the approved tentative plans. These plans shall include:

(1) Layout of subdivision including but not limited to the dimensions of the exterior boundary of the subdivision, blocks, lots, curves, rights-of-ways and all other easements granted on the final map.

(2) **Grading Plan and Soil Report.** With the submission of a soil report and grading plan sufficient in detail to meet the requirements of the Department of Public Works, the Subdivider shall be exempt from the requirements of Chapter 70 of the Uniform Building Code.

(3) Street construction plans shall include, but not be limited to: street grading, road sections, location of curbs, gutters and sidewalks and all construction required in connection with the control of traffic.

(4) Sewer Plans - shall include, but not be limited to: sizes, profiles, locations and details of sewer mains; sewer laterals, manholes and clean outs and any other structure or plant required from collection to disposal of sewage.

(5) Water plans shall include, but not be limited to: sizes, profiles, locations and details of water mains, water laterals, blowout valves, fire hydrants or any other reservoir structures required for the distribution of water.

(6) Storm Drain Plan shall include, but not be limited to: sizes, profiles, locations and details of storm pipes, catch basins, surface drains or any other structure required from collection to disposal of storm runoff.

(7) Electrical and Telephone Plans - shall include, but not be limited to: sizes, profiles, locations and details of underground cables, conduits, hand holes, transformers, poles or any other connected structures.

(e) **Accompanying Data.** The following additional data, agreements, fee and reports shall be submitted with improvement plans:

(1) **Soils Report.** The Subdivider shall furnish a soils report prepared by a registered civil engineer skilled in geology and soils engineering. The report shall be sufficient in detail to enumerate the investigatory soils engineering procedures, analyses, conclusions and recommendations of the soils engineer to provide a safe, stable improvement at all times during construction and after final completion. Underground drainage shall be specifically included in the report analysis as well as earthquake considerations.

(2) **Calculation Sheets.** The Subdivider shall furnish sheets showing all the engineering calculations to arrive at the design of road sections, sewer facilities, storm drain, electrical installations and water supply installation.

(3) **Improvement Agreement and Bond.** Whenever a bond is required, the Subdivider shall file an agreement for the improvement of the subdivision by him as set forth in this Subsection and as may be further required by the Director of Public Works. The Subdivider shall secure the performance thereof by a good and sufficient surety bond, or a cash deposit, which bond or cash deposit shall be an amount equal to one hundred fifteen percent (115%) of the cost of the improvements as estimated by the Director of Public Works.

(f) **Filing.** The Subdivider shall file eight (8) blue-line copies of the final plans with the Director of the Department of Public Works.

(g) **As-Built Plans.** Complete "as-built" plans shall be filed with the Director of Public Works upon completion of subdivision improvements. Such "as-built" plans shall be ink on linen or polyester base film. Upon receipt and acceptance of such plans, the Director of Public Works shall release the performance bond.

NOTE: As published in the 1975 edition.

Article 3
Interim "H" Resort-Hotel Zone

- §3301. Authority.
- §3302. Purpose.
- §3303. Intent.
- §3304. Definitions.
- §3305. Procedures for Zone Change to "H."
- §3306. Same: Application.
- §3307. Same: Public Hearing.
- §3308. Same: Subdivision and Development Review Committee.
- §3309. Same: Approval by Commission and Governor.
- §3310. Same: Approval by Legislature.
- §3311. Same: Exceptions.
- §3312. Procedures for Development Within an "H" Zone.
- §3313. Same: Subdivision and Development Review Committee.
- §3314. Same: Approval by Commission.
- §3315. Same: Bond.
- §3316. Same: Time Period.
- §3317. Same: Certification of Completion.
- §3318. Same: Exceptions.
- §3319. Standards for Development Within an "H" Zone.
- §3320. Same: Parking Regulations.
- §3321. Same: Development and Activities.
- §3322. Same: Design.
- §3323. Same: Recreational and Amusement Activities.
- §3324. Same: Landscaping.
- §3325. Same: Variances.
- §3326. Yard, Area and Height Regulations.
- §3327. Amendments.

NOTE: Rule-making authority cited for formulation of "H" Resort-Hotel Zone regulations by the Territorial Planning Commission, Public Law 14-82, Section 8.

§3301. Authority. These Rules and Regulations are promulgated by the Territorial Planning Commission under authority of 21 GCA Chapter 60 and 11 GCA Division 3.

§3302. Purpose. The purpose of these Rules and Regulations is to establish procedural requirements for:

- (a) Zone changes to an "H" designation.
- (b) Development within "H" Zones.
- (c) Substantive standards for development within "H" Zones.

§3303. Intent. These Rules and Regulations apply to that area rezoned "H" under the provisions of Public Law 14-41, as amended by Public Law 14-72 and Public Law 14-82 (Tumon), as well as all future proposals for development within or changes of zone designation to an

"H" Zone. As interim regulations, they shall remain in effect until such time as final "H" Zone regulations are adopted by the Territorial Planning Commission.

§3304. Definitions. For the purpose of defining those uses permitted in the "H" Zone under Public Law 14-41, but not defined elsewhere in the Government Code, the following definitions shall apply:

(a) *Amusement Activity*: an indoor or outdoor facility operated for the amusement or entertainment to the public.

(b) *Cultural Facility*: an indoor or outdoor facility operated for the purpose of portraying or promoting aspects of the Island's culture through use of plays, theaters, museums, arts and crafts galleries and displays and similar facilities.

(c) *Landscaped Area or Landscaping*: an area planted and covered with soft live flora such as lawn, ground cover, trees, shrubs or any other materials which would aesthetically enhance the area.

(d) *Park Recreational Facility*: an area or facility established and operated for the purpose of accommodating or promoting active or passive recreational activities including sports, interpretive parks, botanical and zoological gardens, playgrounds and such related facilities.

(e) *Tourism Related Shops, Offices and Supporting Services (Resort Commercial)*: commercial facilities and offices directly dependent on sales or services and immediate proximity to the public and, including but not limited to bicycle or moped rental facilities, but not such commercial or industrial activities as auto, motorcycle, bicycle and appliance sales or repair; assembly line, hardware, building, electrical or plumbing supply enterprises and related uses.

(f) *Transient Guest*: those persons who occupy a hotel, lodging house or similar facility in a specific location for less than ninety (90) consecutive days.

§3305. Procedures for Zone Change to "H." A proposed zone change to "H" may be initiated by the Commission or by an application directed to the Commission by any person owning or leasing real property within the area covered by the proposed "H" Zone.

§3306. Same: Application. An application for a change of zone to "H" shall be filed with the Planning Division, Department of Land Management, on a zone change form, which, in addition to that information normally required for zone changes shall include:

(a) A legal description of the area proposed for rezoning, copies of certificates of title for property within the proposed zone and the name of the developer and/or development company, if appropriate.

(b) A statement outlining the reasons for requesting such a zone change including:

(1) A discussion of how the public necessity, convenience and general welfare justifies such a zone change.

(2) A description of the general geographical character of the area to be rezoned.

(3) Types of future uses or development proposed within the area, if any.

(4) Alternatives considered (PUD, Variance, C Zone, etc.).

(5) A general summary of the anticipated effect of the proposed rezoning on the surrounding environment including its impact on water quality (through drainage, leaching, runoff); any unique historical or ecological sites or other valuable natural or cultural resources; accessibility to beaches, caves, waterfalls or other recreational sites; and surrounding land-use patterns. General narrative discussion acceptable - no requirement to follow specific guidelines for preparation of Environmental Impact Statements or Assessments as established by Council on Environmental Quality; unless otherwise required by law.

