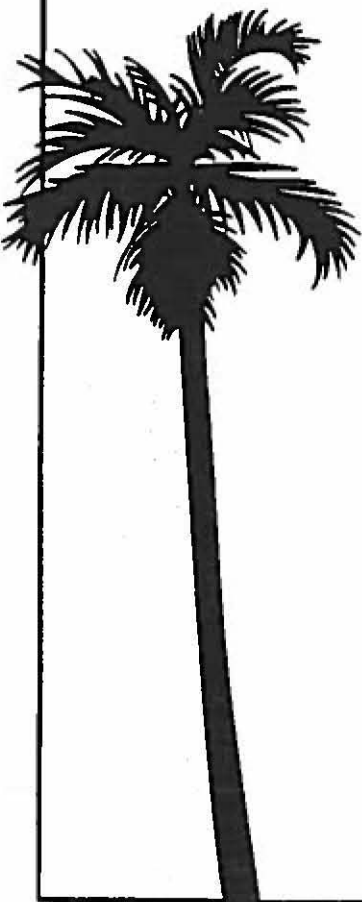
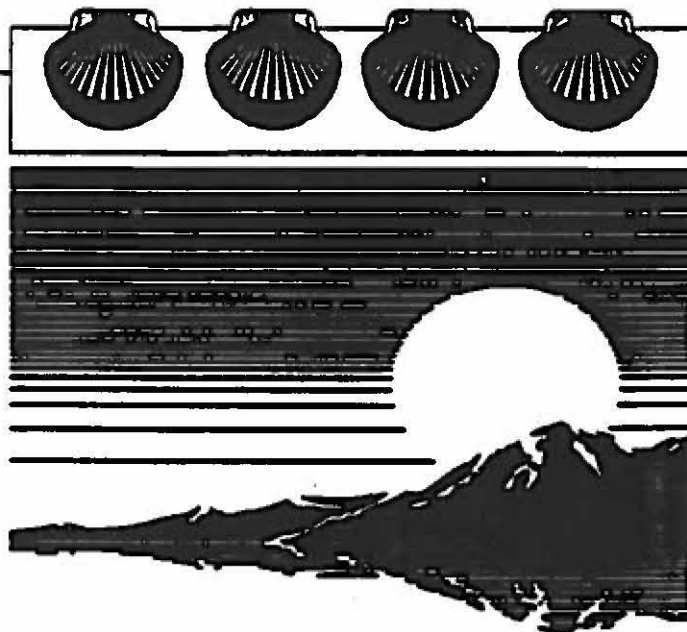




I Tano'-ta The Land Use Plan for Guam



PREPARED FOR
The Territorial Planning Council

EXECUTIVE SUMMARY

W. B. FLORES & STRATEGIC PLANNING GROUP

I TANO'-TA

THE LAND USE PLAN FOR GUAM

EXECUTIVE SUMMARY

February 1994

Prepared for:

THE TERRITORIAL PLANNING COUNCIL

Submitted By:

W.B. FLORES & ASSOCIATES/STRATEGIC PLANNING GROUP, INC.
A Joint Venture

EXECUTIVE SUMMARY

PURPOSE

I Tano'-ta : The Land Use Plan for Guam, provides the framework for managing growth and development of the Territory. Its purpose is to guide development in a coordinated and harmonious manner which will permit the timely provision of adequate community services, protect the delicate ecological balance of the environment and promote the health, safety, convenience, prosperity and general welfare of Guam's residents and visitors.

BACKGROUND

Guam has experienced significant population increases since the 1960s. The last 30 years have seen increasing impacts on the quality of life of the citizens of the Territory, including an increase in the number and range of employment opportunities and the standard of living for many residents. However, other impacts have contributed to the lessening of some aspects of the quality of life. These include: the complex interrelationships of increased traffic congestion; the rising cost of housing, food, and other living expenses; rapid development of land and a need to provide corresponding infrastructure, a loss of some environmentally sensitive areas and open space, and the rapid development of the Territory's remaining beaches.

The Twentieth Guam Legislature, in response to the impacts of rapid growth, passed Public Law 20-147 in 1990 which specifically mandates the creation of a comprehensive development plan to provide long-range guidance for the physical, economic, and social development of the Territory. With the creation of the Master Plan in 1966, and then through the development of various more specific land use plans (1977, 1978 and 1984), surveys, public workshops, and public hearings, the government has attempted to put into place policies for the orderly development of Guam.

Unfortunately, many of the plans and recommendations completed since the 1966 Master Plan were not implemented. As the island experienced tremendous economic growth without a comprehensive approach addressing the expected impacts such as traffic jams, diminished recreational opportunities, increased air and water pollution, rising land values and shortages of affordable housing, and infrastructure deficiencies, the Twentieth Legislature foresaw the worsening impacts of unplanned growth and expressed the need for a legally required planning in Public Law 20-147 which reads:

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

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

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

I Tano'-ta, The Land Use Plan for Guam is one of sixteen elements of the Guam Comprehensive Development Plan, which was mandated to be produced by the Territorial Planning Council under Public Law 20-147 in March 1990. In addition to the Land Use Plan, this law mandates that future plans be created to address a wide range of government services and public issues affected by growth in the Territory, including: community design, transportation, regulations, public facilities, public lands, public buildings, housing, redevelopment, conservation, recreation, safety, tourism, development policy, capital improvements, and public policy statements, all to help guide the future of Guam's growth through the 21st century. That same law also created the Territorial Planning Council to oversee development of the Guam Comprehensive Development Plan. The members of the Territorial Planning Council, as designated by PL 20-147, include:

