

**Guidebook to
Development Requirements
on Guam**



**Guam Coastal Management Program
Bureau of Statistics and Plans
Government of Guam**

Photos courtesy of: Bureau of Statistics and Plans
and Mitch Warner

Guidebook to Development Requirements on Guam

**Guam Coastal Management Program
Bureau of Statistics and Plans (Bureau of Planning)
Government of Guam
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PURPOSE

The purpose of this GUIDE is to acquaint the public with laws, regulations, permits, clearances and established guideline for development on Guam. The term “development” is employed here in its broadest sense, encompassing all categories of construction, earthmoving, and agriculture, as well as other types of land use and water-oriented construction.

This GUIDE delineates each type of requirement for development by summarizing its purpose and nature, citing the Government agency with authority for approval, describing the application review process, presenting facsimiles of appropriate applications, and suggesting additional references for more detailed information.

Developers are advised to consult with the appropriate government agencies as early as possible in the project planning stage. Staff at the Department of Public Works, the Department of Land Management, the Guam Environmental Protection Agency and the Bureau of Statistics and Plans are helpful in determining which laws, regulations, permits clearances are required for a particular project.

DIRECTORY OF GOVERNMENT AGENCIES

Administrator Guam Environmental Protection Agency Government of Guam 15-6101 Mariner Ave., Tiyan Barrigada, Guam 96913	Telephone: 475-1658/9 Fax: 477-9402
U.S. Dept. of Agriculture Rural Development First Hawaiian Bank Bldg., Suite 303, 400 Route 8 Hagatna, Guam 96910-2003	Telephone: 472-7361 Fax: 472-7366
Building Official, Department of Public Works Building Permits and Inspections 542 N. Marine Drive Tamuning, Guam 96931	Telephone: 646-3134 Fax: 646-3130
Director Bureau of Statistics and Plans Government of Guam P.O. Box 2950 Hagatna, Guam 96932	Telephone: 472-4201-3 Fax: 477-1812
Director Department of Agriculture 142 Dairy Road Mangilao, Guam 96913	Telephone: 735-3956 Fax: 734-6569
Director Department of Land Management Government of Guam P.O. Box 2950 Hagatna, Guam 96932	Telephone: 475-5278 Fax: 477-0883
Executive Secretary Guam Land Use Commission Department of Land Management P.O. Box 2950 Hagatna, Guam 96932	Telephone: 475-5278 Fax: 477-0883

Guam Operations Office, US ACOE
Guam Regulatory Branch
PSC 455, Box 188
FPO AP 96540-1088

Telephone: 339-2108
Fax: 339-2306

Director
Department of Parks & Recreation
490 Chalan Palasyo
Agana Heights, Guam 96910

Telephone: 475-6296/7
Fax: 477-0997

Guam (State) Historic Preservation Office
The Guam Historic Resources Division
Department of Parks & Recreation
490 Chalan Palasyo
Agana Heights, Guam 96910

Telephone: 475-6294/5
Fax: 477-0997

Director
Department of Public Health & Social Services
P.O. Box 2816
Agana, Guam 96932

Telephone: 735-7102/7123/7399
Fax: 734-5910

General Manager
Guam Power Authority
P.O. Box 2977
Hagatna, Guam 96932

Telephone: 647-9225
Fax: 647-9224

Guam Land Use Commission and Application Review Committee

The Guam Land Use Commission (GLUC) is a decision-making body empowered to grant subdivision approvals, zone changes, conditional uses and variances from land use laws and regulations as well as Seashore Reserve & Wetland Permits.

The actual administration of local use laws and regulations, however, rests primarily with the Department of Land Management; and its Director serves as the Executive Secretary of the GLUC. The Guam Chief Planner and staff of the Planning Division, Department of Land Management, perform the research, administration and enforcement functions on behalf of GLUC.

The GLUC's technical review process is performed by the Application Review Committee (ARC) which is composed of representatives from each of the following agencies: Department of Land Management (as Chairperson), Bureau of Statistics and Plans (BSP), Department of Public Works (DPW), Guam Environmental Protection Agency (GEPA), Department of Agriculture (DoAg), Guam Waterworks Authority (GWA), Department of Parks and Recreation (DPR), and the Guam Power Authority (GPA). The ARC provides technical recommendations to the Guam Land Use Commission for final consideration in deciding on an applicant's request. This review process usually requires three to four months time, unless complexities of a project or inadequacies of a submittal require additional reviews.

The GLUC considers comments and recommendations from the ARC in deciding on matters brought before the Commission. GLUC and ARC meetings are open to the public. It is necessary for an applicant or his representative to appear before the GLUC and/or the ARC as scheduled, to present the request along with the necessary supporting data and documents. GLUC meets on the second and fourth Thursday of each month, in the afternoon. The ARC meets on the first and third Thursday of each month, in the morning. All meetings are held in the conference room of the Department of Land Management. Applications must be submitted at least two weeks in advance of a schedule review meeting. In general, all requests not in compliance with Guam's zoning and/or subdivision laws must be reviewed by the ARC before consideration by the GLUC.

After obtaining GLUC approval and prior to construction, the applicant must obtain a Building Permit from the Department of Public Works. After construction, a field inspection is conducted by Land Management staff to certify compliance with any GLUC stipulated condition. If GLUC conditions and construction standards have been met, an occupancy permit may then be issued by the Building Official.

If a request is denied by GLUC, the applicant may submit an appeal to the Superior Court of Guam within 15 days after the filing of the Commission's decision with the Department of Land Management and Department of Public Works.

Reference: “Guam Coastal Management Program and Draft Environmental Impact Statement,” U.S. Department of Commerce, NOAA, Office of Coastal Zone Management, 1978.

Authority: Chapters 61 & 62 of Title 21 of the Guam Code Annotated (GCA)
Executive Order No. 96-26

Application forms and further information about either the GLUC or the ARC may be obtained from Planning Division, Department of Land Management.

LAND USE ZONING

Guam's Zoning Law established regulations in order to: encourage the most appropriate uses of land; provide adequate open spaces around buildings; prevent undue concentration of population; assure adequate provisions for schools, parks, recreation and other infrastructure; and control the types of development which would create a nuisance and/or a health and safety hazard.

Private properties on Guam are divided into eight zones:

- “A” - Rural Zone
- “R-1” - One-Family Dwelling Zone
- “R-2” - Multiple-Family Dwelling Zone
- “C” - Commercial Zone
- “P” - Automobile Parking Zone
- “M-1” - Light Industrial Zone
- “M-2” - Heavy Industrial Zone
- “H” - Resort Hotel Zone

These zones are depicted on official Zoning Maps, available at the Planning Division of the Department of Land Management. Each zone has permitted uses and conditional uses as well as height limitations and yard setback restrictions. If a proposed development is a permitted use and complies with the zone's regulations, Government review and approval is not necessary by either the ARC or the GLUC.

The permitted uses for Guam's land use zones are as follows:

“A” - Rural Zone Permitted Uses

1. One-family dwellings and duplexes.
2. Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, and tree and other vegetative production, whether for commercial or personal uses.
3. Uses customarily accessory to any of the above uses, including home occupations and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals, or other similar structures.

“R-1” - One-Family Dwelling Zone Permitted Uses

1. One-family dwellings.
2. Gardening and the keeping of pets for non-commercial purposes.
3. Uses customarily accessory to any of the above uses, including home occupations and private parking areas with accessory buildings and structures.

“R-2” - Multiple-Family Dwelling Zone Permitted Uses

1. One-family dwellings.
2. Duplexes.
3. Multi-family dwellings.
4. Hotels, private groups and institutions.
5. Accessory uses and structures for the above.

“C” - Commercial Zone Permitted Uses

1. One-family dwellings.
2. Duplexes.
3. Wholesale and retail stores, shops and businesses.
4. Amusement enterprises.
5. Automobile service stations, including minor repairs.
6. Bakeries.
7. Mortuaries.
8. Offices, business or professional, inclusive of professional healing arts offices and clinics and banks
9. Personal service shops, including barber shops, beauty parlors, Laundromats, and the like.
10. Repair shops and service shops, including shoe repair shops, plumbing shops, dressmaking shops, and the like, but not including automobile repair shops for major work.
11. Restaurants and cafes.
12. Studios.
13. Other uses which, in the judgment of the Commission as evidenced by resolution in writing, are similar to those listed herein.
14. Uses customarily accessory to any of the above listed uses, including only those accessory to manufacturing, storage, compounding, or processing activities which are necessary for the ordinary conduct of said listed uses and which are an integral part thereof.
15. Accessory structures for the above.

“P” - Automobile Parking Zone Permitted Uses

1. Public or commercial parking areas and garages.
2. Public access to adjoining parking areas.
3. Loading and unloading of automobiles or trucks, but not to preclude the use of portions of required parking spaces.
4. Service vehicle storage, after commercial business hours.
5. Utilities and public facilities.
6. Accessory uses and structures for the above.

“M-1” - Light Industrial Zone Permitted Uses

1. Any use permitted with or without condition in the commercial zone.

2. The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).
3. The manufacturing, compound, assembling or treating of articles or merchandise from previously prepared materials.
4. Automobile repair shops including painting, body and fender work, and rebuilding; truck and tractor repairing; and tire retreading.
5. Bottling and packaging plants.
6. Ceramic products manufacturing.
7. Laundries and cleaning and dyeing establishments.
8. Machine shops and sheetmetal shops.
9. Warehouses and cold storage plants.
10. Lumber yards, building material salesyard, contractor's equipment storage yards, and the like.
11. Other uses which, in the judgment of the Commission as evidence by resolution in writing, are similar to those listed herein.
12. Uses customarily accessory to any of the above listed and accessory buildings.

“M-2” - Heavy Industrial Zone Permitted Uses

1. Any uses permitted in the “M-1” zone, except residential use.
2. Junk yards, under the special provisions set forth in Chapter X of Title XVIII, Government Code of Guam.
3. Any other uses not specifically prohibited by law, including those which are or may be objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibrations, or water-carried waste.
4. Uses customarily accessory to any of the uses herein permitted, and accessory buildings and structures.

“H” - Resort Hotel Zone Permitted Uses

Permitted Uses.

1. Cultural and recreational facilities, hotels, restaurants, tourism related shops, and offices, dwellings, parks marinas, zoos, amusement activities and supportive services.
2. Permitted Accessory uses and structures. Uses and structures which are customarily accessory and clearly complementary to permitted principle uses and structures shall be permitted. Service stations shall be permitted only within, and as accessory to parking garages containing two hundred fifty (250) or more parking spaces.

