

TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 90-15

ESTABLISHING INTERIM GUIDELINES
FOR THE DEVELOPMENT REVIEW COMMITTEE

Whereas, the people of Guam have always lived in close harmony with the land and the sea; and

Whereas, Executive Order 90-09 establishes the Development Review Committee for the purpose of providing for effective intergovernmental review and analysis of various development activities brought before the Territorial Land Use Committee/Territorial Seashore Protection Commission; and

Whereas, there is a need to provide for operating rules and regulations for the Development Review Committee; and

Whereas, there is a need to foster sound economic development within the Territory of Guam in accordance with all the laws and regulations governing land and water use and to ensure that developers abide by these laws; and

Whereas, it is in the interest of the people of Guam to promulgate interim guidelines to carry out the mandates of Executive Order 90-09.

NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order that:

- 1 The Development Review Committee shall draft rules and regulations as necessary for its operations and shall submit such rules and regulations for Public Hearing and to the Legislative Secretary for the Administrative Adjudication process within 120 days of this Executive Order; and
2. The following interim guidelines for the Development Review Committee shall be the official operating guidelines until such time permanent rules and regulations for the Development Review Committee can be promulgated and adopted:

Section 12300. Authority, Purpose, and Duties.

Section 12301. Meetings.

Section 12302. Organization.



Section 12303. Application Procedure.

Section 12300. Authority, Purpose, and Duties.

A. Pursuant to the authority of Executive Order 90-09 of the 25th day of May, 1990, set out herein are Interim Guidelines promulgated for the purpose of providing guidance to the Development Review Committee in:

1. Developing and providing official position statements by GovGuam 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.

2. Advising applicants of the procedures and requirements for submitting applications.

3. Advising applicants on alternatives to ensure that proposed projects comply with applicable law.

4. Promoting and assuring the compliance of development with all appropriate governmental policies and plans; and,

5. Establishing rules and regulations as necessary to effectively carry out those duties and responsibilities as outlined above.

B. Each Committee member shall advise the Territorial Land Use Commission by written review comments and suggestions.

Section 12301. Meeting.

A. There shall be at least two (2) meetings a month held on the 1st and 3rd Thursday of the month. If such meeting falls on a legal holiday or is cancelled because of unforeseen circumstances, the meeting shall be held on the following Tuesday.

B. Six (6) members shall constitute a quorum.

c. All meetings shall be open to the general public.

Section 12302. Organization.

A. Membership

1. Membership is defined in Executive Order 90-09 and is listed as follows:



a. Planning Division, Department of Land Management, the Territorial Planner of which shall be the Chairperson.

b. Building Permit Section, Department of Public Works.

c. Department of Public Works (other than Building Permits Section).

d. Guam Environmental Protection Agency.

e. Department of Parks and Recreation.

f. Public Utility Agency of Guam.

g. Bureau of Planning.

h. Chamorro Language Commission.

i. Department of Agriculture.

j. Department of Commerce.

B. The Attorney General's Office shall provide assistance as deemed necessary.

C. Ex-Officio Members shall be designated by majority vote of the DRC. Such members shall be informed of meetings, times, agendas, and applicant information.

D. For projects which may result in potentially significant impacts, the Chairman may establish Ad-Hoc Subcommittees. These subcommittees are identified below and their membership and duties are listed as follows:

1. Ad-Hoc Infrastructure Subcommittee - Department of Public Works (Chair), Department of Land Management, Public Utility Agency of Guam, Guam Power Authority, Guam Telephone Authority, and Guam Environmental Protection Agency; and,

2. Ad-Hoc Environment Subcommittee - Guam Environmental Protection Agency (Chair), Department of Land Management, Department of Agriculture, Bureau of Planning, Public Utility Agency of Guam, University of Guam, and Department of Parks and Recreation; and,

3. Ad-Hoc Social/Cultural Subcommittee - Department of Parks and Recreation (Chair), Department of Land Management, Bureau of Planning, Department of Public Health & Social Services, Guam Fire Department, Guam Police Department, Guam Memorial Hospital Authority, Chamorro Language Commission, Department of Commerce, Department of Education, Guam Community College, and University of Guam.

4. The subcommittees shall meet as necessary with the applicants to discuss the applicants' proposals.



5. The Chairman of each subcommittee shall report to the DRC prior to submittal of the application to TLUC/TSPC.

E. Voting.

1. Motions on procedural matters can be made by and seconded by any member as identified by Executive Order 90-09.

2. Motions shall be passed by a majority vote of those members present.

F. Officers and Supporting Staff.

1. 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.

2. The Planning Division of the Department of Land Management shall implement the intent of Executive Order 90-09; retain project files by lot number and municipality; develop and revise as needed a planning information sheet which lists needed facts for review; develop and revise as needed the flow charts for processing; review applications; may request meetings with the applicant, distribute packets of applications to members prior to the DRC meeting; and, collect the final Development Review Committee position statements.

Section 12303. Application Procedure.

A. Applications for subdivision approvals, zone changes, conditional uses, seashore clearances, wetlands permits, variances, and other permit applications shall meet the current requirements of the Territorial Land Use Commission/Territorial Seashore Protection Commission including the requirements of Executive Order 90-10. Completed applications shall be submitted to the Territorial Planner in accordance with the Territorial Land Use Commission/Territorial Seashore Protection Commission requirements, defined as follows:

1. Completed applications are those applications that provide all information required in the forms prescribed by the Territorial Planner;

2. Completed applications shall be received and initialled by the Territorial Planner or his authorized representative who shall stamp the date and time the application was received; and,



3. Upon receipt the Territorial Planner shall review application for completeness and correctness prior to acceptance for submittal to DRC. Incomplete applications shall not be accepted by the Territorial Planner.

B. After their acceptance by the Territorial Planner, applications shall be transmitted together with an approved review form, to all voting members two (2) weeks prior to the next DRC meeting by the Territorial Planner. All applications for DRC consideration must receive acceptance by the Territorial Planner no less than three (3) days prior to the next date applications must be sent to the members.

C. Upon acceptance by the Territorial Planner, the applicant shall be notified when and where to appear before the DRC and shall be informed of the purpose of the DRC. The Territorial Planner shall establish the DRC agenda. In no event shall the agenda exceed ten (10) applications for review at each meeting.

D. Members shall submit written comments to the Territorial Planner.

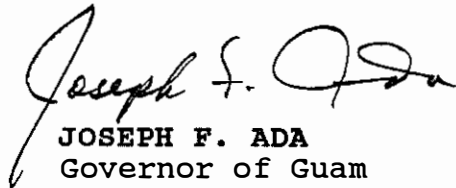
E. If any DRC member finds any applications to be incomplete or lacking pertinent information, which may reasonably be deemed necessary to formulate comments or recommendations, the application shall not be forwarded to the TLUC/TSPC until such time as the DRC member has been provided with the information it requires. For any application not covered in a category specified in Executive Order 90-10, any DRC member may require an Environmental Impact Assessment of any applicant.

F. The Territorial Planner shall transmit all written comments and recommendations to the Territorial Land Use Commission/Territorial Seashore Protection Commission on all applications no later than fourteen (14) days before the Territorial Land Use Commission/Territorial Seashore Protection Commission reviews the proposal.



G. 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 prior to referral to TLUC/TSPC.

SIGNED AND PROMULGATED at Agana, Guam, this 29th day of JUNE,


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:



FRANK F. BLAS
Lieutenant Governor of Guam