(6) If proposed in conjunction with plans for substantial development of the subject area:

(A) A summary economic statement to include discussions of the operating and economic role and function of the development's major features, of the primary and secondary markets to be served, of the

demand for support services to be generated and the manner in which each will be secured, and of the ways in which the development furthers the expansion in breadth or depth of the Island's economy; but to specifically exclude confidential or sensitive financial data such as forecasted operating cost breakdowns, revenues, cash flows, break-even points and profitability.

(B) A development schedule indicating the approximate date when construction or stages (by unit or increment basis) of any planned development are planned to begin and be completed.

(C) A statement of the applicant's tentative plans regarding the future selling or leasing of all or portions of the development, including specific land areas, condominium units or cottage or cluster developments by increment method.

(D) Where no public sewer, water or such public facilities exist, the proposed methods and facilities to provide such services.

(E) A plot plan of any proposed development within the "H" Zone area. The plot plan shall show the location of proposed major structures and facilities within the rezoned area, including sources of water and power, required sewage disposal systems and proposed landscaping. The plot plan shall indicate existing topography as defined in 21 GCA §62401.

§3307. Same: Public Hearing. Upon certification by the Territorial Planner that complete information has been provided by the applicant, the Commission shall hold at least one (1) public hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in 5 GCA Chapter 40, notice of time and place of which shall be given by at least one (1) publication in a newspaper of general circulation at least ten (10) days before the day of said hearing, and by mail to the Commissioner of the municipal district concerned, and to those landowners owning land within five hundred

(500) feet of the property for which rezoning is requested, the mailing addresses for such landowners to be in the Real Estate Tax records.

§3308. Same: Subdivision and Development Review Committee. Prior to the public hearing, the Territorial Planner shall submit the application and other supporting documents including a summary report of the public hearing for the proposed zone change to the Subdivision and Development Review Committee for their review and recommendation. The Subdivision and Development Review Committee (SDRC) findings shall be presented at the public hearing.

§3309. Same: Approval by Commission and Governor. The Commission shall consider the proposed change of zone and may approve or disapprove the same, in whole or in part. The Commission shall make its findings and determinations within forty (40) days from the date of the hearing thereon and shall forward notice of such decision to the applicant, if any. If the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part.

§3310. Same: Approval by Legislature. Pursuant to 21 GCA Chapter 61, upon approval of the zone change by the Governor, it shall be submitted to the next portion of the next regular session of the Legislature convening after the said approval. Such amendment to the zoning map shall remain in effect unless amended or repealed by statute.

§3311. Same: Exceptions. Zone changes to "H" shall not be permitted for any area less than two and one half (2 1/2) acres in size.

§3312. Procedures for Development Within an "H" Zone. Before issuance of any building permit for development proposed either (1) in conjunction with submittal of a requested zone change to "H," or (2) in a prior approved "H" Zone, a tentative plan for such development shall be submitted to the Territorial Planner containing the following information as deemed appropriate by the Territorial Planner:

(a) The name and address of the owner or owners of record, of the developer and of the person preparing the map.

(b) Date, north arrow and scale.

(c) A key map locating the development relation to surrounding areas.

(d) The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.

(e) The accurate placement and outline of structures existing on the site.

(f) The location, names and existing widths of adjacent street rights-of-way.

(g) The location and dimensions of all known existing easements and reservations.

(h) The location of existing utilities, sewers, drainage ditches and other drainage facilities located in, or adjacent to, the proposed development.

(i) The location, width and direction of flow or all water courses within the subdivision area.

(j) Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).

(k) The location and widths of all existing or proposed streets in the development.

(l) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.

(m) Areas intended to be reserved for public use.

(n) A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed construction drawings as work is initiated to permit detailed analysis of construction

conformity to law and the rules and regulations of the Commission, and to facilitate inspections.

§3313. Same: Subdivision and Development Review Committee. Upon certification by the Territorial Planner that such complete and accurate information as requested has been provided, such tentative plan shall be submitted to the Subdivision and Development Review Committee for review and recommendations.

§3314. Same: Approval by Commission. The Territorial Planning Commission shall either approve, including approval with conditions, or disapprove in whole or in part, the proposed tentative development plan. Upon approval, appropriate permits for initial construction may be issued.

Any proposed use or structure which has not been included in an approved tentative plan must be approved by the Commission or at its discretion, the Territorial Planner, before issuance of any building permits.

§3315. Same: Bond. A performance bond or undertaking shall be required for any development undertaken pursuant to an approved tentative plan within an "H" Zone as otherwise provided in the regulations. The amount of the bond shall be one hundred ten percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars (\$2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Commission for failure to comply with any applicable land use, water quality or zoning regulation except as allowed for under prior granting of a variance or other legal exception from such requirement: including, but not limited to, erosion and grading standards, landscaping, height and setback requirements, the tentative, development plan as approved by the Commission, and any applicable zone regulations. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features of the project should these not be completed by the developer.

§3316. Same: Time Period. The Commission shall approve a maximum time period within which all of the improvements authorized in the tentative development plan shall be completed. The time period shall be no less than six (6) months, and no more than four (4) years. The time period shall be based on the size, character and

complexity of the authorized improvements. The Commission may, for good cause shown, grant any extension of time.

§3317. Same: Certification of Completion. Upon completion or any portion of the project in accordance with the tentative plan, the Department of Public Works shall certify to the Commission that the project has been completed in accordance with the tentative plan.

§3318. Same: Exceptions. Requirements or preparation of tentative development plans and posting of performance bonds as outlined in this Section shall not apply to construction of single-family dwellings in that area in Tumon zoned "H" under Public Law 14-41, as amended.

§3319. Standards for Development Within and "H" Zone. All development within an "H" Zone shall comply with all applicable pollution and erosion standards as promulgated by the Guam Environmental Protection Agency.

The nature, size, shape, lighting and style of an outdoor sign shall conform to those requirements as outlined in the Sign Regulations, 21 GCA Chapter 61 Article 5.

§3320. Same: Parking Regulations. The following parking regulations shall apply:

(a) 21 GCA Chapter 61 Article 4.

(b) Provisions noted under "footnotes" to the "H" Zone Yard and Height Regulations.

§3321. Same: Development and Activities. Development and activities within an "H" Resort-Hotel Zone shall:

(a) Provide open access to public resources including but not limited to beaches or other parts of the ocean shore, parks, conservation areas, rivers, waterfalls and other public resources.

(b) To the maximum extent possible, assure that all permissible and accessory uses enhance, compliment and do not detract from or surrounding area.

(c) When associated with or encompassing such valuable resources as unique land, water, floral,

faunal, cultural, historic, archaeological or other such areas:

(1) Provide interpretive materials, displays and information, as required, reviewed and approved by the Department of Parks and Recreation. The Territorial Planner shall certify to the TPC and SDRC that the interpretive materials, displays and information have been so approved.

(2) Assure that such resources remain, to the maximum extent possible, in their natural or undisturbed state.

§3322. Same: Design. Dwellings permitted in an "H" Zone shall be designed:

(a) To accommodate primarily the needs and desires of visitors, tourists and transient guests.

(b) In a compatible arrangement so as to compliment and enhance the adjacent structures and environment.

§3323. Same: Recreational and Amusement Activities. Such recreational or amusement activities as bowling alleys, movie theaters or sports facilities which normally and necessarily create temporary or occasional substantial adverse impacts, such as excessive noise, light or traffic shall be permitted in an "H" Zone only upon a determination by the Commission that such an activity is normally to be found in a tourism-related development area, and that the activity is reasonably compatible with the existing or reasonably foreseeable development of the surrounding area.

§3324. Same: Landscaping. Prior to issuance of occupancy permits for any development within an "H" Zone, the developer shall certify to the Territorial Planner that no less than two percent (2%) of the total construction cost for development of land oriented facility or structure was expended on landscaping that particular development. Allowable costs under such a requirement include the costs for purchase of landscaping vegetation and labor involved in its planting.