Authority: Chapter 62, Sect. 61311, Title 21, Government Code of Guam.

For additional information, contact the Executive Secretary, Guam Land Use Commission.

CONDITIONAL USE

In addition to permitted uses in each of the eight land use zones, conditional uses may be allowed by the GLUC. An application for proposed conditional use (see Conditional Use form) must be submitted in 29 copies and requires a description of the proposed conditional use; a map depicting all existing structures and uses on the subject property; a map depicting all significant building and uses within 750 feet of the subject property's boundary; and a written statement explaining the compatibility of the proposed conditional use with neighboring developments.

(Conditional Use fee omitted/deleted. See Sect. 61660, 21 GCA).

The conditional uses for each zone are as follows.

“A” - Rural Zone Conditional Uses

1. Parks, playgrounds and community centers.
2. Biological gardens
3. Schools and churches.
4. Hospitals, sanitariums, and institutional uses.
5. Cemeteries.
6. Recreational uses including golf courses, cockpits, marinas, beaches, swimming pools, and accessory residential and commercial uses.
7. Extractive industry.
8. Utilities and public facilities.
9. Wholesale and retail stores, shops and businesses.
10. Automobile service stations, including service shops.
11. Accessory uses and structures for the above.

“R-1” - Single-Family Dwelling Zone Conditional Uses

1. Duplexes.
2. Schools and churches.
3. Parks, playgrounds, and community centers.
4. Health service office, outpatient with laboratory.
5. Utilities and public facilities.

“R-2” - Multiple-Family Dwelling Zone Conditional Uses

1. Any conditional uses permitted in the “R-1” zone.
2. Health clinics.
3. Utilities and public facilities.
4. Air, bus, taxi, auto, rental terminals.
5. Accessory uses and structures for the above.

“C” - Commercial Zone Conditional Uses

1. Hospital.
2. Public utility and other public buildings.
3. Shopping center.
4. Recreation, including cockpits, amusements centers, drive-in theaters.
5. Multi-Family residences.
6. Hotels, motels, tourist accommodations.
7. Air, bus, taxi, auto rental terminals.
8. Auto sales and car wash.
9. Parking garage and lots.
10. Service vehicle storage.
11. Laundries and cleaning and dyeing establishments.
12. Schools and churches.
13. Parks, playgrounds, community centers.
14. Utilities and public facilities.
15. Accessory uses and structures for the above.

“P” - Parking Zone Conditional Uses

(There are no conditional uses in this zone).

“M-1” - Light Industrial Zone Conditional Uses

1. Other industrial uses not objectionable, obnoxious or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, flashing lights, or water-carried waste.
2. Utilities and public facilities.
3. Accessory uses and building for the above.

“M-2” - Heavy Industrial Zone Conditional Uses.

1. All residential uses.
2. Accessory uses and structures for the above.

“H” - Resort Hotel Zone

(There are no conditional uses in this zone)

Authority: Chapter 61, Title 21, Government Code of Guam

For more information, contact the Executive Secretary, Guam Land Use Commission.

CONDITIONAL USE

TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Conditional Use Permit.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____

Site Plan: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist for proposed Conditional Use showing disposal of sewage, access, parking, structure location and accompanying covenants that may include performance standards in accordance with ***Guam Code Annotated 21 GCA, Chapter 61, Section 61303.***

5. Support Information. The following supporting information shall be attached to this application:

- a. **Site Plan required:** Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing structure(s); location and dimensions of proposed structure(s) or alterations; parking and loading areas; access and traffic circulation; open space; landscaping; signs; setback distances; and solid waste disposal area.
- b. 8 ½" X 14" map, drawn to scale, showing all significant building or uses within 750 feet radius from the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of said lot.
- c. 8 ½" X 14" map, drawn to scale, showing all parcels with correct lot number within 500 feet radius from the subject lot's boundaries.
- d. The most recent survey map, certified and recorded in the Department of Land Management, showing the subject property.
- e. Additional information as required by the Guam Chief Planner, which may include a comprehensive, ***Environmental Impact Assessment (EIA) or FONSI.***
- f. Provide a picture of the display sign. Section 61303(c)(1-3) requires the posting of a 4'x8' sign on the subject lot displaying the following information:
 - 1) Statement of Public Notice that an application for conditional use has been filed with the Guam Land Commission;
 - 2) The title of the application as filed, containing the name of the owner, the name of the development, the lot number and the proposed conditional use; and
 - 3) The date time and place of each public hearing and Commission meeting where public comments can be presented to the Commission. The sign shall be required to be erected and displayed with current information no less than ten (10) consecutive days prior to each scheduled public hearing or meeting.
 - 4) **IMPORTANT NOTICE TO APPLICANT(S):** Failure to meet the notice requirements as provided herein renders any approval by the Commission null and void.

CONDITIONAL USE ATTACHMENT: Section 61303 (Conditional Use) and Section 61303.1 (Departmental Responsibilities: Cost Allocated) is attached for your information and guidance in preparation of your Conditional Use application. For additional information, contact Planning Division at 475-5255/5219.

CONDITIONAL USE

6. **Fees:** Application Fee - No fee required for Conditional Use Application.
LURPA Fee - In accordance with P.L. 21-14, Section 11, states, in part, that the "Department of Land Management determine the names and addresses and properly serve or mail all required notices to all persons within a five hundred (500) ft radius of the proposed project who will be affected thereby." In addition, "the Department shall charge the applicants with all costs incurred in carrying out the requirements..."

7. **It is understood** that if the Conditional Use is approved by the Guam Land Use Commission described in this application, along with stipulations, it shall be adhered to without modification.

8. **Required Signatures:** All legal owner(s)/lessee(s) of designated parcels shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided."

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid: Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

CHANGE OF ZONE

If proposed development or land use is not permitted as either a variance or a conditional use, application may be made for a zone change. The Guam Land Use Commission may grant a change in the zoning of property, with the subsequent approval of the Governor, if it finds that the action will serve public necessity, public convenience and general welfare.

The zone change application (see Zone Change form) must be submitted in 29 copies and requires a description of the subject property; a master plan of the subject property's proposed development; a letter of justification demonstrating how the request meets the conditions, as established by law, for a zone change; as well as:

- a) A map depicting existing zoning within 1000 feet of the subject property's boundary; and
- b) A map depicting existing land use of all parcels within 750 feet of the subject property's boundary.

Each application must first be reviewed by the ARC and a public hearing before being heard by the GLUC. In addition to the application processing fee of \$10, the applicant must pay the expenses for a newspaper notice regarding the public hearing as well as the publication of the GLUC Agenda for which it is scheduled.

Review time for a change of zone, including ARC, a public hearing and GLUC, is approximately 12 weeks.

Authority: Chapter 61, Title 21, Government Code of Guam.

For more information, contact Planning Division, Department of Land Management.

ZONE CHANGE

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910**

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Zone Change.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres _____ Square Meters _____ Square Feet: _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____ Proposed Zone: _____

Master Plan Designation: _____

4. Attached a one page typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with *Guam Code Annotated 21 GCA, Chapter 61, Section 61630*).

5. Support Information. The following supporting information shall be attached to this application:

- a. 8 1/2" X 14" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries.
- b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain:
 - (1) Lot number for every parcel(s);
 - (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
 - (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
 - (4) The nearest location of all public utilities to the subject lot;
 - (5) All natural or topographic peculiarities.
- c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.
- d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.

ZONE CHANGE ATTACHMENT: Section 61630 (Requirements For Changes) and Section 61638 (Review by Municipal Planning Council is attached for your information and guidance in preparation of your Zone Change Application. For additional information, contact Zoning Section, Planning Division at 475-5255/219.

ZONE CHANGE

5. Supporting Information (Continuation):

A detailed As-Built Plan of the lot shall include the following:

- (1) Total number and types of building;
 - (2) Parcel size in square meters/feet;
 - (3) Layouts of utilities and drainage;
 - (4) Proposed lot coverage of building(s) and accessories in square meters/feet;
 - (5) Approximate gross and net densities allowed on parcel;
 - (6) Feasibility study;
 - (7) Topography;
 - (8) Existing earth faults and sinkholes;
 - (9) Water courses and lens;
 - (10) Reservation, conservation and historic places;
 - (11) Total percentage of open spaces exclusive of parking stalls and other man-man features;
 - (12) Percentage of building footprint (PD only); and
 - (13) Compatibility to surrounding uses (PD only).
- e. If leased, lease agreement (the assignment of lease and the covenant).
- f. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with E.O. 90-10.
- g. Additional information as required by the Guam Chief Planner.

6. Application Fee: In accordance with *Guam Code Annotated 21 GCA, Chapter 61, Section 61660*

7. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

“I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.”

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$) : Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

SUMMARY ZONE CHANGE

Public Law 21-82 established a rezoning process to allow private property owners of “A” (Agricultural) or “R-1” (Single-Family Dwelling) zones that are two acres or less in size to apply for a rezone to either “R-1” (Single-Family Dwelling) or “R-2” (Multi-Family Dwelling) zone.

A complete application is to be submitted to the Director of Land Management who shall render a decision thereon within (60) days of submission.

Authority: (P.L 21-82, Subsection 61639)

For more information, contact Planning Division, Department of Land Management.

SUMMARY ZONE CHANGE

(P. L. 21-82:4 Short Form as Amended by P.L. 21-144:8)

TO: Director, Department of Land Management
c/o Division of Land Planning
Government of Guam
P.O. Box 2950, Agana, Guam 96910

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Zone Change*.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business: _____ Home: _____

2. Location, Description and Ownership: (NOTE: The maximum lot cannot exceed two (2) acres or 8,093.743 square meters or 87,120 square feet, gross area.)

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres: _____ Square Meters: _____ Square Feet: _____

Village: _____ Municipality: _____

Registered Owner(s): _____

Certificate of Title No.: _____ Recorded Document No.: _____

Deed (Gift, Warranty, etc.): _____ Deed Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Current Zoned: _____

Proposed Use: _____ Proposed Zone: _____

4. Justification Letter: Attach a typed, brief and concise justification (letter format if possible explaining your intentions and purpose of the Zone Change. Your letter should be addressed to the Director of Land Management.

5. Support Information. The following supporting information shall be attached to this application:

a. A map, drawn to scale, showing existing zoning within 1000 feet radius and all parcels and their uses within 750 feet radius from the subject lot boundaries. The map shall contain:

- (1) Lot number for every parcel(s);
- (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
- (3) All adjacent easements and roads leading to, and serving property, their widths, and condition of surfaces;
- (4) The nearest location of all public utilities to the subject lot; and
- (5) Show any/all features of property such as flat/hilly terrain, flood hazard, etc.