MEMBERS OF THE TERRITORIAL PLANNING COUNCIL

Charles P. Crisostomo, Chairman

Fred M. Castro, Vice Chairman

Mike Cruz, Acting Executive Secretary

The Honorable Edward Reyes, Senator, 22nd Guam Legislature

The Honorable Anthony Blas, 22nd Guam Legislature

The Honorable Vicente Pangelinan, 22nd Guam Legislature

The Honorable Vicente C. Bernardo, Mayor of Yona

Frank L. G. Castro, Department of Land Management

Peter R. Barcinas, Department of Commerce

Joey C. Cepeda, Guam Visitors Bureau

Chris K. Felix, Chamber of Commerce

Lourdes P. Aguon, Member-at-Large

Marcel G. Camacho, Executive Assistant

Former members of the Territorial Planning Council who participated in the development of the Land Use Plan include: Peter P. Leon Guerrero, Bureau of Planning , Senators Frank R. Santos, Gordon E. Mailloux and Martha C. Ruth of the 21st Guam Legislature.

I Tano'-ta, The Land Use Plan for Guam is the pivotal element of The Guam Comprehensive Development Plan . As Governor Joseph Ada indicated at the outset of the I Tano'-ta development: "The Plan will be our guide as to how, when and where we grow and develop from now to the year 2015."

ORGANIZATION

A Land Use Plan is a comprehensive, coordinated, and continuing program; the purpose of which is to help public and private island leaders arrive at decisions that promote the common good of society. Land use planning is more than merely specifying where particular uses (i.e. low-density housing, hotels, business, offices, etc.) are to be located. It entails addressing what is needed to support that development, whether it be adequate roads, public water and sewer systems, or other public services such as recreational facilities, public transit, or health care facilities.

A primary set of goals were developed to help guide the development of the plan:

- Upgrade the quality of life for Guam's people and create conditions and opportunities whereby they fully participate and benefit at every level of social and economic activity.
- Maintain balance and equity between development and the environment to preserve the unique culture, traditions, and beauty of the island;
- Optimize the use of resources to meet present and future infrastructure requirements of the people of the Guam; and
- Develop and maintain infrastructure capacity at a level that will be able to sustain future population, socioeconomic, and physical growth.

PLANNING PROCESS

The first phase of the planning process involves the collection and analysis of data in the areas of environmental conditions, land use, transportation, public facilities (schools, health care, public safety, etc.), public services (potable water, sanitary sewer, solid waste disposal), historical and archaeological sites, physical considerations (steep slopes, flood plains), and historical growth patterns. These efforts culminated in the development of the Land Use Plan: Technical Report I (Inventory and Analysis of Existing Conditions). This report represents an inventory of existing conditions affecting the natural and social environment in Guam. This report also served to highlight the major problems affecting the quality of life on the island.

The second major phase of the planning process involved the creation of alternative concept plans, each providing a different perspective on what Guam might look like in the year 2015, based on different development scenarios.

At key points in this process, the TPC held meetings with the public (e.g. community advisory committees, technical advisory committees, and the general public) to solicit their input into the preparation of I Tano'-ta. Upon completion of the data collection and analysis phase of the project, extensive public outreach village meetings were held to report the findings to the residents of the island.

Over 1,800 people attended these meetings and provided additional information, as well as their thoughts and concerns for the future of Guam. Following these village meetings, a series of alternative development concepts were prepared and again were presented to the public at the second set of village meetings for their consideration, input, and response. More than 800 residents attended those meetings and responded by selecting a preferred alternative, and it is from these meetings that the development of a Preliminary Plan evolved.

In addition, several meetings were conducted with the Citizens Advisory Committee and the Technical Advisory Committee throughout the process as a means of synthesizing community input. These meetings enabled the TPC and their consultants to refine the concept plans with specific local knowledge of physical, social and environmental conditions to develop a realistic Land Use Plan for Guam.

The third phase of the planning process resulted in the development of a Final Plan based on the third series of village meetings and extensive public comment on the Preliminary Plan and the preparation of land development regulations necessary to implement the Plan. During this process it was acknowledged by the preparers of the plan that additional meetings were required to perfect the Final Land Use Plan and the ancillary documents that were to accompany the Plan. These documents include the new Zoning Code which is the regulatory mechanism that will determine how development will occur within the Territory, a Performance Standards Checklist which outlines the standards which govern how a project is developed, the Development Review Manual which delineates the development review process and the participants, a Capital Improvement Program/Concurrency Management Manual, and finally an Implementation Program which sets out how the overall plan will work.

PUBLIC PARTICIPATION ISSUES

Significant issues were raised at many of the village meetings. They include maintaining a strong economy, managing population growth, preserving strong Chamorro cultural values, conserving natural resources, regulating the location and type of tourist development, and maintaining strong enforcement of the Land Use Plan.

Maintaining a Strong Economy

Many residents were pleased with the enhanced economic opportunities generated by the tourism and service industries. The expansion of employment, commercial and recreational options are considered very positive impacts of growth.

Preserving Strong Chamorro Cultural Values

A large number of residents, mainly from the south and central portions of the island feel a strong need to preserve their cultural values. These values are expressed in the types of communities they live in, the types of social, cultural and recreational opportunities that are further impacted because of incompatible development. The overall spatial, architectural and social influences from other groups of people will have an impact into the future growth of the island.