§3325. Same: Variances. Variance to these Regulations may be granted by the Commission only upon issuance of such findings or under such conditions as prescribed under 21 GCA §§61616-61617.

§3326. Same: Yard, Area and Height Regulations. The yard, area and height regulations for the "H" Zone are as outlined in the chart on next page.

§3327. Amendments. These Rules and Regulations may be amended by the Commission at any regular or special meeting by a majority vote, provided that a ten (10) day public notice is provided.

NOTE: Rules Adopted on March 10, 1978; filed with Legislative Secretary March 19, 1979.

Article 4
Flood Hazard Areas

- §3401. Authority.
- §3402. Purpose.
- §3403. Intent.
- §3404. Definitions.
- §3405. Procedures for Flood Hazard Area Management.
- §3406. Standards for Flood Hazard Area Management.
- §3407. Designation of Flood Hazard Areas.

NOTE: Rule-making authority cited for formulation of regulations governing Flood Hazard Areas, 21 GCA §66405.

§3401. Authority. These Rules and Regulations are promulgated by the Territorial Planning Commission under authority of 21 GCA Chapter 61 and Chapter 62. and Executive Order No. 78-20.

§3402. Purpose. The purpose of these Rules and Regulations is to establish procedural guidelines and performance standards for management of flood hazard areas, pursuant to Executive Order No. 78-20, and the National Flood Insurance and Guam Coastal Management Programs.

§3403. Intent. These Rules and Regulations apply to those land areas delineated as Flood Hazard Areas of Particular Concern on an official map, as approved by the Territorial Planning Commission and retained for public inspection by the Department of Land Management, Public Works, Parks and Recreation, Agriculture, the Bureau of Planning, the Guam Environmental Protection Agency and Public Utilities Agency of Guam, government of Guam. The official map is subject to amendment as additional data becomes available or a flood event expands a designated boundary. A designated flood boundary will be reduced only upon completion of an approved flood control project. Those activities or developments occurring only partially within a designated or recognized flood hazard area shall be subject to these Rules and Regulations. These Rules and Regulations supplement all other provisions of the law relating to land use and shall remain in effect until such time as amended by the Territorial Planning Commission. These Rules and Regulations shall apply to all developments on government of Guam or private lands. Compliance with these Rules and Regulations should precede submittal of applications for any required Federal permits.

§3404. Definitions. (a) *Area of Particular Concern (APC)*: A specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures in order to insure the retention of such exceptional qualities or to insure the health, safety and welfare of the general public.

(b) *Flood*: The general and temporary condition of partial or complete inundation or normally dry land areas from:

- (1) abnormally high coastal waters resulting from tropical storms, typhoons or tsunamis;
- (2) overflow of streams, rivers and wetlands;
- (3) excessive drainage of rainfall into sinkholes and low-lying basins.

(c) *Flood Hazard Area, Flood Prone Area, Flood Plain*: Any land area subject to flood- conditions or susceptible to inundation, including wetlands, and areas subject to a one percent (1%) or greater chance of flooding in any given year (100-year flood), as designated on the official map of Flood Hazard Areas.

(d) *Wetland*: Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated conditions for growth or reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas.

(e) *Floodproofing*: Any combination of structural or non-structural measures or adjustments to properties and structures that would reduce flood loss to facilities, structures or the contents of buildings. Structural floodproofing involves the ability to resist hydrostatic and hydrodynamic pressure and the effect of buoyancy.

(f) *Flood Control Measures*: Any dam, wall, embankment, levee, dike, abutment, basin, culvert, channelization or other means specifically designed to alter the natural course of waters within or affecting a flood hazard area.

(g) *Structure*: Any building with walls, supports or roofing; or gas or liquid storage tank which is affixed to the land.

(h) *Development*: The placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto, or of access thereto; construction or reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility, and the removal of significant vegetation.

(i) *Environmental Impact Assessment (EIA)*: A detailed description of a proposed action including: Information and technical data adequate to permit a careful analysis of environmental, economic and social impacts; discussion of the probable impact on the environment and any direct or indirect consequences that may result from the action; any adverse effects that cannot be avoided; alternatives to the proposed action that might avoid some or all of the adverse environmental effects; assessment of the cumulative long-term effects of the proposed action including its relationship to short-term use of the environment in comparison with long-term productivity and irreversible or irretrievable commitments of resources.

(j) *Commission*: Means the Territorial Planning Commission.

§3405. Procedures for Flood Hazard Area Management. (a) Before issuance of any permit for development within a designated flood hazard area, a tentative plan for the proposed development shall be submitted to the Building Permit Division, Department of Public Works including a thorough description of the proposed development and the following specific information:

- (1) The name and address of the owner or owners of record, of the developer and of the person preparing the map.
- (2) Date, north arrow and scale.
- (3) A key map locating the development's relation to surrounding areas.

(4) The exact length and bearing of the exterior boundaries of the development, referenced to the Guam Geodetic Triangulation Control Network or such alternative system of triangulation control as the Territorial Surveyor may direct.

(5) The accurate placement and outline of structures existing on the site.

(6) The location, names and existing widths of adjacent street rights-of-way.

(7) Topography with contour intervals of two (2) feet.

(8) The location and dimensions of all known existing easements and reservations.

(9) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.

(10) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.

(11) Areas intended to be reserved for public use.

(12) A description of all floodproofing measures to be utilized in the proposed development.

(13) An indication of the water surface elevation of the 100-year flood if the development involves a land area greater than fifty (50) lots or five (5) acres.

(b) A tentative plan of the proposed development shall be prepared in sufficient detail so as to permit its complete analysis by the Building Permit, Engineering and Hydraulics Division of the Department of Public Works. The tentative plan shall include a schedule indicating the approximate dates when construction or development stages are planned to begin and be completed. These divisions may require submittal of detailed construction drawings and/or preparation of an EIA for analysis prior to issuance of any clearing, grading, building or other permit.

(c) A performance bond or undertaking may be required by the Department of Public Works for any development undertaken pursuant to an approved tentative plan with a flood hazard area. The amount of the bond shall be one hundred ten percent (110%) of the infrastructure costs of the project, and not less than Two

Thousand Dollars (\$2,000.00). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Director, Department of Public Works for failure to comply with any applicable flood hazard areas, wetland, water quality or zoning regulations except as allowed for under a variance or other legal exception from such requirements. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features or restoration of the project should these not be completed by the developer.

(d) The Building Permit Division, Department of Public Works shall either approve, including approval with conditions, or disapproved in whole or in part the proposed tentative development plan. Upon receipt of permission by the Department for development within a flood hazard area, the applicant may proceed to apply for such other permits as may be required by the local or federal government.

(e) If a field inspection by relevant agencies concludes that the development has not adhered to all applicable rules and regulations or conditions imposed by the Commission or Department of Public Works, the Attorney General shall take such action as necessary to ensure compliance with such requirements, including requests for restraining orders or revocation of permission for building in the flood hazard area.

(f) Any expansion of an approved development project, which exceeds fifty percent (50%) of the physical value of the original structure or development, shall require application for a new building permit for development within the flood hazard area.

(g) During all phases of a proposed development project and application for permit, the land area shall be open for inspection by all interested agencies or parties.

(h) If a development project is not completed or operations totally cease within the time period, if any, indicated on the approved permit, the developer shall be required to restore the natural appearance and biological character of the flood hazard area to its condition prior to institution of the development to the maximum extent practicable.

(i) Variances to such procedures and standards, as outlined in these Rules and Regulations may be granted

through appeal to the Commission which may permit such variances only upon written finding that the applicant satisfied all of the criteria outlined for granting zoning variances under 21 GCA §61617.