SUMMARY ZONE CHANGE

5. Supporting Information (Continuation):

- b. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.
- c. For "R-1" Zone Change request: A proposed property map showing how many lots are to be subdivided.
- d. For "R-2" Zone Change request: Preliminary sketch plan should be drawn to scale and show the following items:
 - (1) Density: Number of units and type. (i.e. Eight (8) units, three (3) bedroom, two (2) baths, etc..)
 - (2) All setbacks or distance from proposed building to property boundary line.
 - (3) Parking Stalls must be numbered. Also, show one parking for persons with disabilities for every sixty (60) regular stalls (minimum).
 - (4) Recreational area or playground must be provided for children of tenants.
 - (5) Show nearest location of sewer, water, power connection or hook-up.
 - (6) Entrance and Exit of project area.
 - (7) Etc...Any other information you feel is necessary or pertinent to your request.

6. Application Fee: In accordance with *Guam Code Annotated 21 GCA, Chapter 61, Sections 61633 and 61660(c); and Public Law 21-144, Section 8(b)(3).*

7. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

I/We hereby certify that all information contained in this application and its supplements are true and correct. I/We also understand that any misrepresentation in this application shall void the entire submission.

Owner (Print/Sign)

Owner (Print/Sign)

Date

Date

Representative (If any)

Date

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

ZONE VARIANCE

The GLUC is authorized to grant zoning variances on a case-by-case basis where it finds that the following conditions, as established by law, are met.

- a) Strict application of the Zoning Law (without the requested variance) would create practical difficulties and unnecessary hardships.
- b) Exceptional circumstances prevail at the subject property.
- c) Such variance would not be materially detrimental to the public welfare or to the neighboring properties.
- d) Such variance will not be contrary to the objectives of any part of the “Master Plan” adopted by the Commission or Legislature.

Such authorizations by GLUC may include the following among other, variances.

- a) Extension of a conforming building or use into an adjoining zone.
- b) Addition to a non-conforming structure.
- c) Modification of height, yard, density and parking regulations.
- d) Other variances which are consistent with the intent of the Zoning, Subdivision and other land-use laws.

The application for a Subdivision and Waiver of Improvements Variance (see sample application) must be submitted in 29 copies and requires a description of the property; a map depicting topographical, rights-of-way, and infrastructure data; [a map depicting the lot number of all lots within 500 feet of the subject property, including a notarized list of the name and mailing address of each lot owner] if the subject property is served by public utilities; and a letter of justification demonstrating how the request meets the conditions, established by law, for a variance.

Every application for a variance must be reviewed by the Application Review Committee and by the Guam Land Use Commission. Applicants of variance requests are required to be present at a public hearing, as well. The application processing fee is \$15 and must be filed with the Department of Land Management. In addition to the application processing fee, the applicant must pay the expenses for a newspaper notice regarding the public hearing as well as the publication of the GLUC Agenda for which it is scheduled.

Authority: Chapter XIII, Title XVIII, Government Code of Guam.

For additional information and guidance, contact Planning Division, Department of Land Management.

ZONE VARIANCE

TYPE OF VARIANCE REQUESTED:

<input type="checkbox"/> Use Variance	<input type="checkbox"/> Sign Variance		
<input type="checkbox"/> Density Variance	<input type="checkbox"/> Setback Variance	<u>Required</u>	<u>Current</u>
<input type="checkbox"/> Height Variance	<input type="checkbox"/> Right Side	8'-0' ft	_____ ft
	<input type="checkbox"/> Left Side	8'-0' ft	_____ ft
	<input type="checkbox"/> Front	15'-0' ft	_____ ft
	<input type="checkbox"/> Rear	10'-0' ft	_____ ft

TO: Executive Secretary, Guam Land Use Commission
 c/o Land Planning Division, Department of Land Management
 Government of Guam, Hagatna, Guam 96910

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Zone Variance, pursuant to Section 61616-61623, Article 6 (Administration & Enforcement), Division 2 (Regulations of Real Property Uses), Chapter 61 (Zoning Law), 21 GCA Real Property.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: Yes No
 Mailing Address: _____
 Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____
 Lot(s): _____ Block: _____ Tract: _____
 Lot Area: Acres _____ Square Meters _____ Square Feet _____
 Village: _____ Municipality: _____
 Registered Owner: _____
 Certificate of Title No.: _____ Recorded Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____
 Proposed Use: _____ Proposed Zone: _____
 Master Plan Designation: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with *Guam Code Annotated 21 GCA, Chapter 61, Section 61617*.

- a. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law;
- b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;
- c. That the granting of Variance(s) will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located;
- d. That granting of such Variance(s) will not be contrary to the objectives of any part of the *"Guam Master Plan"* adopted by the Commission or Legislature; and
- e. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed and that such building shall not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammelled use of the beach and its natural beauty.

5. Support Information. The following supporting information shall be attached to this application:

- a. **Site Plan required:** Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing buildings; locations and dimensions of proposed buildings or alterations;

ATTACHMENT: Section 61616 (Variance) – 61623 (Review by Municipal Planning Council) is attached for your information and guidance in preparing of your application and justification. For additional requirements, contact Zoning Section, Planning Division at 475-5255/219.

ZONE VARIANCE

5. Supporting Information (Continuation):

- b. 8 1/2" X 14" map, drawn to scale, showing existing zoning circled within 1000 feet radius from the subject lot's boundaries.
- c. 8 1/2" x 14" map, drawn to scale, showing all parcels and their uses within 750 feet radius circled from the subject lot's boundaries.
The map shall also contained:
 - (1) Lot number of every parcel(s);
 - (2) Identify by name and use all existing activities on all parcels(s);
 - (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
 - (4) The nearest location of all public utilities to the subject lot;
 - (5) Any natural or topographic peculiarities.
- d. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.
- e. The most recent survey map, certified and recorded in the Department of Land Management, showing the subject property;
- f. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with Executive Order 90-10, or *FONSI* if acceptable to GEPA in place of an *EIA*.
- g. Additional information as required by the Guam Chief Planner.

6. Application Fee: In accordance with *Guam Code Annotated 21 GCA, The Zoning Law, Chapter 61, Section 61660.*

7. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided."

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$): Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

SUBDIVISION VARIANCE

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910**

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Subdivision Variance*.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No. _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____ Proposed Zone: _____

Master Plan Designation: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with *Guam Code Annotated 21 GCA, Chapter 62, Sections 62601 and 62602*.

- a. That there are special circumstances or conditions affecting said property.
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the subdivider;
- c. That the granting of the variance shall not be materially detrimental to the public welfare or injurious to other property in the area in which said property is situated; and
- d. That the variance, if granted, shall conform with the intent and purpose of the general or precise plans for the territory, and Title XIX.

5. Support Information: The following supporting information shall be attached to this application:

- a. Site Plan required: Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing building(s); location and dimensions of proposed building(s) or alterations;
- b. 8 1/2" X 14" map, drawn to scale, showing all significant land uses within 1000 feet radius of subject lot;
- c. 8 1/2" X 14" map, drawn to scale, showing all significant building(s) or uses within 750 feet of the subject lot. On the same map, applicant must also show any natural or topographic peculiarities of subject lot.
- d. 8 1/2" map, drawn to scale, showing all parcels with correct lot number within 500 ft of subject lot.

ATTACHMENT: Sections 62601 & 62604, Article 6 (Variance & Appeals), Chapter 62, Title 21 GCA is attached for your information and guidance in the preparation of your application. For additional requirements, contact the Subdivision Section, Planning Division at 475-5255/219.

SUBDIVISION VARIANCE

5. Support Information: (Continuation)

- e. The most recent survey map document number, recorded in the Department of Land Management, showing the subject property.
- f. An initial comprehensive *Environmental Impact Access (EIA)* as required by the Guam Chief Planner.
- g. Additional information as required by the Guam Chief Planner.

6. Applicant Fee: In accordance with *Title XVIII, Chapter 15, Section 17650*.

7. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

“I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.”

_____ *(Owner(s) or Lessee(s) and Date)*

_____ *(Representative, if any, and Date)*

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$): Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

GUAM SEASHORE CLEARANCE PERMIT APPLICATION and GUAM SEASHORE PROTECTION COMMISSION

The Guam Seashore Reserve is public property on Guam. The Reserve includes that the land and water extending seaward to the ten fathom contour (including all islands within the Government jurisdiction, except Cabras Island and those villages where residences have been constructed before 1974) and extending inland to the nearest point of either:

- a) a distance on the horizontal plane of 10 meters (32.8 feet) from the mean high water mark; or
- b) from the mean high water mark to the inland edge of the nearest public right-of-way.

The Guam Seashore Protection Commission (GSPC) has jurisdiction over the seashore reserve and any proposed development within the reserve must first be granted a permit from the GSPC.

Applicants for such a permit (see Seashore Clearance form) shall demonstrate that the development will not have any substantial adverse environmental effect; that the development is consistent with the objectives of the Territorial Seashore Protection Act; and that the following conditions are assured.

- a) Access to beaches and recreation areas is increased through dedication.
- b) Visual clearance is maintained between the nearest coastal highway and the sea.
- c) Public recreation areas and wildlife preserve are reserved.
- d) Solid and liquid waste management will minimize or eliminate adverse environmental effects.
- e) The potential dangers of flooding, landslides, erosion, and siltation are minimized or eliminated.

The Seashore Clearance Application (see Seashore Clearance form) must be submitted in 29 copies and include applicant and lot identification data; existing and proposed uses and zones; a description of the proposed development; as well as the following two maps.

- a) One map depicting vicinity and lot lines; existing and proposed structures; pedestrian and vehicular access; landscaping, open spaces; and setbacks.
- b) One map depicting the following activities within 750 feet of the subject property's boundary:
 - land uses and zoning
 - wastewater facilities
 - water courses
 - coastline
 - stormwater drainage
 - vegetation
 - flooding areas
 - historical sites

Upon filing of a permit application and supporting documents with the Department of Land Management, the Application Review Committee (ARC) will review the material and a public hearing will be conducted. Then the GSPC will meet to review the application, ARC recommendations, public hearing results and other comments and render a final decision.

The cost for filing is \$15, and the applicant must also pay for the newspaper expense of publishing the notice for a public hearing in addition to the cost for publishing the GSPC Agenda for which it is scheduled. The review process will take approximately 12 weeks for the applicant's proposal to be formally reviewed by the ARC, at the public hearing, and by the GSPC.

Reference: "Territorial Seashore Protection Act," Department of Land Management, 1980.

Authority: Chapter 63, Title 21, Seashore Act (as amended), Government Code of Guam.