Managing Population Growth

In all of the villages, residents were concerned about the increasing population which will ultimately strain public facilities and services, such as parks, schools, roads, water, power, sewer, and solid waste disposal, especially as existing infrastructure cannot keep up with current demand. Other issues raised were the impacts on the natural resources being overly used. Several of the villages, including Agana Heights, Yigo, and Sinajana, would locate new growth only where infrastructure already exists or is currently planned. Many of the villages, including those in the south and the villages of Dededo and Mangilao, would take that several steps further—limiting new growth only to those particular projects that have already been granted government approval or are pending approval.

Conserving Natural Resources

Residents in many of the villages felt that protecting and conserving the island's natural resources are important. The major issue, cited in Agana Heights, Barrigada, Inarajan, Sinajana, Talofofo, Umatac, and Yona, was the possible contamination of the aquifer, Guam's primary water source, by golf course development. In addition, polluted beaches, dying reefs, and erosion were significant concerns. Inarajan and Umatac residents also raised the issue of jet skiing disrupting their fishing areas. Residents of Agana Heights, Chalan Pago-Ordot, and Agat proposed educating the public on the potential hazards of new development on the environment before a project is built.

Environmental controls regulating development (especially in a wetland areas) were considered by several villages, including Mongmong-Toto-Maite, Merizo, and Sinajana, to be too strict. Residents felt that they should be able to develop their property, and at the very least, should be able to backfill wetlands so as to prevent flooding. Finally, improved public access to many of the island's natural resources, particularly beaches and waterfalls, was cited by many in Agana Heights, Inarajan, Talofofo, Tamuning-Tumon, and Yona to be an important issue.

Regulating Tourist-oriented Development

In many of the villages, residents believed that tourist-oriented development (hotel and golf course) should be regulated. The primary concern with this type of development was that it has not benefited the local community to the extent promised, especially in terms of providing improved public facilities and services, and may have eroded the quality of those facilities and services by increasing the demand placed on them. The most direct way tourist-oriented development could benefit the community would be to require developers to pay for their fair share of necessary infrastructure improvements. Several villages, including Mangilao, Mongmong-Toto-Maite, Santa Rita, and Sinajana, also suggested that these types of developments should be more accessible to locals, perhaps by offering special local rates, improved employment opportunities, etc.

Most of the villages felt that the Tamuning-Tumon area should remain the major, large-scale resort tourist center. The village of Tamuning-Tumon felt, however, that public access to beaches, views to the beach, and access to fishing areas there must be improved. Residents in Inarajan proposed that their village become a cultural center for the island, with shops offering local arts and crafts and restaurants serving local dishes but were against any large-scale tourist development. Residents in Umatac were concerned with maintaining their village character but also recognized the need for additional tourist attractions.

PLANNING RATIONALE

Throughout the development of the Land Use Plan, maps were prepared for public review that contained detailed information regarding topography, soil conditions, water quality, historical sites, community facilities, public utilities, land uses, and other issues that affect the quality of life. By analyzing those conditions that have the greatest limitations for development (such as aquifer recharge areas, conservation lands, steeply-sloped areas and wetlands) and those conditions that offer the greatest opportunities for development (such as the availability of public utilities, including water and sewer service), a plan for the future development of the island can be prepared based on those areas that are best suited for specific types of land uses.

The underlying planning rationale for future development must consider those areas that are characterized by unique or fragile environmental conditions. Conservation of these areas serves not only to protect their ecological function, but also their cultural and economic benefit to present and future generations. Other conditions are also present that will, in some form, restrict certain development opportunities for the future. Critical among these is the presence of large tracts of federal and military lands on the island that are beyond the control of the Government of Guam at the present time.

The amount of resources (both environmental and economic) needed to accommodate growth on Guam depends upon the physical form taken by new development. Community planning has traditionally taken the form of maps that have large areas blocked out and designated for residential, commercial, industrial, agricultural, institutional, and open space uses. The problem with this type of plan is that it has tended to be too restrictive in the different kinds of uses that would be allowed in any one of these areas. This is especially a problem in a small island environment.

A different approach is utilized by I Tano'-ta in place of the standard land-planning method. This approach is much more flexible in being able to respond to the needs of the community, including changing market forces, and provides the people and government officials with a more effective tool for growth management.

This process is termed a land-use intensity system and involves the development of "Intensity Districts." It is assumed that certain uses have about the same impact on the land, such as higher density residential, commercial, and office uses. It also assumes that if these activities were to be built one beside the other, they would not adversely impact each other.

Specific criteria have been developed that serve as the foundation of the Plan in its designation of land uses. These criteria, known as Performance Standards, are derived from the analysis of existing conditions in the islands, a synthesizing of the issues expressed during the citizen participation phase of the planning process, and the implementation of planning strategies to address these issues and concerns.

- Create "employment/housing centers" to establish the "critical mass" land use intensities necessary to reduce the length of automobile trips and maximize the cost efficiency of public services (for example--water, sewer, and mass transit). The transportation planners tell us today that there are over 400,000 vehicle trips every day on Guam...and less than 1 percent of them are accounted for by mass transit;
- Encourage mixed-use development (tourism-commercial-residential) to support the intensities necessary to implement a balance between jobs and housing (as well as to create stable community-based villages, reduce the land consumption rate, and provide more opportunities for affordable housing);
- Allocate growth consistent with environmental limitations and diversified economic development opportunities (for example--direct growth away from sensitive areas to reduce the opportunities for encroachment; reduce the "threat" to groundwater reserves in the north by shifting water-guzzling intensive development, including golf courses, to central and south-central areas of the island where surface water supplies may be more easily developed; and protect prime agricultural and potential maricultural areas; and
- Capitalize on public and private partnerships. This approach assumes public incentives for public/private partnerships, such as affordable housing and infrastructure improvements, are more cost efficient ways to provide public needs.