(j) Current uses not adhering to these Rules and Regulations shall not require a Flood Hazard Area Building Permit and shall be classified as legal nonconforming uses unless declared to be a hazard to public health, safety and welfare by the Department of Public Health and Social Services, at which time they will be subject to conformance with these Rules and Regulations.

(k) Expansion of existing nonconforming uses or reactivation of uses which have been totally abandoned for a period of one (1) year shall require application for a Flood Hazard Area Building Permit.

(l) Emergency repairs of existing flood- damaged structures shall not require application for a Flood Hazard Area Building Permit if completed within a period of six (6) months after a flood event and do not involve major structural or developmental expansion. After the above-stated time period, major repairs shall require application for a Flood Hazard Area Building Permit.

§3406. Standards for Flood Hazard Area Management. (a) All development within flood hazard areas shall comply with all water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency and, if applicable, Wetland Rules and Regulations as promulgated by the Territorial Planning Commission.

(b) Flood Hazard Areas shall not be graded, dredged or filled such that natural topographic drain ways are altered unless issued a Flood Hazard Area Permit by the Department of Public Works.

(c) Approved developments shall be designed to the maximum extent practicable to maintain the natural flow during flood conditions, not create backwater effects or expand a flood hazard area into previously non-flood prone areas.

(d) All approved bridges and culverts shall have openings of sufficient width for adequate passage of flood discharge and debris during a 100-year flood.

(e) Whenever possible, buildings in flood hazard areas shall be connected to a community sewer system. Septic tanks, leaching fields, outhouses or other on-site sewage disposal systems within flood hazard areas may be approved by the Guam Environmental Protection Agency. Any sanitary sewage system shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

(g) No development shall be permitted, within sink hole or low-lying basins, as designated on the Bureau of Planning's Community Design Plans, which would inhibit the recharge of water into the underground aquifer system or be subject to flood damage.

(h) Fill materials (including trees and vegetation) shall not be discarded into flood hazard areas such as to impede the natural flood flow or velocity by creating an accumulation of loose debris.

(i) Open storage of significant quantities of buoyant, light, loose or unsecured material shall be prohibited within flood hazard areas.

(j) Storage within flood hazard areas of toxic chemicals, fertilizers, pesticides, biological wastes or other contaminant substances which would be subject to dispersal into flood waters during periods of inundation shall be prohibited (even though storage of such substances might be in conformance with pollution control standards during non-flood conditions).

(k) Excessive removal of natural vegetation in a flood hazard area (though not promoting erosion during non-flood conditions) which would promote erosion during flood conditions shall be prohibited, unless demonstrated to the satisfaction of the Guam Environmental Protection Agency that erosion control measures would satisfactorily prevent erosion and sedimentation or that such action is necessary for agricultural field farming. (Note: Deep-rooted natural vegetation such as trees and shrubs absorb water to greater depths and reduce flood levels much more effectively than shallow-rooted grasses and weeds that dominate lands after natural vegetation is cleared.)

(l) All approved flood control measures and structures shall be periodically maintained and immediately repaired

in cases of failure. Flood control measures shall not increase flood heights in upstream areas or cause erosion of lands not previously subject to a higher flood level or increased flood velocity. (Note: Channelization can particularly increase flood velocity due to a reduction in natural impediments to flow. Thus, channeled flood waters should be directed to a suitable point of discharge.)

(m) Flood control measures or development shall not reduce the water supply or biological productivity of a wetland habitat.

(n) An approved seawall for stormwave protection shall not impair public access, contribute to shoreline erosion or significantly disturb scenic vistas or visual quality and shall be sufficiently storm-resistant and structurally safe so as not to create a health or safety hazard.

(o) All approved developments within flood hazard areas shall be floodproofed to the maximum extent practicable. (Note: All exposed doors should be watertight and exposed glass should be wire-reinforced.) (Use of materials which easily deteriorate when exposed to water should not be used.)

(p) Below-ground basements, building space, storage or parking shall be prohibited within flood hazard areas.

(q) Libraries, schools, post offices, museums and other public-use structures, whose maintenance is at public expense or which are used for storage of valuable flood-vulnerable materials, the preservation of which is in the public interest, shall not be located within flood hazard areas.

(r) Cemeteries shall not be located within flood hazard areas. Expansion of existing cemeteries within flood hazard areas shall be permitted as a nonconforming use.

(s) All electrical equipment and the lowest floor of approved structures shall be elevated above the maximum known flood elevation.

(t) All approved structures, including mobile or modular homes and other lightweight structures, shall be anchored to prevent flotation, collapse or lateral movement of the structure or portions of the structure during flood conditions. Ties shall be provided at each of the four (4) corners of the home with two (2) additional ties per side at intermediate locations.

(u) Posts, piles or similar techniques for elevating structures in flood hazard areas shall be secured in concrete footings or by imbedment in the ground to a depth sufficient to withstand hydrostatic or hydrodynamic load, anticipated scour and/or uplift.

(v) Approved structures shall be planned for construction with the longitudinal axis parallel to the direction of flood flow or wave assault whenever possible and additional or adjoining structures shall be planned for placement on the same flood-flow lines as the established structures.

(w) Recreational development such as ballparks or agricultural field farming which does not involve major structural developments does not require issuance of a Flood Hazard Area Permit if outside wetland habitats. Archaeological investigation or restoration of historical sites does not require a Flood Hazard Area Permit. (Note: Floodplains have a high capability for low-intensity uses such as open-space scenic areas, wildlife habitats, groundwater recharge areas, outdoor recreation, field farming and livestock grazing.)

§3407. Designation of Flood Hazard Areas. (a) The Commission shall designate as initial flood hazard areas of particular concern those floodplain designations submitted by the Bureau of Planning for approval under the National Flood Insurance Program.

(b) Subsequent proposed additions, deletions or revisions to these initial flood hazard area designations shall be submitted to the Territorial Planner who shall circulate such proposed changes to SDRC member agencies, the Department of Agriculture and the U.S. Army Corps of Engineers, and other interested agencies or, upon request, private parties.

(c) Upon review by all SDRC members and other interested agencies the proposed flood hazard area shall be submitted to the Commission with recommendations for approval, disapproval or modification. The Commission, upon holding a public hearing in the Commissioner's Office nearest the subject flood hazard areas in which at least ten (10) days notice is provided in a newspaper of general circulation, shall either approve, disapprove or approve with modification the requested flood hazard area designation.

(d) All initially and subsequently approved flood hazard areas shall be officially noted and recorded by the Department of Land Management, Department of Public Works and the Bureau of Planning on official flood hazard area map. Copies of such official flood hazard area maps shall be available to the general public and shall be provided to and retained by all SDRC member agencies.

(e) Officially designated flood hazard areas of too small a size to be accurately delineated on such official maps which are the subject of proposed development shall be verified through on-site field inspection by the Department of Public Works Hydraulics Division. If any portion of the proposed development is determined to be in the designated flood hazard area such development shall be subject to these Rules and Regulations.

NOTE: Adopted and filed October 1981.

Article 5
Wetland Areas

- §3501. Authority.
- §3502. Purpose.
- §3503. Intent.
- §3504. Definitions.
- §3505. Procedures for Development Within Designated Wetland Areas of Particular Concern.
- §3506. Standards for Development and Conservation of Wetland APCS.
- §3507. Designation of Wetland Areas of Particular Concern.

NOTE: Rule-making authority cited for formulation of regulations governing Wetland Areas by the Territorial Planning Commission, 21 GCA §60405.

§3501. Authority. These Rules and Regulations are promulgated by the Territorial Planning Commission under authority of 21 GCA Chapter 60 and Chapter 61, and Executive Order No. 78-21.