Contact Planning Division, Department of Land Management for further information.

SEASHORE CLEARANCE

TO: Executive Secretary, Guam Seashore Protection Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910

The Undersigned owner(s)/lessee(s) of the following described property, situated with the ten (10) meters inland from the Mean High Water Mark (MHW) or situated seaward to the ten (10) fathom contour, do hereby request consideration for a *Seashore Clearance Permit*.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No
Mailing Address: _____
Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Lot(s): _____ Block: _____ Tract: _____
Lot Area (*In Square Meters & Feet*): _____
Village: _____ Municipality: _____
Registered Owner: _____
Certificate of Title No.: _____ Recorded Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____
Proposed Use: _____
Master Plan Designation: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of request in accordance with *Guam Code Annotated 21 GCA, Chapter 63, Section 63108 (a) (2)*.

- a. That the development will not have any substantial adverse environmental or ecological effect;
- b. That the development is consistent with the purpose and objectives of Chapter V-A, Section 13411. The applicant shall have the burden of proof on all issues;
- c. That access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extend possible by appropriate dedication;
- d. That there is not substantial interference with or detracton from the line of sight toward the sea from the territorial highway nearest the coast;
- e. That adequate and properly located public recreation areas and wildlife preserves are reserved;
- f. That provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources; and
- g. That alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.

5. If applicant has submitted to the Guam Land Use Commission/Guam Seashore Protection Commission other request on subject property, applicant shall list them:

ATTACHMENT: Section 63108 (Interim Permit Control), Chapter 63 (Guam Territorial Seashore Protection Act of 1974), Title 21 GCA is attached for your information and guidance in the preparation of your application. For additional requirements, contact Seashore Section, Planning Division at 475-5255/5219.

SEASHORE CLEARANCE

- 6. Support Information:** The following supporting information shall be attached to this application:
- a. Site plan required; Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing building(s); location and dimensions of proposed building(s) or alterations;
 - b. 8 1/2" X 14" map, drawn to scale, showing all land zones within 1000 feet radius of subject lot's boundaries;
 - c. 8 1/2" X 14" map, drawn to scale, showing all building(s) or uses within 750 feet of the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of subject lot;
 - d. 8 1/2" map, drawn to scale, showing all parcels with correct lot number within 500 feet of subject lot's boundaries;
 - e. The most recent recorded and certified Department of Land Management survey map showing the subject property;
 - f. An initial comprehensive *Environmental Impact Access (EIA)* as required by the Guam Chief Planner;
 - g. An erosion control plan;
 - h. If leased, lease assignment and covenant; and
 - i. Additional information as required by the Territorial Planner.

7. Approval from the Commission does not constitute a waiver from permits required by other Government Agencies including the U.S. Army Corp of Engineer, nor does this approval imply that these permits will subsequently be granted.

8. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided."

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$): Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

Date of GSPC Action: _____ Conditions: Yes [] No [] (See Below)

Conditions of Approval: _____

GSPC Resolution No.: _____ Date of Notice of Action: _____

WETLANDS PERMIT

Wetlands are one type of Area of Particular Concern. Wetlands are defined as those inundated by surface or groundwater with a frequency sufficient to support, and under normal conditions do or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonably saturated conditions for growth or reproduction. Wetlands generally include swamps, marshes, mangroves, natural ponds, surface springs, estuaries and similar such areas. These areas are designated on official Wetland Areas Maps at the Bureau of Statistics and Plans, the Department of Land Management and the Department of Agriculture, among other agencies. Those areas which qualify as wetlands but are too small in size to be depicted on the official maps are listed at the Department of Agriculture and can be field verified by Agriculture staff. The Director of Agriculture shall have the final determination whether an area is subject to permit requirements governing development in wetlands.

Before a permit is issued for development in a wetland a tentative plan must be approved by the Guam Land Use Commission. Such plan of proposed development shall include the following information in sufficient detail for analyses by the Guam Land Use Commission.

- a) The name and address of the owner or owners of record, the developer, and the person preparing the map.
- b) Date, north arrow and scale.
- c) A key map locating the development in relation to surrounding areas.
- d) The exact length and bearing of the exterior boundaries of the development, with data referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Guam 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) Topography with contour intervals of two feet.
- h) The location and dimensions of all known existing easements and reservations.
- i) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- j) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.
- k) Areas intended to be reserved for public use.

Additionally, an environmental impact assessment may be required; and a performance bond is required in the amount of 110% of the infrastructure costs.

All wetland permit applications are reviewed by the Application Review Committee and by the Guam Land Use Commission. Upon approval by the GLUC, the applicant should apply for the applicable US Army Corps of Engineers permit for wetlands development and, thereafter, for the applicable Building Permit. Construction must comply with the standards for development and conservation of wetland areas, as stated in the rules and regulations.

Reference: “Flood Hazard and Wetland Areas” Rules and Regulations. Planning Division, Department of Land Management. April 1981.

Authority: Chapters 61 & 62 of the Government Code of Guam and Executive Order No. 91-27.

For more information, contact the Director, Department of Land Management.

WETLAND PERMIT

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910**

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Wetland Permit.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No. _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____

Master Plan: _____

4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project.

5. Support Information. The following supporting information shall be attached to this application:

- a. The name and address of the owner(s) of record, the developer and the person preparing the map.
- b. Date, north arrow and scale.
- c. A key map locating the development in 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 or 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 right-of-way.
- g. Topography with contour intervals of two (2) feet.
- h. The location and dimensions of all known existing easements and reservations.
- i. The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- j. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
- k. Areas intended to be reserved for public use.
- l. Additional information as required by the Guam Chief Planner.

ATTACHMENTS: Article 5 (Wetland Areas), Chapter 3 (Territorial Planning Commission), Title 18 (Land Management) is attached for your information and guidance in the preparation of your application. For additional requirements, contact the Seashore Section, Planning Division at 475-5255/219.

WETLAND PERMIT

6. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

“ hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.”

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Filing Fee(s) Paid (): Yes No Check Cash Other _____

Receipt No.: _____ Application Number: _____

Date of GLUC Action: _____ Conditions: Yes No (See Below)

Conditions of Approval: _____

GLUC Resolution No.: _____ Date of Notice of Action: _____

NOTE: ALL APPROVALS BY THE COMMISSION, WITH CONDITIONS, MUST BE COMPLETED PRIOR TO THE ISSUANCE OF AN OCCUPANCY PERMIT.

FLOOD HAZARD AREA PERMIT

A flood hazard area is one type of Area of Particular Concern. Flood hazard areas are defined as any land subject to flooding conditions or susceptible to inundation (including wetlands) and areas subject to a one percent or greater chance to flooding in any given year. These areas are designated on official Flood Hazard Area Maps at the Bureau of Statistics and Plans, the Department of Land Management, the Department of Public Works and the Office of Civil Defense.

Before a permit is issued for development in a flood hazard area, a tentative plan must be approved by the Building Official, Department of Public Works. Such a plan of the proposed development shall indicate the following information in sufficient detail for engineering analysis. A specific application form is not available.

- a) The name and address of the owner or owners of record, the developer, and the person preparing the map.
- b) Date, north arrow and scale.
- c) The key map locating the development's relation to surrounding areas.
- d) The exact length and bearing of the exterior boundaries of the development, referenced to the Guam Geodetic Triangulation Control Network or such alternative system or triangulation control as the Guam 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) Topography with contour intervals of two feet.
- h) The location and dimension of all known existing easements and reservations.
- i) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- j) The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.
- k) Areas intended to be reserved for public use.
- l) A description of all floodproofing measures to be utilized in the proposed development.
- m) An indication of the water surface elevation of the 100-year flood if the development involves a land area greater than 50 lots or 5 acres.

Additionally, an environmental impact analysis may be required. Before construction may proceed in compliance with an approved Flood Hazard Area Permit and standards for flood hazard area management, as stated in the rules and regulations, a performance bond in the amount of 110% of the infrastructure costs and other necessary permits must be secured.

Reference: "Flood Hazard and Wetland Areas" Rules and Regulations. Planning Division, Department of Land Management. April 1981.

Authority: Titles XVIII and XIX of the Government Code of Guam and Executive Order No. 78-20.

For more information, contact the Director, Department of Land Management.

SUBDIVISION OF PROPERTY

The subdivision of land on Guam is regulated in order to provide for the orderly growth and development of the island; to ensure adequate traffic circulation through a well planned street and highway system; to achieve maximum utilization of property; to provide for water supply, stormwater drainage, wastewater disposal and other public health requirements; and to permit the conveyance of land by accurate, legal descriptions.

The Subdivision Law provides that all properties parceled or subdivided must obtain the approval of the Guam Chief Planner and the Guam Land Use Commission to ensure that the action is in compliance with legal requirements and the master plan for Guam. Lot parceling or subdivision maps must be recorded at the Department of Land Management within a period of one year after approval.

If a proposed subdivision or property is not in conformance with legal requirements, a variance must be petitioned from the Guam Land Use Commission.

Authority: Subdivision Law Chapter 62, Title 21, Government Code of Guam.

Planning Division, Department of Land Management should be consulted for additional information about subdividing of property.

PARENTAL SUBDIVISION OF PROPERTY

In the subdivision of land which is an asset of the estate of a descendant, requirements for utility improvements, as are otherwise required by Chapter 62, Article 5 of the Subdivision Law, do not apply. However, before the distribution of any such land by the Court, the Guam Chief Planner or the Guam Land Use Commission may require street and utility easements to be provided in order to ensure that the lot divisions are consistent with both the area's general plan and with the requirements for utility improvements, as required at non-parental subdivisions.

Authority: Section 62104, Title 21 Government Code of Guam.

For further information, contact Planning Division Department of Land Management.

HOUSING SUBDIVISION

Planning, surveying, and engineering design of housing subdivisions must conform to regulations and standards established by the Government of Guam. The format and requirements of housing subdivision plans are delineated by Guam's Subdivision Law. A Tentative Subdivision Map and a Final Subdivision Map are required for review and approval by the Application Review Committee and by the Guam Land Use Commission.

The Tentative Subdivision Map application (see Tentative Subdivision form) requires 29 sets of the following information.

- a) Applicant and property identification data.
- b) Existing and proposed land uses and zoning.
- c) Subdivision and lot plan depicting sizes and locations of all lots and rights-of-way; location of existing infrastructure; and topography.
- d) Plans for infrastructure improvements, including grading, roads, water, sewer, stormwater drainage, power and telecommunications.
- e) Additional information which may be required by the Guam Chief Planner.