The distribution of projected population growth has been concentrated in those areas assumed to be best able to handle additional growth. Development is proposed in areas where existing infrastructure or planned improvements are available or are planned to be available.

Furthermore, this system is particularly appropriate in areas that are sensitive to development, such as floodplains or steep slopes. For the process to work properly, performance standards must be developed in concert with the Intensity Districts. This must be done, for it is not only the particular use of the land that is important, but how that use takes place with respect to stormwater management, slope treatment, etc., that is critical as well.

Because performance-based zoning districts are designed carefully on the basis of intensity distinctions, geographic considerations, and community fiscal and planning policy, they must be mapped with special care. Thereafter, there should be minimal re-zoning, because the initial zoning will have already been designed to accommodate all development for the next five years at appropriate locations.

The Performance Standards section is the heart of the new Zoning Code. It will employ performance-based criteria and standards to determine appropriate uses and densities and will provide administrative mechanisms that offer predictable, consistent decisions.

Land Use Intensity Description

The land use categories presented in the Land Use Plan are intended to focus on the level of land use intensities as opposed to the more traditional separation of uses based on land use type. The purpose is to achieve (based on public input, what residents felt were) suitable living and working environments and designate where those types of environments should be encouraged and discouraged. The range of "environments" include sparsely populated rural areas (used primarily for agriculture, conservation, and open space purposes), neighborhood level (such as low density single-family housing and associated neighborhood commercial uses), community-level population areas (such as strip commercial centers associated with a mixture of low and medium density residential uses, including single-family and small apartments), to more highly intensive urban environments that might include large-scale shopping centers (Micronesia Mall) and high density residential and tourist development. These characterizations and associated activities are described below:

Intensity District 1: Conservation/Protection - Located in sparsely developed or undeveloped regions, these areas are primarily rural, environmentally sensitive regions characterized as public undeveloped land, including important aquifer recharge areas, wetlands, untouched vegetation (including limestone forests), steeply sloped areas of high soil erosion and areas of inadequate infrastructure. Land uses associated with these areas traditionally include natural preserves, watersheds, parks and recreation facilities. This designation is primarily intended for environmentally-sensitive publicly owned lands.

Intensity District 2: Low Intensity - These areas are characterized as rural neighborhood environments with low density single-family residential neighborhoods and active and passive recreational facilities. Other uses include agricultural, associated with a limited range of neighborhood commercial and service uses, including small grocery stores, and limited retail type shops. Golf courses associated with adjacent residential or resort development may also be appropriate in certain areas. Public services typically include parks and recreation facilities, pre-schools, and limited public utilities. Many of the smaller traditional villages such as Talofofo, Inarajan, and Umatac are surrounded by these areas, which lack public sewer facilities.

Intensity District 2M: Low Intensity Marine - This area has been created to protect and manage this special marine district. It encompasses the coastline extending from Fadian to Tagachang Point. This coastline and particularly Pago Bay is one of the few bays which is primarily relatively undeveloped. It has some of the richest coral fauna of any site on Guam, with nearly 300 species of corals identified from the reef. The purpose of establishing Zoning District 2 M incorporates an anticipatory and proactive approach to planning and management of Guam's ocean and coastal resources. It advocates the need for sustainable development which recognizes that economic development will occur and establishes physical, ecological and socioeconomic limitations to guide this development. This District encourages economic diversity in the area of marine biotechnology, and aquaculture activities.

Intensity District 3: Moderate Intensity - These areas are characterized as community environments with a mixture of low and medium density residential uses, including large subdivisions, small apartments, small condominiums and small hotels. A larger range of commercial and service uses would be encouraged to complement a larger population and include limited offices, retail stores and small shopping centers. Golf courses associated with limited residential or resort development may be appropriate in these areas as well. These areas are located where potable water and sewer service is available and include a full range of public facilities and utilities that are either existing or are planned to be developed. Present day Dededo, Barrigada, Chalan Pago-Ordot and Mangilao are characteristic of these areas.

Intensity District 3S: Moderate Intensity Special - This District has been created to allow for communities particularly located in the southern villages to have certain automobile service functions within their area. All of the permitted uses identified in District 3 are also allowed in this District.

Intensity District 4: High Intensity - These areas are characterized as environments that accommodate medium to high density residential uses such as apartments, condominiums and hotels, as well as a broader range of commercial and service uses, including large-scale shopping centers and office buildings. Limited light industrial and warehouse uses may be applicable to certain portions of these areas. Typically, these areas receive heavy concentrations of population and traffic use and are served by major roadways and other public services and utilities. These areas are usually designed for automobile access and are not associated with a high degree of pedestrian activity. The high intensity areas include portions of Agana, Tamuning and Harmon.

Intensity District 5: Village/Neighborhood Center - This district encompasses the existing nucleated villages in southern Guam, as well as proposed new neighborhood centers in the more traditional villages. It is characterized by small-scale retail outlets to meet the daily needs of village residents as well as small-scale multi-family and single-family attached housing. The intent is to enhance the character of the existing villages and to promote development of new small scale development to encourage social interaction.