§3502. Purpose. The purpose of these Rules and Regulations is to establish procedural guidelines and performance standards for development and conservation of wetland areas pursuant to Executive Order No. 78-21.

§3503. Intent. These Rules and Regulations apply to those land and water areas delineated as Wetland Areas of Particular Concern on an official map of wetlands as approved by the Territorial Planning Commission and retained by the Departments of Land Management, Parks and Recreation, Public Works, Agriculture, the Bureau of Planning, the Guam Environmental Protection Agency and Public Utilities Agency of Guam, government of Guam. Those wetland areas too small to be precisely delineated on the official map of wetlands shall be listed and at the request of SDRC, verified by on-site field inspection by the Department of Agriculture's Division of Aquatic and Wildlife Resources or other government agencies, as determined appropriate by the SDRC. If there is question as to whether a proposed development or activity is within an officially designated wetland and therefore subject to these Rules and Regulations, the Director of the Department of Agriculture shall determine if the developments occurring only partially within a designated or recognized wetland APC shall be subject to these Rules and Regulations. These Rules and Regulations supplement all other provisions of law relating to land use and shall remain in effect until such time as amended by the

Territorial Planning Commission. These Rules and Regulations shall apply to all developments on government of Guam or private lands. Compliance with these Rules and Regulations should precede submittal of applications for permits from the U.S. Army Corps of Engineers for development within wetlands. However, issuance of a permit for development within a wetland by the Territorial Planning Commission shall not preclude the U.S. Army Corps of Engineers from denying an application for development within such wetland area under §404 of the Federal Water Pollution Control Act, as amended.

§3504. Definitions. (a) *Area of Particular Concern (APC)*: A specifically designated geographic area where the presence of unique or significant natural resources, geologic constraints, hazards or other exceptional geographic characteristics warrants and requires the application of extraordinary regulatory or management measures in order to insure the retention of such exceptional qualities or to insure the health, safety and welfare of the general public.

(b) *Wetland*: Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas.

(c) *Development*: Means the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste; grading, removing, dredging, mining or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision of land and any other division of land including lot parcelling; change in the intensity of use of water, ecology related thereto or of access thereto; construction or reconstruction, demolition or alteration of the size of any structure, including any facility of any private, public or municipal utility, and the removal of significant vegetation.

(d) *Environmental Impact Assessment (EIA)*: A detailed description of a proposed action including: Information and technical data adequate to permit a careful analysis of environmental, economic and social impacts; discussion of

the probable impact on the environment and any direct or indirect consequences that may result from the action; any adverse effects that cannot be avoided; alternatives to the proposed action that might avoid some or all of the adverse environmental effects; assessment of the cumulative long-term effects of the proposed action including its relationship to short-term use of the environment in comparison with long-term productivity and irreversible or irretrievable commitments of resources.

(e) *Aquaculture Facility*: A facility for the culture or commercial production of aquatic plants and animals for food sales and distribution.

(f) *Threatened and Endangered Wildlife*: Species of plants and animals:

(1) determined by the Department of Agriculture's Division of Aquatic and Wildlife Resources to be of such limited numbers as to be in immediate danger of extinction or reduction to a critically low population level on Guam if faced with continued habitat reduction or alteration; or

(2) so designated by the U.S. Department of Interior's Fish and Wildlife Service on the latest list of "Endangered and Threatened Wildlife and Plants."

(g) *Commission*: Means the Territorial Planning Commission.

(h) *Industrial, Commercial and Residential Development*: Means such development as described under the Zoning Law, Title XVIII, Government Code of Guam as permissible uses under, respectively, the "M1" and "M2," "C" and "R1 and R2" zones.

§3505. Procedures for Development Within Designated Wetland Areas of Particular Concern.

(a) Before issuance of any permit for development within a wetland APC, a tentative plan for the proposed development shall be submitted to the Territorial Planner including a thorough description of the proposed development and the following specific information:

(1) The name and address of the owner or owners of record, of the developer and of the person preparing the map.

(2) Date, north arrow and scale.

(3) A key map locating the development in relation to surrounding areas.

(4) The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.

(5) The accurate placement and outline of structures existing on the site.

(6) The location, names and existing widths of adjacent street right-of-way.

(7) Topography with contour intervals of two (2) feet.

(8) The location and dimensions of all known existing easements and reservations.

(9) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.

(10) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.

(11) Areas intended to be reserved for public use.

(b) A tentative plan of the proposed development shall be prepared in sufficient detail so as to permit its complete analysis by the Commission. The tentative plan for any project other than a single-family dwelling unit shall include a schedule indicating the approximate dates when construction or development stages are planned to begin and be completed. The Commission or Territorial Planner at the request of another government agency or department, may require submittal of detailed construction drawings and/or preparation of an EIA for analysis prior to issuance of any clearing, grading, building or other permits.

(c) A performance bond or undertaking may be required by the Commission for any development undertaken pursuant to an approved tentative plan within a wetland. The amount of the bond shall be one hundred ten percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars (\$2,000.00). The entire bond or any undertaking of any portion thereof shall

be forfeited as determined by the Commission for failure to comply with any applicable wetland, water quality or zoning regulation except as allowed for under a variance or other legal exception from such requirements. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features or restoration of the project should these not be completed by the developer.

(d) Upon certification by the Territorial Planner that such complete and accurate information as required and requested has been provided, such documents shall be submitted to the Subdivision and Development Review Committee as established under Executive Order No. 78-2, and the Department of Agriculture, Division of Aquatic and Wildlife Resources.

(e) The Subdivision and Development Review Committee shall receive comments from the Bureau of Planning, Department of Public Works, Department of Land Management, Department of Parks and Recreation, Guam Environmental Protection Agency, Department of Agriculture's Division of Aquatic and Wildlife Resources and other agencies indicating interest in a particular development proposal, prior to submittal of recommendations to the Commission. Comments should be submitted before or on the date of the scheduled SDRC meeting when the development proposal is to be reviewed, but will be accepted up until the time of the scheduled Commission meeting in which the project is to be presented for review.

(f) The Commission shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon receipt of approval by the Commission for development within the wetland, the applicant should apply for such other permits as may be required by the Federal government.

(g) If a field inspection by relevant local or federal agencies concludes that the development has not adhered to all applicable rules and regulations, or conditions imposed by the Commission, the Attorney General shall take such action as necessary to ensure compliance with such requirements. Penalties for violation of these Regulations shall be the same as for violations of the Seashore Protection Act, 21 GCA Chapter 63.

(h) Any expansion or alteration of an approved project, which exceeds fifty percent (50%) of the physical value of the original structure or development, shall require application for a new Wetland Permit from the Commission.

(i) Upon Commission approval of an EIA or tentative plan for a proposed commercial development within a wetland APC, the developer may be requested to demonstrate that sufficient funding is available for the project, prior to issuance of a Wetland Permit.

(j) During all phases of a proposed development project and application for permit, the land area shall be open for inspection by all interested agencies or parties.

(k) If a development project is not completed or operations totally cease within a prescribed time period, if any, indicated on the approved permit, the developer shall be required to restore the natural appearance and biological character of the wetland to its condition prior to institution of the development to the maximum extent practicable.

(l) The comments submitted to the Commission, by government of Guam agencies, on requests for development within wetlands, as summarized by the Executive Secretary of the Commission shall constitute the government of Guam's position on such projects for the purpose of providing comment to the U.S. Army Corps of Engineers under their permit process for wetland development.

(m) Variances to such procedures and standards as outlined in these Rules and Regulations may be granted by the Commission only upon written findings that the applicant satisfies all of the four (4) criteria for granting of zoning variances under 21 GCA §616§7 (a)-(d).