The application fee is \$10 plus \$1 for each lot. Processing time is approximately five weeks for review and approval of a Tentative Subdivision Map, provided all submittals are complete and comply with the established requirements and regulations.

A Final Subdivision Map also requires approval by the Guam Land Use Commission, and such a Map's requirements are also specified by the Subdivision Law. The Final Subdivision Map application (see Final Subdivision form) requires applicant and property description data and must be accompanied by the following information.

- a) Original and 2 prints of the Final Subdivision map.
- b) Print of the Tentative Subdivision Map, as approved by the GLUC.
- c) One set of all improvement plans, with approval signatures by appropriate Government agency directors responsible for utilities.
- d) Either a certification by the Director of Public Works that all improvements have been constructed in accordance with the plans or posted bond in the amount of 115% of total work cost as verified by the Director of Public Works. On approval of the bond, the final plans may be filed.
- e) Where applicable, an original and 2 copies of the following documents:
 - deed restrictions and covenants;
 - homeowner's association by-laws; and
 - instruments of dedication for, easements and rights-of-way to the Government.

In the event that an applicant finds that subdivision and improvements requirements cannot be met, a request for waiver may be made to the Guam Land Use Commission through a Subdivision and Waiver Improvement Variance application, (see Subdivision Variance form). The application fee is \$10, and the application must be reviewed by both

the Application Review Committee as well as the Guam Land Use Commission. Such applications may be submitted and reviewed simultaneously with a Tentative Subdivision application.

Authority: Chapter 62, Title 21, Government Code of Guam, as amended by P.L. 12-90 and P.L. 13-69.

For further information and guidance, contact Planning Division, Department of Land Management.

TENTATIVE SUBDIVISION APPROVAL

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910**

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a Tentative Subdivision Approval.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: Yes No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

Lot(s): _____ Block: _____ Tract: _____

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

Certificate of Title No.: _____ Recorded Document No.: _____

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____ Proposed Zone: _____

Master Plan Designation: _____

4. In accordance with *Guam Code Annotated, 21 GCA, Chapter 61, Section 62401*, twenty-nine (29) sets of Tentative Subdivision maps, subdivision improvement plans prepared by a registered engineer or surveyor and a statement of intent by subdivider shall be submitted to the Land Planning Division, Department of Land Management. All maps and plans shall be clearly and legibly drafted and to scale on a 22" X 29" paper to include:

- a. The tract number as issued by the Guam Chief Planner;
- b. The name and address of the owner(s) of record, the subdivider and the person preparing the map;
- c. Date, north arrow and scale;
- d. A key map of locating the subdivision in relation to surrounding area;
- e. The exact length and bearing of the exterior boundaries of the subdivision 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;
- f. The accurate placement and outline of structures existing on the site.
- g. The location names and existing widths of adjacent street rights-of-way;
- h. The location and dimensions of all known existing easements and reservations;
- i. The location of existing utilities, sewers, drainage ditches and other drainage facilities location in or adjacent to the proposed subdivision;
- j. An *Environmental Impact Assessment (EIA)* in accordance with Executive Order 90-10.
- k. The lot numbers and boundary lines of all adjacent parcels of land;

ATTACHMENT: Sections 62401 & 62402 (Requirements for Plans & Maps), Article 4, Chapter 62, Title 21, GCA is attached for your information and guidance in the preparation of your application. For additional requirements, contact the Subdivision Section, Planning Division at 475-5255/219.

TENTATIVE SUBDIVISION

4. (Continuation):

- l. The location, width and direction of flow of all water courses within the subdivision area;
- m. Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) of less or contour intervals of five feet (5') where the ground is more than five percent (5%);
- n. The location and widths of all existing or proposed streets in the subdivision;
- o. The approximate lot layout and approximate lot dimensions of each lot;
- p. Areas intended for public use.

5. The subdivider shall include a summary of proposed improvements to be made in the subdivision, the existing zone district applicable to the property, proposed lot uses and, in the absence of zoning, the proposed setback requirement for individual lots.

6. Improvement plans shall include:

- a. Street construction plans including, but not limited to grading, street centerline gradients and typical road cross-sections, specifying material and depths;
- b. Water, sewer, pipe size, routing, gradients, pressure regulation and point of origin; and
- c. Drainage plan in full detail showing the methods and facilities for collection and disposal of storm waters to include capacity of channel to accept additional water.

7. The subdivider may be required to submit construction drawings or subdivision work to permit detailed analysis of construction in conformity to law, and rules and regulations of the Commission and to facilitate improvement inspections.

8. Additional information required by the Guam Chief Planner.

9. Application Fee: In accordance with *Guam Code Annotated, 21 GCA, Chapter 62, Section 62202.*

10. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

“I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.”

_____ *(Owner(s) or Lessee(s) and Date)*

_____ *(Representative, if any, and Date)*

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Filing Fee(s) Paid (\$ *plus \$ per lot*): Yes [] No [] Check [] Cash [] Other [] _____

Receipt No.: _____ Application Number: _____

FINAL SUBDIVISION APPROVAL

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guam, Hagatna, Guam Mariana Islands 96910**

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Final Subdivision Approval*.

1. Information on Applicant:

Name of Applicant: _____ U.S. Citizen: [] Yes [] No

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

New Lot(s): _____ Block: _____ Tract: _____

Name of Registered Surveyor: _____

Village: _____ Municipality: _____

Certificate of Title Number: _____

Recorded Document Number: _____

Existing Zoning: _____ Existing Use: _____

Average Lot Size: _____ Total Number of Lots: _____

Proposed Use(s) on Property: _____

3. Supporting Information: *Per Guam Code Annotated 21 GCA, Chapter 62, Section 62402.*

a. Final Map Form:

- (1) The final 22" X 29" map shall be clearly and legibly drawn in opaque black ink or good quality tracing paper or cloth acceptable by the Planner. Signatures shall be in opaque black ink. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch (1").
- (2) If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- (3) The number of the sheet and the total number of sheets comprising the map shall be stated on each sheet to include its pictorial relation to each adjoining sheet.
- (4) 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.
- (5) The boundaries of any areas within the proposed subdivision which are subject to usual inundation by water shall be shown.
- (6) The map shall contain the tract number in letters no less than one-half inch (1/2") in height, north directional point, map scale and date of final survey.
- (7) The map shall show all survey and mathematical information and data necessary to relocate and retrace any and all interior and exterior boundary lines appearing thereon including bearings and distances of straight lines, radii, arc and tangent lengths of all curves. The final map shall particularly define, designate and delineate all roads and alley rights of way and easements and other parcels offered for dedication for public use.

ATTACHMENT: Sections 62401 & 62402, Article 4 (Requirements for Plans & Maps), Chapter 62, Title 21, GCA is attached for your information and guidance in the preparation of your application. For additional requirements, contact the Subdivision Section, Planning Division at 475-5255/219.

FINAL SUBDIVISION APPROVAL

3. (Continuation):

b. Required Information and Accompanying Data:

- (1) The Tentative Subdivision Approval;
- (2) Original tracing and two (2) prints of Final Subdivision Map;
- (3) One (1) print of the Tentative Map approval by the Guam Land Use Commission;
- (4) One (1) set of all improvement plans for the subdivision showing approval by signature of:
 - Public Utility Agency of Guam;
 - Guam Power Authority;
 - Guam Environmental Protection Agency;
 - Department of Public Works;
 - If map includes any areas to be dedicated to the Government for "parks" or "open space", a letter from the Director of the Department of Parks and Recreation must be included stating that agency's willingness to accept maintenance responsibility for all such area.
- (5) One of the following concerning subdivision improvements;
 - If the required improvements have been completed and accepted by Public Works;
 - If a bond has been posted to cover the costs of improvements; the appropriate forms signed by the Director of Public Works and the Attorney General shall be submitted.
- (6) The original and two copies of the following written documents for recording with the map;
 - Deed restrictions or covenant;
 - Homeowner's Association By-Laws;
 - Appropriate instruments for the dedication of any and all lands and improvements within the subdivision to the Government of Guam;
 - Appropriate instruments for the designation of any and all easement, utilities or other purposes, within the subdivision.
- (7) Appropriate recording fees to include costs of recording the map and supporting documents in the Department of Land Management.

No application for Guam Land Use Commission approval of a Final Subdivision Map will be accepted by the Department of Land Management unless it includes all the applicable maps, documents, bonds and fees listed above.

4. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission."

(Owner(s) or Lessee(s) and Date)

(Representative, if any, and Date)

THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice to Adjacent Property Owners: _____

Date of Publication Notice: _____

Application Number: _____ Date of GLUC Action: _____

GLUC Resolution No.: _____

CONDOMINIUM (Horizontal Property Regime Act)

Before a condominium project is offered for sale on Guam, the developer must submit a notice of intent, an executed declaration, by-laws and escrow agreements, a recorded certificate of title, and a \$50 filing fee to the Department of Land Management. The Guam Land Use Commission will then issue a Preliminary Public Report regarding the proposed condominium if the developer provides all information that should be considered to protect a prospective buyer's funds.

Before a Final Public Report is issued, a site inspection will be conducted by Land Management. Any unfinished construction must be supported by a bond. If, after the issuance of a Final Public Report, any changes in the project occur, the project must be resubmitted to the Guam Land Use Commission with the required information for the issuance of a Supplementary Public Report.

There is no specific application form. The review and processing of the required information takes approximately 8 weeks.

Authority: P.L. 21-90, Chapter 45, Title 21 GCA Horizontal Property Regime Act.

For additional guidance, contact Planning Division, Department of Land Management.

RESORT/HOTEL ZONE DEVELOPMENT

All development within the “H” Resort Hotel Zone must comply with regulations promulgated specifically for those zoned areas. Both the ARC and the GLUC must review a Tentative Development Plan, which shall include the following information. (For a more detailed breakdown of information needed, see **Procedures for Development within an “H” Zone** outline)

- a) Applicant and property identification data
- b) Location of all structures and utilities
- c) Topography
- d) All proposed structures and utilities

Additionally, a performance bond in the amount of 110% of the infrastructure costs must be posted.

Certain standards for development are also established for Resort Hotel Zones pertaining to access to public resources; preservation and interpretation of ecological, historical and archaeological resources; and yard, area and height restrictions.

An application form for development proposals in a Resort Hotel Zone is not available. The appropriate materials and \$15 for review fees shall be filed with the Department of Land Management.

Review time will take 12 weeks; more complex projects may require longer review period.

Reference: “H” Resort Hotel Zone, Rules and Regulations, Department of Land Management, April 1981.

Authority: P.L. 14-41, as amended by P.L. 14-72 and 14-82.

For further guidance, contact the Planning Division, Department of Land Management.