Intensity District 5H: Historic Village Centers - The intent in establishing this District is, in part, the same as for Zoning District 5; that is, to enhance these villages' character and promote their development with new building activity that will be of a scale to encourage social interaction. To that end, attached housing and small-scale multi-family dwellings and retail stores are encouraged. However, because of the unique historic architectural heritage of these villages, the most sensitive building design treatment will have to be employed in all new construction within these zoning district boundaries. For these reasons, any development proposed to be constructed within the boundaries of *this* district must receive the written approval of the Guam Review Board for Historic Preservation, in addition to the other approvals required by this Zoning Code.

Intensity District 6: Urban Center - These areas are characterized as urban environments associated with high density residential uses, including apartments, condominiums and hotels, as well as a full range of commercial, service, and government centers. Typically these areas function as the more traditional "downtown" and are more design-oriented toward pedestrian access and mixed-use activities. This district does not include highway-oriented commercial activities such as supermarkets and shopping centers, which may be counter-productive in terms of trying to establish a pedestrian-oriented, close knit urban center. The urban center of the island is typified by downtown Agana.

Intensity District 7: Hotel/Resort Area - This district encompasses the primary tourism areas on the island. Major hotels, motels and resorts are proposed to be located in the district as well as all of the normal supporting retail and recreational services and facilities associated with major tourist activities.

Intensity District 8: Industrial/Port Area - Major industrial, warehousing, utility, wholesale storage, manufacturing, and processing activities will be located in these areas as well as break-in-bulk and port-oriented facilities, such as airport and seaport. No residential uses will be allowed in this district.

IMPLEMENTATION

Based on the review of existing regulatory and zoning mechanisms, a new "performance-based" approach to land development regulation is incorporated in the Land Use Plan and embodied in the new Zoning Code. The intent of the new system is to correct current deficiencies in protecting the environment and ensure that public facilities keep pace with the rate of development.

In order to implement the 25 year planning horizon of I Tano'-ta, and achieve the desired future land use patterns on the island, new zoning maps have been prepared based on development steps that should be taken in the short-term (the next five years) to maintain an adequate level of public services.

The Zoning Plan provides for the orderly timing of growth consistent with the availability of public services and facilities and planned capital improvements during the next five years. The Zoning Plan is intended to prevent premature development from occurring in areas where public facilities are not yet provided or planned to be provided within the next five years, and therefore cause further degradation to environmental and quality of life conditions on the island.

The zoning maps that accompany the new Zoning Code outline the boundaries of various land use intensities expected within the next five years. The new Zoning Code itself will regulate all permitted uses and structures as a function of the particular impacts that are inherent in each use. These impacts will vary for the same use, depending on the intensity of that use proposed by the developer and where that use is planned to be located.

In addition Performance Standards have been developed to regulate residential and non-residential uses. These standards are necessary for those land uses having characteristics that may have negative impacts without additional regulations. A Concurrency Management System has been designed to allow the government planners to better predict where and what types of capital facilities will be needed in the near future and by which growth can be managed to best protect the quality of life.

EXECUTIVE SUMMARY ADDENDUM
I TANO'-TA, GUAM'S LAND USE PLAN

Guam's Land Use Master Plan, I Tano'-Ta, has been developed over the last three years by the people of Guam together with their Government and its consultants. This final draft version consists of a Final Land Use Plan document and its matching island-wide map for the year 2015, a detailed new Zoning Code and its accompanying 5-year zoning district map and twenty-one larger scale village zoning maps which magnify the detail of the 5-year zoning map. These have been submitted to the TPC, the Governor and the Legislature, as required by P.L. 20-147.

Following Guam's Legislature's recommendations for amendments to I Tano'-Ta expressed in P.L. 22-139, this amended version of the plan has been produced. The law required that 1) performance standards supporting the zoning code be adopted under the AAA process, 2) all references to any proposed park, conservation area, wildlife refuge, historic site and natural preserves on government (local and federal) lands shall be deleted, 3) no lot or land shall be excluded from the zoning maps, 4) no property is down-zoned and a reasonable time limit is placed on existing non-conforming but permitted uses of properties, and 5) laws that are to be repealed or amended to prevent conflict with I Tano'-Ta are to be identified. Also, additional public hearings on I Tano'-ta were required by law in each municipality, and 120 days were allowed to revise the plan.

All of these requirements of P.L. 22-139 were complied with, while the AAA process was underway before the 120 day period ended.

The government Technical Advisory Committee to I Tano'-Ta met on the required revisions in November, 1994. Also, copies of the latest draft of performance standards were reviewed by each implementing agency and their recommendations were made for changes.

TPC planners held meetings with technical experts from the Chamber of Commerce and the staffs of the Chamorro Land Trust Commission, Department of Parks and Recreation, Department of Agriculture, and the Guam Environmental Protection Agency to obtain further input to the final Zoning Code, maps and Performance Standards.

The most important basis for the creation of I Tano'-Ta has been the input from Guam's citizens. This has been collected from thousands of residents during hundreds of public meetings, forums and individual sessions. As a continuation of this necessary input on public evaluation and recommendation regarding the latest changes in the Land Use Plan and Zoning Code drafts, additional public hearings in all nineteen villages were held November 14-18, 1994. Input from these hearings showed the strongest concern was

over the delay in implementing the plan and zoning code, which most thought had received enough public input earlier and should have been enacted long ago. Some citizens came to check that changes they had requested at previous meetings had been incorporated. A vocal minority of a few entrepreneurs voiced opposition to having any new plan and zoning system introduced.