§3506. Standards for Development and Conservation of Wetland APCS. (a) All development within a wetland APC shall comply with all air and water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency.

(b) Wetland acreage shall not be reduced by filling or dumping material over submerged areas unless issued a Wetland Permit by the Commission.

(c) Wetlands shall not be graded, dredged or subject to removal of large areas of productive plant life unless issued a Wetland Permit by the Commission.

(d) The flow of water within or into wetlands shall not be altered so as to adversely effect the wetland by blocking or channelizing rivers (within or upstream from the wetland) or tidal flow, or reducing natural spring discharge unless issued a Wetland Permit by the Commission.

(e) Any development which substantially increases the potential for damaging flooding of properties within or adjacent to the wetland shall not be permitted within a wetland APC.

(f) Development of any structure subject to damage, or posing a health or safety threat to the public or the wetland environment, due to flooding of the wetland shall not be permitted within a wetland APC.

(g) Any developments, including aquaculture facilities existing within wetland APCs, at the time rules and regulations for wetland APCs are promulgated, do not require a Wetland Permit for existing use and structures, and are not subject to restoration requirements.

(h) Proposed aquaculture operations, expansion of existing aquaculture operations and/or reactivation of aquaculture sites within wetland APCs shall require preparation of an EIA prior to issuance of a Wetland Permit by the Commission.

(i) Proposed ponding or storage facilities; industrial, residential or commercial development may be permitted within wetland APCs only upon a finding by the Commission that no feasible alternative sites exist and that such development is dependent on location within a wetland.

(j) Passive recreational and educational uses and structures such as unpaved foot trails, interpretive signs, elevated walkways, portable tables, etc., within wetland APCs shall not require Wetland Permits, but shall be subject to applicable Department of Parks and Recreation rules and regulations and Department of Agriculture hunting regulations.

(k) Hunting, removing or otherwise disturbing threatened or endangered wildlife or plants within wetland APCs is prohibited unless such actions are in

compliance with the rules and regulations of the Department of Agriculture and such actions are essential to the health, safety and welfare of the general public and alternative actions are not feasible. Removal of small amounts of non-threatened or non-endangered wildlife for non-commercial home consumption or medicinal use does not require issuance of a Wetland Permit.

§3507. Designation of Wetland Areas of Particular Concern. (a) The Commission shall designate as initial wetland areas of particular concern those wetlands identified on the Bureau of Planning's Community Design Maps, as approved by the Governor, and those mangrove strands and wetlands delineated in the Army Corps of Engineers' Inventory and Mapping of Wetland Vegetation in Guam, Tinian and Saipan, June, 1977 and the Appendix of the Bureau of Planning's Atlas of the Reefs and Beaches of Guam, 1976.

(b) Subsequent proposed additions, deletions or revisions to these initial wetland APC designations shall be submitted to the Territorial Planner who shall circulate such proposed changes to SDRC member agencies, the Department of Agriculture and the U.S. Army Corps of Engineers, and other interested agencies or, upon request, private parties.

(c) Upon review by all SDRC members and other interested agencies the proposed wetland APC shall be submitted to the Commission with recommendations for approval, disapproval or modification. The Commission, upon holding a public hearing in the Commissioner's Office nearest the subject wetland areas in which at least ten (10) days notice is provided in a newspaper of general circulation, shall either approve, disapprove or approve with modifications the requested wetland APC designation.

(d) All initially and subsequently approved wetland APCs shall be officially noted and recorded by the Department of Land Management and the Bureau of Planning on official wetland APC maps. Copies of such official wetland APC maps shall be available to the general public and shall be provided to and retained by all SDRC member agencies.

NOTE: Adopted and filed October 1981.

Article 6
Regulations Pertaining to Submission, Review
and Adoption of Elements of the
Comprehensive Development Plan

§3601.	Legislative Authority
§3602.	Definitions
§3603.	Plan Preparation
§3604.	Plan Submission
§3605.	Plan Review
§3606.	Plan Adoption
§3607.	Plan Implementation
§3608.	Plan Update
§3609.	Severability.

§3601. Legislative Authority. These Rules and Regulations are promulgated pursuant to 5 GCA §1203.

§3602. Definitions. (a) *Council* means the Territorial Planning Council.

(b) *Public Meeting* means a gathering of members of the public called together by an applicant for the purpose of obtaining input in the development of a plan.

(c) *Public Hearing* means a gathering of members of the public called together by an applicant and the Council for the purpose of obtaining input on the approvability of a plan.

(d) *Plan* means any public document that specifies long-range actions to be taken by the government and its agencies in pursuit of identified goals and objectives. Such plan shall have a duration of more than one (1) year but shall not include physical construction plans.

(e) *Plan Element* means a component of the comprehensive development plan as specified in 5 GCA §1210.

(f) *Act* means Public Law 20-147.

(g) *Council Staff* means those individuals employed to provide support to the Council, under the supervision of the Director of the Bureau of Planning.

(h) *Incomplete Plan* means any plan that does not satisfy the requirements and concerns of the Council.

(i) *Applicant* means any agency (including autonomous) of the Government of Guam that prepares plans defined in subsection (e) and any private group or individual that requests the Council to include a plan that meets the definition of subsection (e) as an element of the Comprehensive Development Plan.

§3603. Plan Preparation. (a) It is the policy of the Council that the public be afforded maximum opportunity to participate in the preparation of the Comprehensive Development Plan and elements thereof.

(b) At least one public meeting shall be held at the start of the plan preparation process to obtain public input on the problems and issues to be addressed in the plan.

(c) At least one public meeting shall be held to obtain public input in the identification of policies and recommendations to be contained in the plan.

(d) No plan shall be submitted to the Council until the requirements of this section have been satisfied unless the applicant can demonstrate to the satisfaction of the Council that the plan was substantially complete before these rules and regulations took effect.

§3604. Plan Submission. (a) Not later than thirty (30) calendar days after compliance with 5 GCA §1214 of the Government Code of Guam which provides for affected agency input, the plan and supporting documents shall be submitted to the Council via the Council's staff by the applicant.

(b) Thirteen (13) copies of the following shall be submitted to the Council by the applicant:

(1) A synopsis of the plan;

(2) An attendance record where applicable for each public meeting;

(3) A synopsis of each public meeting to contain a summary of public input received;

(4) A listing of agencies which provided comments and a synopsis of agency responses;

(5) The entire plan.

§3605. Plan Review. (a) The Council recognizes that certain legally-mandated plans are already required to be heard publicly under the laws or regulations dealing with these plans. It is the Council's intent that hearing requirements be consolidated to reduce time and expenses while still affording maximum opportunity for public input.

(b) Within 20 calendar days after receipt of the plan and supporting documents, the Council shall meet to discuss the plan and to determine whether or not public hearing(s) can be held on the plan.

(c) Should the Council determine that the plan cannot be publicly heard, the Council shall deem the plan incomplete and return it to the applicant with a specific listing of the plan's deficiencies.

(d) Should the Council determine that the plan can proceed to public hearing(s), the Council shall set the time(s), date(s) and location(s) of the hearing(s) and so notify the applicant. The Council shall announce the public hearing(s) by notifying the media and publishing advertisements in a newspaper of general circulation on Guam, ten (10) calendar days and one (1) calendar day prior thereto. In no event shall the hearing(s) be held more than forty-five (45) working days after receipt of a complete plan by the Council.

(e) One (1) Council member, as determined by the Chairman, shall preside at such hearing(s) to accept public input on the plan.

(f) The applicant shall present the plan at the hearing(s) and shall field any questions on such plan.

(f) The Council staff shall provide other support services as required.

§3607. Plan Adoption. (a) Within twenty (20) calendar days after the last public hearing on a plan, the Council shall meet to develop its recommendations to the Governor.