Procedures for Development Within an “H” Zone

A. Before issuance of any building permit for development proposed either in; 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 Guam Chief Planner containing the following information as deemed appropriate by the Guam Chief Planner:

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 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 Guam 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. The location and dimensions of all known existing easements and reservations.
8. The location of existing utilities, sewers, drainage ditches, and other drainage facilities located in, or adjacent to, the proposed development.
9. The location, width and direction of flow of all water courses within the subdivision area.
10. 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%).
11. The location and widths of all existing or proposed streets in the development.
12. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
13. Areas intended to be reserved for public use.
14. A drainage plan showing methods and facilities for collection and disposal of storm waters. The storm drainage 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 analysis of construction conformity to law and the rules and regulations of the Commission, and to facilities inspections.

B. Upon certification by the Guam Chief Planner that such complete and accurate information as requested has been provided, such tentative plan shall be submitted to the Application Review Committee for review and recommendations.

C. The Guam Land Use 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.

D. Any proposed use or structure which has been included in an approved tentative plan must be approved by the Commission or at its discretion, the Guam Chief Planner, before issuance of any building permits.

E. 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 and 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 or 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.

F. 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 months, and no more than four 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.

G. 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.

H. 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.

SIGN PERMIT

In general, all signs for outdoor advertising and identification purposes are regulated as to their number, size, lighting and location. In single-family dwelling zones, multi-family dwelling zones and agricultural zones, the following types of signs are permitted. In accordance with regulations.

- Name of residence or name permitted occupation.
- Directional signs.
- For sale signs.
- Building names and permitted uses.

In commercial zones, signs are permitted in accordance with regulations for name of person, type of business and name of building. Also, free-standing, double-faced identification signs for shopping centers are permitted.

In industrial zones, signs are permitted for name of a person or type of industry occupying the premises or the name of the building.

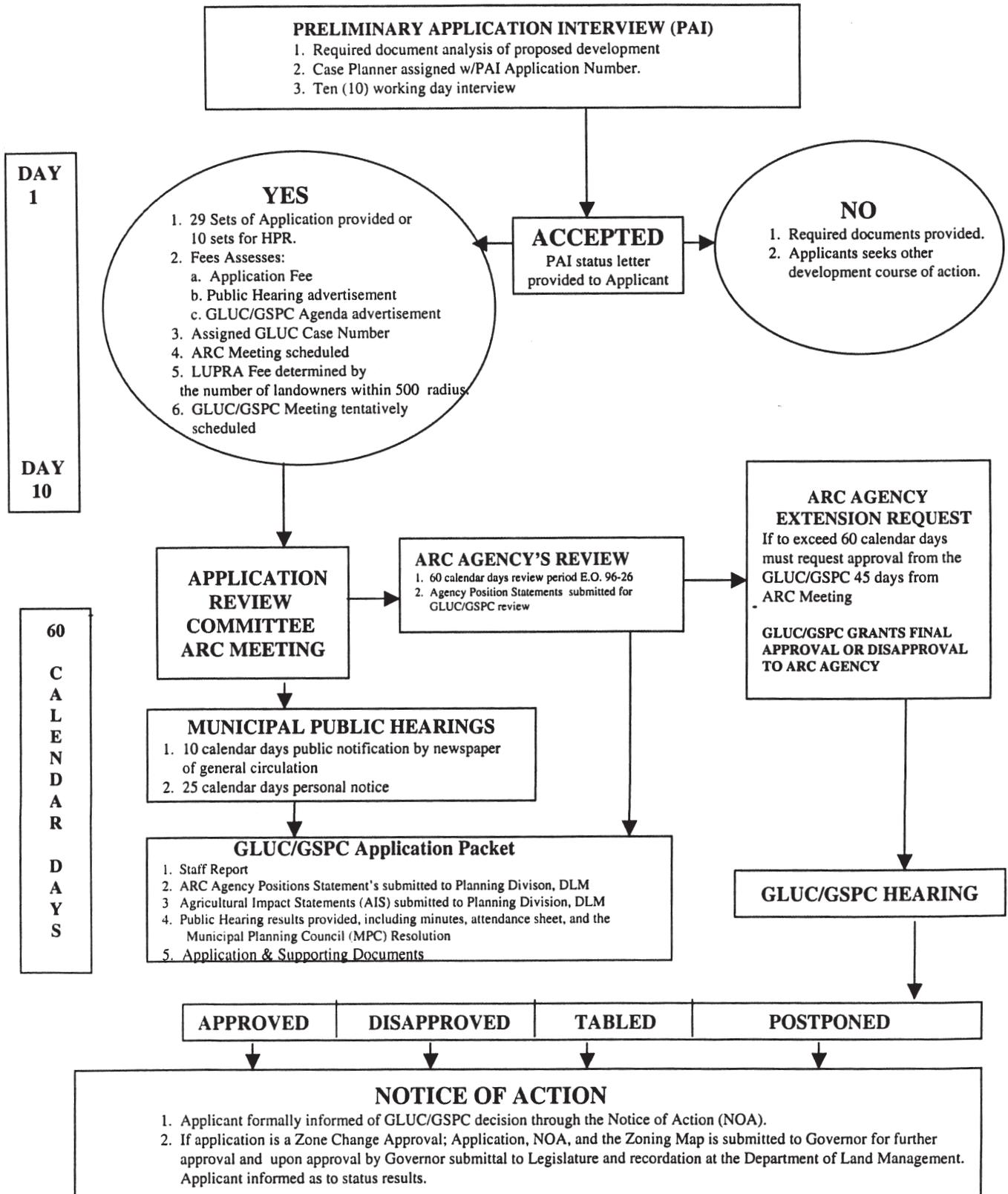
Sign permits are issued by the Building Official, Department of Public Works.

Reference: “Signs and You!” Planning Division, Department of Land Management.

Authority: Chapter IX, Title XVIII, Government Code of Guam.

Further information may be obtained from the Building Official, Department of Public Works.

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



CONSTRUCTION AND POST CONSTRUCTION PHASES

PERMIT CLEARANCE POLICIES

Building Construction Permit: To ensure the applicant's proposed Construction use is in compliance and conformity with the standards and requirements of the parcel's respective zone and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM Clearance.)

Building Occupancy Permit: To ensure the applicant's request for Occupancy use in compliance and conformity with the standards and requirements of the parcel's respective zone and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM Clearance.)

Clearing/Grading Permit: To identify the applicant's land alteration (clearing or grading) use activity is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM clearance.)

LICENSE CLEARANCE POLICIES

Business License: To identify and ensure the applicant's business use is in conformance with respective zoning standards and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

Tobacco License: To identify and ensure the applicant's business use is in conformance with respective zoning standards and that proper ownership and authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

Liquor License: To ensure the applicant's alcohol beverage use is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

Contractors' License: To ensure the applicant's proposed contractor classification, the parcel being used and affiliate activities is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

Public Health Child Care Certification: To identify and ensure the applicant's proposed child care use activity is in compliance and conformity with the standards and requirements of the respective zone and that proper ownership/authorization are secured. (Applicant to provide required information prior to DLM Clearance.)

Alien labor Processing: To identify and ensure the applicant alien labor use has Guam Land Use Commission authorization, conforms to regulatory standards and that proper ownership/authorization is secured. (Applicant to provide required information prior to DLM Clearance.)

Consultation: Provide consultation to the public and government sectors on the island's land use laws, rules and regulations And permitting process.

Information/Certification: Provide information and certification land use matters to the public and government sectors.

Summary Zone Change Application: Rezoning process established by public law to allow private property owners of "A" (Rural) or "R-1" (Single-Family Dwelling) zones that are two acres or less in size to apply for a rezone to either "R-1" (Single-family dwelling) to "R-2" (Multi-Family Dwelling) zone. A complete application is to be submitted to the Director of Land Management who shall render a decision thereon within (60) days of submission.

Split Zone Change Application: Rezoning process established by public law to allow a property owner whose property has two (2) separate zone designations within its boundaries to choose one of the zones and have it apply to the entire lot without necessity of other procedures or approvals. Application is to be submitted to the Director of Land Management who shall approve the request, process all necessary documents to reflect the approval and update all official maps of the island to indicate the zone which the property owner has chosen.

DEPARTMENT OF PUBLIC WORKS
 Division of Building Permits, Subdivision & Inspection
 542 North Marine Drive, Tamuning, Guam 96931
 Tel: (671) 646-3104* Fax: (671) 646-3130

PART ONE

**REGULATION AND PROCEDURES FOR THE CLEARING AND GRADING OF
 LAND AND CONSTRUCTION OF BUILDINGS AND OTHER
 STRUCTURES ON GUAM (PURSUANT TO SECTION 24200 AS AMENDED,
 31014 AND 31015 OF THE GOVERNMENT CODE OF GUAM)**

I. **CODES – GENERAL CONSTRUCTION:**

All construction work within Guam and under the purview of the Department of Public Works shall be governed by the 1994 Edition of the Uniform Building Code and supplements thereto.

II. **GENERAL INFORMATION:**

Before applications are made for a building permit, the following information should be read and thoroughly understood. All questions should be directed to the Building Official.

III. **ZONE DESIGNATIONS:**

The Island of Guam is divided into nine zones known as:

- “A” Rural Zone
- “R1” One-Family Dwelling Zone
- “R2” Multiple Family Dwelling Zone
- “P” Automobile Parking Zone
- “C” Commercial Zone
- “M1” Limited Industrial Zone
- “M2” Industrial Zone
- “LC” Limited Commercial Zone
- “H” Resort Hotel Zone

IV. **SETBACKS AND LOT AREA REQUIREMENT:**

The required setbacks to the following zones are:

<u>Use</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>Side Yard Depth</u>	<u>Lot Width</u>	<u>Lot Area</u>	<u>Lot Area Per_ Dwelling Unit</u>
“A” Rural	15 Ft.	10ft.	8ft.	100ft.	20,000 sq. ft.	10,000 sq. ft.
“R1” Single Family	15ft	10ft.	8ft.	50ft.	5,000 sq. ft.	5,000 sq. ft.
“R2” Multiple Family	15ft.	10ft.	8ft.	50ft.	5,000 sq. ft.	1,250 sq. ft.