Very valuable input to I Tano'-Ta has come from the Guam Chamber of Commerce. The final details of the zoning code, and performance standards have been shaped by recommendations and discussions of TPC with a special I Tano'-Ta Working Group established by the Chamber of Commerce. They have made sure that specific requirements of the zoning code were realistic and supportive of future development throughout the island. Each numerical set back, maximum height, lot coverage and density requirement of the code has been carefully evaluated and approved by Chamber members with expertise and experience in zoning applications.

The specific amendments included in the final draft of the Zoning Code are as follows.

As required by the Legislature, Chapter 60 Article 4 and all of Chapter 61 of the GCA are identified as being repealed by this new Zoning Code. The beach setback section of Chapter 61 was added as Paragraph J on page 59 of Chapter VI of the new Zoning Code. The Legislative requirement to allow existing non-conforming but permitted uses is accomplished on page 62, par. S.

Non-conforming Situations

Unless otherwise specifically provided in the Zoning Code, non-conforming situations that were otherwise lawful on the effective date of the Zoning Code may be continued.

Also, page 58 paragraphs D and E address reasonable times for continuation of non-conforming uses.

D. Permits in Conflict with These Regulations

Permits for the construction of buildings, or for the use of land or buildings issued prior to or within three (3) years from the adoption of this Zoning Code and that are in violation with the regulations of this Zoning code shall be declared void, unless evidence is shown to establish that substantial expenditures have been made (see definition of substantial expenditures). Investment in real property shall not be construed as an expenditure toward construction.

E. Construction Begun Prior to the Adoption of the Zoning Code

Nothing in this Zoning Code shall be deemed to require any change in plans, construction, or designated use of any building or structure upon which actual construction was lawfully begun prior to the adoption of this Zoning Code and upon which actual construction has been

diligently carried on.

The Guam Chamber of Commerce Working Group on I Tano'-Ta recommended elimination of Table 8, Floor Area Ratios and incorporation of each of its numbers within the dimensional and density tables of each intensity district contained in Chapter VII. This was done. To better clarify the matching of FAR's to specific uses, the TPC staff expanded the definitions of "Institutional Use" (page 31) and "Public Services" (page 42).

For use in calculating allowable residential densities, the problem of easements and uncompensated rights of ways was addressed by adding the Chamber's recommended wording "Rights of ways lots, rights of way easements and all other easements dedicated to the Government or any agency of the Government of Guam shall also be included, provided that the property owner was not compensated for the dedication." (page 144, par. (2)(c)(i)). Also, based on Chamber input, the private provision of utility easements was allowed by inserting in A.1.b.(2)(d)ii, "Private utility easements will be allowed, provided they meet the utility companies' requirements".

The Chamber requested that floor heights be set at a maximum height of twelve feet each for dimensional table requirements (added to page 151, par. 2). They also had "generally" added to limit how much a special residential use must "conform to the character of" its residential neighborhood (page 152, par. d.(1)).

Chamber of Commerce's additions or changes to the Non-residential Performance Standards include the following. To allow parking within setback areas and not add setbacks to buffer strip requirements, "This buffer strip shall be concurrent with (i.e., overlapping) the required setbacks, not in addition to it. Parking within this buffer strip would not be allowed." The several different categories that had been provided for lengths of stacking lanes for drive-through windows were simplified and reduced to 80 feet. To conform to standard practice of mixed use of residential units above commercial floors, the application of most restrictive use setbacks was changed to allow each floor to have its own setback, by stating "except that the setbacks for each use shall still apply respectively, (page 173, par. b.(2)). Bumper guards of steel as well as concrete were allowed in parking lots (page 127, par. 12.b).

The waiver for single-family detached dwellings for vehicle maneuvering space to allow forward entrance and exit of a lot was also waived for duplexes (page 178, par. B.12.e.). The formula for off-street loading spaces was modified to waive retail, hotel and office uses from having to provide more than one unloading space when their gross floor area is greater than 20,000 sq. ft. (page 179, par. B.15.a.(3)). Parking table requirements listed for college and universities was changed to match gross floor area of classrooms and office space only, not all buildings' floor areas (page 181). Calculations for golf course parking spaces were

relaxed to only match the lounge/snack bar/dining/meeting room areas, not all building areas (page 182). Also, marina parking spaces requirements were reduced to 1 1/2 spaces per boat berth and 10 spaces per boat ramp lane (page 182). Finally, parking requirements for Manufacturing/Assembling/Fabrication Operation and for Warehousing/Storage/Wholesale were simplified to match gross floor areas and not add spaces in proportion to number of employees (page 183).

Some significant changes in the Supplemental Regulations that were added at the Chamber's request are:

Page 208 - Listing restaurants and athletic clubs as accessory uses in hotels and multiple-family residences and expanding the maximum size of agricultural concession stands at forms to 2,000 sq. ft.

Page 210 - Allowing off-street satellite parking up to 1,000 feet away from the development site and setting fifty percent as the level of repairs and renovation allowed for non-conforming structures without coming into conformance with the Zoning Code.

Page 211 - In setting appraised values for costs of repair, renovation or replacement, values were limited only to the structure at the site.

The numerous recommendations of the Chamber Working Group on numerical changes to the eleven tables of dimensional and density requirements for each intensity district (Chapter VII of the Zoning Code) were incorporated almost entirely, with final modifications approved for the Chamber by Mr. Ron Smith. They are as follows:

District 2 and 2M:

Use: Sewage lift station/water pump station - Change Minimum Lot Area from 8,000 sq. ft. to 5,000 sq. ft., Minimum Lot Width to 50 ft. and Depth to 75 ft.