(b) Within thirty (30) working days after the last public hearing on a plan, the Council shall submit detailed 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, and shall include a summary of testimony at the public hearing(s) or received in writing.

(c) Action on the plan will be taken by the Governor and the Legislature as specified in 5 GCA §1207.

§3608. Plan Implementation. (a) The applicant shall be principally responsible for implementing an approved plan. Status reports on plan implementation shall be submitted by the applicant to the Council every six (6) months after plan approval by the Legislature. These reports shall specify the status of the projects identified in the plan; the status of actions taken by other agencies to implement recommendations contained in the plan; funding requirements to be accommodated by the applicant, other agencies or the Council; and any amendments required to the plan.

(b) The Council, through its staff, shall be responsible for overseeing plan implementation to include coordination between the applicant and other agencies that possess responsibilities for implementing sections of the plan. The staff shall provide periodic reports to the Council during the regular meetings of the Council.

§3609. Plan Update. (a) All plans shall be updated three (3) calendar years after approval by the Legislature. Should circumstances warrant an earlier update, the Council shall so inform the applicant at the earliest possible time to allow the applicant to obtain necessary funding. The procedures specified in these Rules and Regulations shall be followed for developing, reviewing and approving plan updates.

§3610. Severability. (a) If any part or section of these regulations is declared to be invalid by a court of law or administrative tribunal for any reason, the rest of these regulations shall not be affected thereby and shall remain valid and enforceable.

Article 7
Development Review Committee

§3701.	Authority
§3602.	Official Name
§3603.	Purpose
§3604.	Organization
§3605.	Duties and Functions
§3606.	Support Staff
§3607.	Meetings
§3608.	Application Procedure
§3609.	Approval of Agendas
§3610.	Voting
§3611.	Order of Business
§3612.	Parliamentary Procedures - The Rules of Order
§3613.	Amendments

NOTE: The original Development Review Committee Rules were promulgated through the administrative adjudication process and submitted to the Guam Legislature on November 14, 1990.

§3701. Authority. These Rules are promulgated under the authority of Executive Order 90-09, May 25, 1990 (See Appendix A); Executive Order 92-06, February 21, 1992 (See Appendix B); and the Administrative Adjudication Law (Title 5 Guam Code Annotated, Section 9100, et seq.)

§3702. Official Name. The official name of the Committee shall be the Development Review Committee, referred to as DRC or Committee. The official name of these rules and regulations as promulgated under the authority of Executive Orders 90-09 and 92-06 shall be the Development Review Committee Rules and Regulations.

§3702. Purpose. The Committee is an entity formulated for the purpose of providing the Territorial Land Use Commission/Territorial Seashore Protection Commission (TLUC/ TSPC/Commission) with technical and professional review, analysis, advice, and individual agency positions concerning various development activities on Guam. Such agency positions shall demonstrate the performance of the following prior to a proposed development being forwarded to and decided upon by the TLUC/TSPC. Within its mandated area of authority, each DRC agency shall:

(a) Ensure compliance with regulatory standards, procedures, policies, rules and regulations;

(b) Ascertain the overall environmental, socio-economic, infrastructural and cultural impact of proposed projects;

(c) Evaluate alternative development activities or subdevelopment alternatives with applicant/developer/petitioner to provide the best development plan for the community;

(d) Assist other DRC member agencies and other government agencies in establishing social, physical-infrastructure, economic, and cultural programs and standards for the proper development of Guam's present and future growth;

(e) Develop and provide official position statements by government of Guam agencies on applications submitted under the Zoning and Subdivision Laws, the Territorial Seashore Protection Act and other such laws as may be enacted by the Legislature

§3704. Organization. (a) **Voting Members.** Voting members as defined in Executive Orders 90-09 and 92-06 are:

(1) Planning Division, Department of Land Management; the Territorial Planner shall be the Chairperson;

(2) Building Permit Section, Department of Public Works;

(3) Department of Public Works (other than Building Permits Section);

(4) Guam Environmental Protection Agency;

(5) Department of Parks and Recreation;

(6) Public Utility Agency of Guam;

(7) Bureau of Planning;

(8) Chamorro Language Commission;

(9) Department of Agriculture;

(10) Department of Commerce;

(11) Guam Fire Department;

(12) Department of Public Health and Social Services.

(b) **Ex-Officio Members.** Ex-Officio members shall be designated by majority vote and shall be informed of meeting times, agendas, locations, and other pertinent

information. They shall not vote on matters before the DRC. The permanent Ex-Officio members are:

(1) Department of Education, made permanent on November 14, 1990; and

(2) Guam Power Authority, made permanent on November 14, 1990.

(c) The Chairman shall call all meetings to order, oversee the application procedure and transmit all comments and recommendations to the Territorial Land Use Commission/Territorial Seashore Protection Commission. Any Acting Territorial Planner shall automatically become Acting Chairman of this Committee.

(d) The Attorney General's Office shall provide legal assistance as deemed necessary. In instances where legal assistance may be required, the project will be held in abeyance until such assistance is rendered.

(e) These Rules and Regulations shall apply to any Special Development Review Committee meeting held.

(f) Special Development Review Committee meetings shall be convened when necessary, with the petitioner in attendance if practicable, to discuss the proposed application.

§3705. Duties and Functions. The DRC shall:

(a) Promote and assure the compliance of development with all laws, and applicable governmental policies and plans;

(b) Advise petitioners on alternatives to ensure that proposed projects comply with applicable laws;

(c) Advise petitioners of the procedures and requirements for submitting applications;

(d) Develop and provide official position statements by the individual Committee members on applications submitted under the Zoning and Subdivision Laws, the Territorial Seashore Protection Act and other such laws as may be enacted by the Legislature or regulations, policies, procedures adopted under such laws;

(e) Refrain from forwarding applications to the Territorial Land Use Commission/Territorial Seashore Protection Commission until such time as the Development Review Committee has had full

opportunity to review the project to the satisfaction of constituent members, as per their respective Agency's/Department's mandated concerns, provided, however, that the time limits set forth in Executive Orders 90-09, 92-06 are met.

(f) Respond within two weeks to the Territorial Land Use Commission whenever the Committee is notified in writing by the Territorial Land Use Commission that the Commission is contemplating taking favorable action where such action is contrary to any Development Review Committee member's position. The two-week time frame shall commence from the date of notification to the Development Review Committee of contemplated favorable Territorial Land Use Commission action (Executive Order 90-09).

§3706. Support Staff. The Planning Division of the Department of Land Management shall provide staff support to:

(a) Implement the intent of Executive Orders 90-09, 90-10, and 92-06;

(b) Retain project files by lot number, municipal district, petitioner, type of application or other means of cross-referencing project files;

(c) Develop and revise as needed a planning information sheet which lists needed facts for review;

(d) Develop and revise as needed flow charts for application processing;

(e) Review project/development applications;

(f) Request meetings with the petitioner, distribute applicant's information packets to all DRC members prior to the Committee meeting;

(g) Provide DRC minutes to Committee members;

(h) Collect the final Development Review Committee position statements;

(i) Provide the action section of the TLUC/TSPC approved minutes unless the Committee or a constituent member requests for the specific discussion and action section of an application or the entire approved TLUC/TSPC minutes; and

(j) Provide all permitting agencies and DRC member agencies with a copy of the Notice of Action within one week following recordation of the Notice of Action.

§3707. Meetings. (a) There shall be at least two (2) regular DRC meetings per month. These meetings shall be held on alternate Thursdays from the TLUC/TSPC meetings unless such meeting falls on a legal holiday. If a regular meeting was not held on the aforementioned days then in those instances the Committee meetings shall be on the subsequent Tuesday.