<u>Use</u>	<u>Front Yard Depth</u>	<u>Rear Yard Depth</u>	<u>SideYard Depth</u>	<u>Lot Width</u>	<u>Lot Area</u>	<u>Lot Area Per_ Dwelling Unit</u>
"C"	Commercial - - -	20ft.	- - -	20ft.	2,000 sq. ft.	400 sq. ft
"M1"	Light Industrial- - -	20ft.	8ft.	50ft.	5,000 sq. ft.	1,250 sq. ft.
"M2"	Heavy Industrial 25ft.	25ft.	15ft.	120ft.	40,000 sq. ft.	1,250 sq. ft.
"H"	Hotel Resort Zone-(Conditional Use, See TPC Interim Rules & Regulations dated April'9					

V. PROHIBITIONS AND PENALTY: (SECTION 31054, TITLE XXXII)
SECTION 31018 PROHIBITIONS:

1. It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provision is made or the installation of which is regulated by this Title XXXII, and the Uniform Building Code without first filing an application with the Building Official in writing, and obtaining the required permit therefore except that ordinary repairs as defined in Title XXXII, Government Code of Guam which do not involve any violation of this Title shall be exempt from this provision.

2. Any person violating the provisions of Uniform Building Code and Title XXXII shall be deemed guilty of a petty misdemeanor, punishable by a fine of not less than five (\$5.00) dollars nor more than five hundred (\$500) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment.

3. Such person shall be deemed guilty of a separate offense for each day during which any violation of the provisions of Title XXXII, and Uniform Building Code, Government Code of Guam occurs.

VI. SCHEDULE OF BUILDING PERMIT FEES

Before a building permit is issued, a permit fee shall be paid to the Building Official in accordance with the following schedule based upon the value of the proposed work.

1. A fee for each building permit issued by the Building Official in connection with any work shall be paid to the Treasurer of Guam as set forth in Table 1- A of the 1994 Edition of the Uniform Building Code except that the building permit fee for a single family residence shall be one-half (1/2) the applicable fee in Table 1-A.

1994 UNIFORM BUILDING CODE

TABLE 1 – A – BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 TO \$500.00	\$22.00
\$501.00 TO \$2,000.000	\$22.00 for the first \$500.00 plus \$2.75 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$63.00 for the first \$2,000.00 plus \$12.50 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$352 for the first \$25,000.00 plus \$9.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$580.00 for the first \$25,000.00 plus \$6.25 for each additional \$100,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$895.00 for the first \$100,000.00 plus \$5.00 for each additional \$100,000.00 or fraction thereof.
\$500,001 to \$500,000.00	\$2,855.00 for the first \$500,000.00 plus \$4.25 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$4,955.00 for the first \$1,000,000.00 plus \$2.75 for each additional \$1,000.00 or fraction thereof.
Other Inspections and Fees:	
1. Inspections outside of normal business hours.....	\$42.00 per hour*
(minimum charge – two hours)	
2. Reinspection fees assessed under provisions of Section 108.8.....	\$42.00 per hour*
3. Inspections for which no fee is specifically indicated.....	\$42.00 per hour*
(minimum charge – one half hour)	
4. Additional plan review required by changes, additions Or revisions to plans.....	\$42.00 per hour*
(minimum charge – one half hour)	
5. For use of outside consultants for plan checking and Inspections, or both.....	Actual costs **

* Or the total hourly cost to the jurisdiction, whichever is the greatest. The cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

** Actual costs include administrative and overhead costs.

SECTION 3310 – GRADING FEES

3310.1 General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

3310.2 Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Table A-33-A. Separate plan review fees shall apply to retaining walls or major drainage structures are required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

3310.3 Grading Permit Fees. A fee for each grading shall be paid to the building official as set forth in Table A-33-B. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

TABLE A-33-A-GRADING PLAN REVIEW FEES

50 cubic yards (38.2 m3) or less	No fee
51 to 100 cubic yards (40 m3 to 76.5 m3)	\$15.00
101 to 1,000 cubic yards (77.2 m3 to 764.6 m3)	\$22.50
1,001 to 10,000 cubic yards (765.3 m3 to 7645.5 m3)	30.00
10,000 to 100,000 cubic yards (7646.3 m3 to 76455 m3)	\$30 for the first 10,000 cubic yards (7645.5 m3), plus \$15.00 for each additional 10,000 cubic yards (7645.5 m3) or fraction thereof
100,001 to 200,000 cubic yards (76456 m3 to 152911 m3)	\$165.00 for the first 100,000 cubic yards (76455 m3), plus \$9.00 for each additional 10,000 cubic yards (7645.5 m3) or fraction thereof
200,001 cubic yards (152912 m3) or more	#255.00 for the first 200,000 cubic yards (152911 m3) plus \$4.50 for each additional 10,000 cubic yards (7645.5 m3) or fraction thereof.
Other Fees: Additional plan review required by changes, additions or revisions to approved plans (minimum charge – one half hour)	\$30.00 per hour*

*Or the total hourly cost to the jurisdiction, whichever is the greater. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE A-33-B - GRADING PERMIT FEES 1

50 cubic yards (38.2 m3) or less	\$15.00
51 to 100 cubic yards (40 m3 to 76.5 m3)	\$22.50
1,001 to 1,000 cubic yards (77.2 m3 to 764.6 m3)	\$22.50 for the first 100 cubic yards (76.5 m3), plus \$10.50 for each additional 100 cubic yards (76.5 m3) or fraction thereof
10,001 to 100,000 cubic yards (765.3 m3 to 7645.5 m3)	\$117.00 for the first 1000 cubic yards (764.6 m3), plus \$9.00 for each additional 1000 cubic yards (764.6 m3) or fraction thereof
10,001 to 100,000 cubic yards (7646.3 m3 to 76455 m3)	\$198.00 for the first 10,000 cubic yards (7645.5 m3), plus \$40.50 for each additional 10,000 yards (7645.5 m3), or fraction thereof
100,001 cubic yards (76456 m3) or more	\$562.50 for the first 100,000 cubic yards (76455 m3) plus \$22.50 for each additional 10,000 (7645.5 m3) or fraction thereof
Other Inspections & Fees:	\$30.00 per hour ²
1. Inspections outside of normal business hours (minimum charge – two hours)	
2. Reinspection fees assessed under provisions of Section 108.8.....	\$30.00 per hour ²
3. Inspections for which no fee is specifically indicated.....	\$30.00 per hour ²
(minimum charge – one half hour)	
¹ The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.	
² Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.	

PART TWO

PROCEDURES AND REQUIREMENTS
FOR OBTAINING A CONSTRUCTION PERMIT

PART TWO

PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT

I. BUILDING PERMIT APPLICATION PROCESS, PROCEDURES AND REQUIREMENTS:

A permit application, completely filled out on forms furnished by the Department of Public Works, shall be submitted by the contractor/owner. Application must be signed by the owner.

The permit application must be accompanied by at least five (5) complete sets of Plans and specifications for the proposed work. Provide a copy of DLM recorded Property Map, Ownership Documents or Lease Agreement, Notice of Action (GLUC) if applicable.

Before specific plans and specifications are reviewed for compliance with the Building Code and other requirements, the plans and specifications shall contain the following as a minimum.

II. PLAN AND SPECIFICATIONS – DRAWING STANDARDS:

A. PLAN SHEET SIZES, DRAWINGS AND SPECIFICATIONS REQUIREMENTS

1. Plan Sheet Size – All plan sheets must have a minimum size of 18”x24” and a maximum size of 30”x 42”. A set of plans must have a uniform sheet size. Variations of sheet sizes will not be accepted. Exceptions to these size requirements will be permitted only upon sufficient justification and written approval by the Building Official.

2. Drawing shall be provided with borderlines leaving a one-half inch margin at the top, bottom and right side, and a one and a one-half inch margin at the left for binding. Drawings shall also contain a title block in the lower right hand corner identifying the project and the names of the owner and the person or firm responsible for the preparation of the plans. All plans, specifications and calculations shall bear the stamp/seal and signature of professional engineer or architect licensed to practice in Guam. Must include the word Expiration Date adjacent to the seal.

3. Specifications – (If not on plan sheets) must be on standard 8 ½” x 11” size Sheets, typed and bound, indicating the exact description of the project.

B. CIVIL REQUIREMENTS

1. Plot Plan- Plans must include a plot plan drawn to scale, completely dimensioned, and must contain the following:

- a) Delineation of property boundaries, lot number and zone designation.
- b) Delineation of public rights-of-ways, easements access roads (if applicable).
- c) Lot diagram indicating the size and location of the proposed construction, including setbacks.
- d) Vicinity Map and all existing structures on the side and their distances from lot and street lines, the established grade and existing elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals.
- e) Sewage Disposal Requirements – (Connection to public sewer) If sewage disposal is accomplished by connection to public sewer, the project plan must show the following:

- (1) Lower floor elevation.
- (2) Sewer construction profile to include tapping connection and sizes.
- (3) Location, depth and type of on-site existing sewage disposal facility.
- (4) Connection details.

f) Individual Sewage Disposal System-(Connection to septic tank and leaching field). If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must indicate the following:

- (1) Soil Test Data.
- (2) Disposal system construction detail (as per Guam Environmental Protection Agency, and Guam Waterworks Authority Requirements).

NOTE: Location of all property lines must be verified by the Department of Land Management.

2. Grading Plan - Plans must include a grading plan, which may be a part of, or separate from, the Plot Plan and must contain the following:

- (a) Hydraulic analysis must be submitted in a separate bound report showing computations bearing seal and signature of professional engineer licensed to practice in Guam.
- (b) All necessary drainage plan and profiles, drainage structures and details shall be included in civic drawings.
- (c) Drainage plan and profile may be required by Hydraulic Engineer.
- (d) Location of existing and proposed utilities, roads, paved areas on the site.
- (e) Location of all existing and proposed drainage channels.
- (f) Grade lines of all existing and proposed ground surface.
- (g) Soil test data must be shown on the plans or in a separate bound soils report. Data must include a log of test holes showing all soil formations encountered and the depth of any ground water found. Soil erosion control plan when required by Guam EPA regulations or the Building Official.

NOTE: Soil test requirements may be waived for one or two family dwellings, or building extensions, if in the opinion of the Building Official such tests are not required for a safe design.

Soil test data must be submitted for projects involving individual sewage disposal systems.

Sewage Treatment Plan – If sewage disposal is to be accomplished by utilization of a treatment plant, the plans shall contain the following:

1. Site plan
2. Component details
3. Flow diagram of the plant
4. Design criteria design data indicating organic loading air supply requirements and detention time.
6. Sludge disposal scheme
7. Discharge scheme
8. Design analysis

All sewage disposal schemes and plans and specifications must be approved by Guam EPA.

3. Landscape Plans – shall contain at least the following data and information:

- (a) Parking areas and driveways in accordance with zoning requirements.
- (b) Patios, terrace and hardstand existing or proposed.
- (c) Plant listing – symbols, quantity and sizes; description local and botanical names.
- (d) Lighting outdoor, etc.