Districts 2, 2M, 3, 3S, 4, 5, 5H, 6, and 7:

Use: Houses of Worship - Change Max. Bldg. Height to 45 ft.

Districts 3, 3S, 4, 5, and 5H:

Use: Pre-School Facilities - Change Max. Bldg. Height to 25 ft.

District 3:

Use: Home Building Supply - Change Max. Bldg. Height to 35 ft.

District 4:

Use: Home Building Supply - Change Max. Bldg. Height to 50 ft.

District 3 and 3S:

Use: Hospitals/Sanitariums - Change Max. Bldg. Height to 50 ft.

District 3:

Use: Libraries - Added this use with Minimum Lot Area of 1 acre; Min. Width of 100 ft.; Min. Depth of 200 ft.; Front, 50 ft.; Sides, 30 ft.; Rear, 50 ft.; Max. Bldg. Height of 35 ft., Max. Lot Coverage of 25% and FAR of 0.40.

District 4 and 7:

Use: All uses with Max. Bldg. Heights of 35 ft. are changed to 36 ft.

District 4:

Use: Hotels/Motels/Apartment Hotels - Change Maximum Units/Acre to 60 (rooms).

District 4:

Use: Hospitals/Sanitariums - Change Max. Bldg. Height to 60 ft.

District 5:

Use: Multiple-Family Dwellings - Change Minimum Yard Setbacks to Front, 10 ft.; Each Side, 15 ft.; Rear, 20 ft. and change Max. Lot Coverage to 60%.

District 5:

Use: Pre-School Facilities - Change Minimum Yard Setbacks to Front, 15 ft.; Each Side, 15 ft.

District 5 and 5H:

Use: Retail Trade Establishments and Personal Service Establishments - Change Min. Lot Width to 40 ft. and Max. Lot coverage to 75%.

District 5:

Use: Post Offices/Postal Substations - Change Min. Yard Setback to Front, 15 ft.

District 5:

Use: Libraries and Public Safety (Police/Fire) Substations - Change Min. Yard Setbacks to Front, 15 ft. and Each Side 15 ft.

District 5H:

Use: Multiple-Family Dwellings - Change Minimum Yard Setbacks to Front, 10 ft.; and Rear, 20 ft.

District 5H:

Use: Attached Dwellings (Townhouses) - Change Max. Lot Coverage to 60%.

District 5H:

Use: Post Offices/Postal Substations - Change Min. Lot Width to 40 ft.

District 5H:

Use: Libraries - Change Min. Lot Width to 40 ft. and Max. Lot Coverage to 75%.

District 5H:

Use: Museums & Other Historical Interpretive Fac. - Change Minimum Lot Area to 4,000 sq. ft.; Minimum Lot Width to 40 ft.; and Max. Lot Coverage to 60%.

District 6:

Use: Multiple-Family Dwellings - Change Maximum Units/Acre to 100.0.

District 6:

Use: All uses - Add footnote **** for Max. Bldg. Height, saying "No building or portion thereof shall be higher than three (3) stories or thirty-six (36) feet within a 200 foot radius of the Agana Basilica's steeple."

District 7:

Use: Retail Trade Establishments - Change Minimum Yard Setbacks to Front, 10 ft. and Rear, 15 ft.

District 7:

Use: Shopping Centers - Change Min. Lot Area to 1 Acre; Minimum Lot Width to 100 ft.; Minimum Lot Depth to 150 ft.; Minimum Yard Setbacks to Front, 10 ft.; Each Side, 25 ft.; Rear 25 ft.; Maximum Bldg. Height to 48 ft.; and Max. Lot Coverage to 35 ft.

District 7:

Use: Parking Structures - Change Min. Yard Setbacks to Front, 40 ft.; Each Side, 15 ft. and Rear, 15 ft. Add ***** to Front Setback and add to footnote: The front setback requirement for

the use may be reduced to fifteen (15) feet for those structures located fronting a "local street".

District 7:

Use: Personal Service Establishments, Business or Professional Service Est., and Public Safety (Police/Fire) Substations - Change Min. Front Setbacks to 10 ft.

District 7:

Use: Recreational Facilities - Change Minimum Yard Setbacks to Front, 10 ft. and Rear, 10 ft.

District 7:

Use: Night Clubs - Change Min. Yard Setback, Each Side to 25 ft.

District 7:

Use: Marinas - Change Min. Yard Setback for Front to 15 ft.

District 7:

Footnote ***** - Add "in conformance with Chapter VI., Section J of this Zoning Code."

District 8:

Use: Food Processing Facilities; Wholesale/Storage/Distribution Establishments; Warehousing Operations; Freight Distribution Facilities; Boat Storage Facilities and Marine Construction & Salvage Facilities - Change Max. Bldg. Height to 35 ft.

The Guam Chamber of Commerce Working Group on I Tano'-Ta recommended that the Performance Standards be reduced, in general. Where regulations needed to support the mixed uses allowed in each zone were already in place under an agency, they were not to be repeated at length in the Performance Standards. Therefore, the draft standards for Wellfield/Groundwater Protection and for Stormwater Management were replaced by references to the existing regulations.