(b) Special meetings may be called by the Committee Chairman. These special meetings shall require at least four (4) days notice to all members unless additional time is requested by any Committee member.

(c) Majority (50% + 1) of voting members shall constitute a quorum for the purpose of conducting its business and for all other purposes.

(d) The Committee shall hold its meetings at a location to be determined by a majority vote at any meeting.

§3708. Application Procedure. (a) Applications for:

- (1) Conditional Uses;
- (2) Zone Changes;
- (3) Zone Variances;
- (4) Subdivision Variances;
- (5) Tentative and Final Subdivisions;
- (6) Wetland Permits;
- (7) Seashore Clearances; and

(8) Other land use permit applications shall meet the requirements of the TLUC/TSPC, including the requirements of Executive Orders 90-09, 90-10, and 92-06. Completed applications shall be submitted to the Territorial Planner in accordance with the TLUC/TSPC requirements.

(b) Upon receipt of the application, the Territorial Planner shall review the application for completeness and correctness prior to acceptance for submittal to each

Committee member. Incomplete applications shall not be accepted by the Territorial Planner.

(c) Completed applications are those applications that provide all information required in the forms prescribed by the Territorial Planner.

(d) Completed applications shall be received and initialed by the Territorial Planner or his authorized representative, who shall stamp the date and time the application was received.

(e) After acceptance by the Territorial Planner, applications shall be transmitted, together with an approved review form, to DRC members at least two weeks prior to the next Committee meeting.

(f) The petitioner shall be notified when and where to appear before the DRC and shall be informed of the purpose of the DRC meeting.

(g) The Territorial Planner shall provide a tentative DRC agenda to be approved by DRC not less than two weeks prior to the next regularly scheduled DRC meeting. The tentative DRC agenda shall be considered approved pursuant to the Committee's rules.

(h) The Territorial Planner shall establish the Committee's approved agenda. Agenda applications approved at the previous meeting shall be considered and heard by the Committee. In no event shall the agenda exceed ten applications for review at each meeting.

(i) The Territorial Planner shall not forward an application to the Territorial Land Use Commission/Territorial Seashore Protection Commission until such time as the Development Review Committee has had full opportunity to review the project to the satisfaction of constituent members, as per their respective Agency's/Department's mandated concerns.

(1) Application Process:

(A) The Committee shall formally hold a meeting with the petitioner to discuss the application, thus commencing its 60-day preliminary assessment period. The application shall be forwarded to the Territorial Land Use Commission anytime after 30 days immediately following the end of the preliminary assessment period, unless all position statements have been

submitted and received by the Department of Land Management.

(B) If any Committee member finds an application to be incomplete or lacking pertinent information which may reasonably be deemed necessary to formulate comments or recommendations at any time within the 60-day preliminary assessment period, the application shall not be forwarded to the TLUC/TSPC until such time as the Committee member has been provided with the information it requires.

(C) Members shall submit written comments in individual position statements to the Territorial Planner no later than the time provided for in Executive Orders 90-09 and 92-06. The position statements shall indicate a clearly stated recommendation for approval; approval with conditions; or disapproval.

(D)(1) If in the course of the initial sixty (60) day period, a voting member of the Development Review Committee determines that additional time is required for adequate review and determination of an opinion on the project application, that member shall notify the petitioner and the Commission via the Territorial Planner in writing. Such notification shall consist, at a minimum, of:

(i) the estimated length of time required for the review;

(ii) precisely what information is required from the petitioner to continue the review process;

(iii) a description of the review of the submitted information.

(D)(2) Such additional information shall not be deemed to be official until it has been accepted by the requesting agency, and said agency has had sufficient time to review information for adequacy and completeness.

(E)(1) If a petitioner fails to comply with a written request for information by the Development Review Committee, any consequent delay shall not be considered

applicable for the purposes of determining the time limits between the receipt of the original application and the deadline for submission of position statements to the Territorial Land Use Commission.

(i) The DRC Chairman shall inform the Commission on the status of a specific application when requested by the Commission.

(ii) The application shall be construed as voluntarily withdrawn by the applicant from the application process should the petitioner fail to comply with the member agency's request for additional information within ninety (90) calendar days from receipt of notification unless the petitioner formally requests and is granted additional time to comply with the request for additional information;

(iii) Should the application be removed from the Commission process, the Commission shall be informed of the status of the application and provided a staff findings report outlining the reasons for the application removal.

(E)(2) Continuation of the 60-day review period does not resume until additional information/documents requested are officially received by the requesting agency.

(F) If a member of the DRC does not notify the Territorial Land Use Commission and the petitioner of any requirement for additional review time, then the application shall be automatically forwarded to the Territorial Land Use Commission ninety (90) days after receipt of the application by the Development Review Committee. Member agencies that do not submit a position statement may be called before the TLUC/TSPC to explain the lack of position statement.

(G) The Commission shall not consider for action any project application that has not completed the review by the DRC, but will

provide member agencies ninety (90) calendar days to provide a written position statement. Should the member agencies not provide written position statements within the 90 calendar days, the application shall be forwarded to the Commission for final action.

(H) Conditional Use applications or any application to the Commission for golf course approval are required to submit Environmental Impact Assessments or Statements (EIA/EIS) in accordance with all the provisions of Executive Order 90-10. For any application not covered in a category specified in Executive Order 90-10, the Territorial Planner may require from the petitioner an approved EIA which certifies that no significant impact will result from the proposed activities as specified in the application request, in accordance with E.O. 90-10.

(2) Special Development Review Committee Meeting:

(A) Should any member agency believe that an application has potentially significant adverse impact that would require additional preliminary assessment time beyond the 60 days, any member agency may request from the DRC Chairman that a special meeting be held.

(B) The Chairman, at the request of the Committee, shall assign or establish Ex-Officio members in the event additional technical expertise is required for the proper review and analysis of any application. A copy of the application shall be provided to the Ex-Officio Agency in a timely manner so as to allow for adequate opportunity to review the application and provide comments in writing. The recommendations and comments of Ex-Officio members shall be considered by each DRC member agency when formulating official agency position statements.

§3709. Approval of Agendas. (a) The Territorial Planner shall compile all written comments and prepare a proposed agenda for TLUC/TSPC. The proposed agenda will be submitted to DRC for review and final unanimous approval by the voting members prior to referral to

TLUC/TSPC, subject to the provisions of Section §3707 of these rules.

(b) The Territorial Planner shall transmit all written comments and recommendations to the Chairman of the TLUC/TSPC on all applications no later than seven (7) days before the TLUC/TSPC reviews the proposal.

(c) All tentative agenda items for both DRC and TLUC/TSPC must be unanimously approved by the DRC no less than two weeks in advance of the scheduled meeting.

§3710. Voting. (a) Motions on procedural matters shall be passed by majority vote of those voting members present.

(b) Motions on TLUC/TSPC agenda application items to be forwarded to the TLUC/TSPC shall be passed by unanimous vote of those voting members present.

(c) Voting shall be in accordance with the Committee's adopted rules of order.

§3711. Order of Business. At the regular meetings of the Committee, the following shall be the order of business:

- (a) Taking of Attendance;
 - (b) Approval of Minutes;
 - (c) Old or Unfinished Business;
 - (d) New Business;
 - (e) Approval of TLUC Agenda;
 - (f) Approval of DRC Agenda;
 - (g) Administrative and Miscellaneous Matters;
- and
- (h) Adjournment.

§3712. Parliamentary Procedures - The Rules of Order. Parliamentary procedures set forth in Robert's Rules of Order shall govern the conduct of all Committee meetings except as otherwise provided.

§3713. Amendments. These Rules and Regulations may be amended pursuant to the Administrative

Adjudication Law (Title 5 Guam Code Annotated, §§9100-9312).