The Chamber and GEPA agreed to the following changes in the Environmental Protection Standards: 1) delete the term "Area of Particular Concern" and acronym "APC", 2) delete reference to an overall specific buffer of 25 feet around each wetland, and 3) replace reference to the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands with the currently used 1987 manual. The Chamber further had deletions made of: 1) how the applicant's consultant may perform wetland delineations (page 222, par. 5), 2) "it is found that the development is determined to be in the public interest and that" (page 224, par. 15), 3) the word

"tentative" (page 228, par. 20), 4) "Public Interest Test" (page 230, all of par. 30), 5) "or time" relating to reasons for decision extension (page 233, par. 34), and 6) "A wetland permit which has been denied may be modified and resubmitted no earlier than one hundred and eighty (180) calendar days following action on the original application". (page 233, par. 35) Also, the Chamber's reduction from a 90-day extension to the period for government action was made (page 232, par. 34) and "reasonable" was added to "wetland buffer" (page 225, par. f.), while the ability to appeal a wetland delineation to the TLUC was specified (page 222, par. 6).

Additionally, contours for required maps were changed from 2 foot to 5 foot intervals (page 226, par. 6) GEPA additions to the draft standards include: 1) reference to the 1983 National Wetlands Inventory as a map to be initially used in wetland applications with the caveat that many legal wetlands are not shown on this map (page 22 para. 3.a.), 2) clarification that "grandfathered" aquaculture use must have been established by October, 1981 (page 223, par. e. and f., 3) pretreatment technologies are to be applied to effluents (page 224, par. 12), 4) wastewater and stormwater disposal systems are to be located as part of permit application information (page 226, par. 8), 5) item (11) "a wetland delineation map (WDM) approved by the Guam EPA, Division of Aquatic and Wildlife Resources of the Department of Agriculture and the Army Corps of Engineers" was added to required application materials, 6) "wetland mitigation" was added to define the plan needed under some conditions (page 228, par. k.), and 7) "requested" changed to "required" (page 229, par. 24). The TPC staff clarified that possible buffer areas are to be "mutually agreed upon" (page 224, par. 9).

The Chamber suggested 15 changes for the Residential Performance Standards, the following twelve were incorporated:

1. Page 149 section (2)(c)(i). At the end of this section the following sentence should be added. "R/W lots, rights of way easements, and all other easements dedicated to the Government or any agency of the Government of Guam shall also be included provided that the property owner was not compensated for the dedication."
2. Page 149 section (2)(c)(ii). In line two(2) the word continuous should be changed to contiguous.
3. Page 150 section (2)(D)(ii). The following sentence should be added to the end of this section. "private utility easements will be allowed provided they meet the utility companies requirements."
4. Page 150 section (4). The committee recommends that somewhere in this section a mention of a maximum floor height be inserted. The committee recommends a twelve (12') feet height per floor be used. This will keep developers from using mezzanines and very high ceilings to gain extra "internal

floors".

5. Page 151 section (5). Nowhere in this section or the subsection is the minimum setback easements that are required given. The committee assumes that they are the same as the setback requirements for each district, but it recommends that this be clearly stated to avoid any misinterpretations.
6. Page 152 section (2)(d)(1). Insert the word "generally" on line two between the words to and conform. This will help alleviate misunderstandings and misinterpretations.
7. Page 156 section (6). The committee could not find anywhere in this section a minimum size requirement for a PUD. If this is not given elsewhere the committee recommends a five (5) acre minimum be used.
8. Page 159 section (2)(a). In the last line remove the word "occupancy" and insert the word "building". In some cases a developer needs the commercial development to support the residential development.
9. Page 159 section (2)(c). The committee questions the number ten (10) as a minimum number of homes to be built in a golf course. We could not see why this number was used. The committee does not object to this number but asks the chairman to look at it.
10. Page 163 section (2)(j). On the eleventh line continue the sentence after "...shall be submitted" with the phrase "showing the general character of the proposed buildings." This will help avoid misunderstandings from government agencies.
11. Page 163 section (2)(j). On the twenty-first line insert the phrase "for the project only" between the words "sewer" and ",and". This will stop government agencies from requiring developers to install more infrastructure than the developer needs without compensating them for it.

The Chamber had no changes recommended for the Agricultural Land Protection Performance Standards.

Of the Chamber's five suggestions for Recreational Open Space Standards, four were added verbatim and one was added to clarify and help avoid Government agencies misinterpretation of this section. Consistency in reducing numbers of tent pads, barbecues, benches/table combinations and trash cans from five to three rather than to two. Also, the suggestion to credit indoor fitness centers in Intensity District 6 as recreation facilities was added. Where minimum lot size cannot meet standards for recreational areas, the Department of Parks & Recreation may negotiate a fraction of the standard.

The Chamber's suggestion to clarify that floodplain permits are the responsibility of the Department of Public Works was addressed (page 255, par. 4.c.)

Finally, the Chamber's expert's comments on the Landscape Performance Standards required only these changes:

1. Page 289 par. d.(1)(a). Deleted "Additionally, coconut palms shall not be permitted within off-street parking lot areas." and "If only one (1) tree is required, it shall be a shade tree."
2. Page 291 Table 15. Change "Crown Spread of Proposed Trees" to "Tree Caliper" and replace "14 or more feet" with "8 inches diam.", "10-13 feet" with "5 to 7 inches diam.", "6-9 feet" with "3 to 4 inches diam" and "less than 6 feet" with "2 inches or less" diameter.

Also, TPC deleted the reference to withholding the occupancy permit until landscaping is satisfactory.