C. ARCHITECTURAL PLANS- Shall contain at least the following data and information.

1. Floor Plan – All spaces must be designated according to use.
2. Exterior elevations
3. Interior elevations
4. Building sections
5. Wall sections
6. Roof plan
7. Detailed drawings necessary to show adequately all architectural elements of the building including doors, windows, & interior finish schedules, and other details necessary to substantiate all required fire-protection characteristics.
8. Drawing scales should not be less than 3/16": 1'-0" except civil drawings.

D. STRUCTURAL PLANS - Shall contain at least the following data and information:

1. Foundation plan
2. Roof framing plan
3. Floor framing plan (If two-story or more)
4. Detailed drawings showing sizes, sections, and locations of members and such other information as may be required to indicate clearly all structural elements and structural engineering features
5. Design calculations and analysis

E. MECHANICAL AND PLUMBING PLANS- Shall contain at least the following data and information:

1. Complete mechanical and plumbing plan (floors, isometric, elevations and details)
2. Legend of symbols
3. General notes specifying design criteria for all mechanical and plumbing systems (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
4. Fixture schedule specifying materials to be used (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
5. Buildings with air-conditioning:

(a) Provide energy conservation with calculations according to UBC Chapter____. Reflect the insulation required on the drawing.

6. Specifications (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
7. Design Calculations (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
8. Food service equipment (if applicable – must be approved by the Department of Public Health & Social Services)

F. ELECTRICAL PLANS – Shall contain at least the following data and information:

1. Electrical plan – to include:

- a) Lighting plan
- b) Power plan
- c) Communication plan (if commercial or industrial) including fire alarm system (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
 1. Service line diagram
 2. Panel schedules
 3. General notes specifying design criteria
 4. Legend of Symbols
 5. Design calculations (Required only for multi- family dwelling, commercial, industrial and institutional buildings)

NOTE: Mechanical and Electrical Plans must be separated and must not be superimposed on other plan categories

III. REVIEW PROCEDURE:

A. The building permit application accompanied by at least five (5) complete sets of plans and specifications must be submitted to the Building Permits Section, Department of Public works, by the owner or his licensed contractor.

B. The Building Official shall review the plan and specifications to assure that all minimum requirements are met.

C. The review and approval of the following government agencies shall be required:

1. Department of Land Management
2. Guam Power Authority
3. Guam Telephone Authority
4. Guam Waterworks Authority
5. Guam Environmental Protection Agency
6. Department of Park and Recreation
7. Public Safety – Fire prevention Bureau (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
8. Public Health & Social Services (If applicable – for food service equipment & systems only)

D. If plans and specifications meet the requirements, they shall be submitted to the Division of Design Analysis/Building Permit for review.

E. If plans and specifications are found to be adequate and conform to all building code and other applicable requirements, the Building Official shall stamp and sign the five (5) complete sets of plans and specifications.

One (1) set will be retained by the Building Permit Section

(2) sets for the owner's records

(2) sets returned to the owner for his/her licensed contractor which must be made available for inspection at the job site any time work is in progress.

IV. ISSUANCE OF PERMITS:

The Building Official or his authorized representative shall then issue a building permit which must be posted on a conspicuous location at all times.

V. VALIDITY:

Section 31030, Building Law, Title XXXII, Government Code of Guam

- A. The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation or the provisions of this law. Any building permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.
- B. The issuance of a building permit after approval of plans, specifications and attached data submitted requiring correction of any errors in said plans,

specifications and data, nor from prohibiting building therewith, shall not prevent the Building Official from thereafter until said correction is made.

VI. EXPIRATION OF BUILDING PERMIT

Section 31030 (c), Building Law, Title XXXII, Government Code of Guam:

“Any building permit shall lapse and be void if the work authorized by it is not commenced within three (3) months after its issuance; or is suspended or abandoned for a period of three (3) months at any time after the work has been commenced; provided, that, for cause, the Building Official may allow up to a maximum of three (3) months each. All such extensions shall be in writing and noted on the building permit and in the building records of the Department of Public Works”.

VII. APPROVED PLANS AND SPECIFICATIONS

Section 31028, Building Law, Title XXXII, Government Code of Guam:

“Approved plans and specifications shall not be changed, modified or altered in any manner affected by the provisions of this or other applicable, laws, without express written authorization from the Building Official, and all work shall be done in accordance with the approved plans and specifications”.

VIII. INSPECTIONS:

The project shall be inspected on regular basis by the inspectors from the Department of Public Works to assure compliance with approve plans and specifications and in accordance with all Public Works building and safety regulations.

Section 31042, Building Law, Title XXXII, Government Code of Guam:

“The Building Official shall inspect or cause to be inspected from time to time during the progress of the work thereon, all building structures for work on which a building permit has been issued and is outstanding. A record shall be made of every inspection and of all violation of the provisions of this Title as discovered by such inspection, and other applicable laws, rules, and regulations”.

NOTE: In accordance with Public Works regulations:

- 1) Schedule of inspection must be made 24 hours in advance minimum and all work must be completely finished.
- 2) All major construction work such as electrical, plumbing and reinforcement rebar's shall not be covered or concealed without first obtaining the approval of the Building Official.

IX. STOP WORK ORDERS:

In the event a project is commenced without a building permit or work performed is not in accordance with the approved plans and specifications on any disapproved changes or revision thereto, or unsafe construction practices are continued after sufficient warning by the Building Official or his authorized representatives, a STOP WORK ORDER shall be issued and takes effect until the conflict is resolved.

X. CERTIFICATE OF OCCUPANCY

A. Final Inspection:

After final inspection of the project indicates that the work performed was done in accordance with approved plans and specifications and has met all Government of Guam requirements, the Building Official shall issue a Certificate of Occupancy.

B. Section 31033, Building Law, Title XXXII, Government Code of Guam

“No building or structure hereafter erected shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Official and posted on the premises certifying that such building conforms to the provisions of this law.”

C. Change in Use:

Changes in the character or use of a building shall not be made except as specified in Section 3405 of the Uniform Building Code, 1994.

D. Certificate Issued:

1. After final inspection when it is found that the building or structure complies with the provisions of the Uniform Building Code 1994, the Building Official shall issue a Certificate of Occupancy which shall contain the following:

- a) The building permit number
- b) The address of the building
- c) The name and address of the owner
- d) A description of that portion of the building complies with the requirements of this Code for group and division of occupancy and the use for which the proposed occupancy is classified.
- e) A statement that the described portion of the building complies with the requirements of this Code for group and division of occupancy and the use for which the proposed occupancy is classified.
- f) Name of the Building Official

E. Temporary Certificate:

A temporary Certificate of Occupancy may be issued by the Building Official for the use of a portion(s) of a building or structure prior to the completion of the entire building or Structure.

F. Posting:

The Certification of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official.

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES
Division of Environmental Health
Public Health Engineering Section
Standard Operating Procedures
Sanitary Permit Clearance

I. Definitions

1. **Building Permit** - a permit issued by the Department of Public Works to erect, construct, enlarge, relocate or demolish any building or structure.

2. **Business License** - a license issued by Revenue and Taxation to engage in the following types of businesses:

- ▶ Wholesale: sale of tangible property or items to be resold
- ▶ Retail: sale of tangible property or items to ultimate consumer or user
- ▶ Service: performing or providing service for others for consideration

3. **Occupancy Permit** - a permit issued by the Department of Public Works prior to a building being occupied.

II. New Sanitary Permit Clearance (Building Permit Track)

Sanitary Permit Clearance can occur through the building permit process in the following stages:

A. Plans and Specifications Review

1. Submission of plans and specifications

Plans and specifications of health regulated establishments submitted at One Stop are Presented to the DPW Building Inspector at the DPW counter. The inspector will Stamp one set “file copy” and another “job site copy”. The application form for the Building permit and the plans and specifications will then be forwarded to the required agencies for review and approval. The usual order of review for health regulated establishments are:

- 1) Department of Land Management
- 2) Guam Environmental Protection Agency
- 3) Guam Fire Department
- 4) Department of Public Health and Services
- 5) Department of Public Works

2. Plan Review

Plan review will be conducted by an engineer of the Public Health Engineering Section, Division of Environmental Health. The plans will be reviewed for physical and structural requirements. Rules and regulations pertaining to the particular type of health regulated establishment will be referred to for guidance. Any deficiencies will be clearly noted on the DPHSS agency clearance remarks of the One Stop Computer System. The plans will then be approved, disapproved, conditionally approved, or left pending if review is not completed. The reviewer, date, and time will be documented.

Approved plans will not require consultation with the contractor/owner. The plans will be stamped approved, signed off and tracked (routed) on the computer to the next reviewing agency.

3. Consultation and Acknowledgement by Owner/Contractor

Plans given a conditional approval indicate compliance with physical and structural requirements, but require consultation with the engineer for clarifications on design. The contractor/owner will be required to consult with the reviewer to obtain full approval.

Plans given a disapproval indicate a deficiency in a physical or structural requirement on the plans and specifications. The contractor/owner will be required to consult with the reviewer and then submit an amended plan to obtain full approval.

4. Forwarding to Other Agencies

After an approval is given for a set of plans and specifications, the plans will be stamped approved, signed off and tracked (routed) on the computer to the next reviewing agency.

B. Occupancy Permit Clearance

DPHSS is first notified of the completion of a new construction through a request for occupancy permit inspection. Occupancy permit clearance will occur in the following steps:

1. Scheduling of occupancy permit inspection

A schedule of the inspection can be obtained at the One Stop Service Center. A vicinity map will be required to be submitted so that the Public Health Official can locate the premises.

2. Inspection by Engineering Section Personnel

Public Health Engineering Section personnel will conduct an inspection to determine whether requirements given during plan review were complied with. If deficiencies exist, occupancy permit clearance will not be given until the deficiencies are corrected as

specified in the remarks of the plan review. The deficiencies will be documented on a job site inspection report.

3. Clearance of the Occupancy Permit

Once the deficiencies are corrected, an approval for the occupancy permit is given. The engineer will determine whether the occupancy permit inspection can suffice for an inspection for Sanitary Permit. If the inspection is sufficient, the job site inspection report will be kept on file until the owner of the new establishment applies for a business license and Sanitary Permit.

C. Sanitary Permit Issuance

For the establishments where the occupancy permit inspection has sufficed for the Sanitary Permit inspection, Sanitary Permit issuance will take place in the following steps (all other establishments will be handled using Business License Tract):

1. Clearance of the Business License

The business license will be cleared with agency computer clearance remarks indicating that inspection conducted for occupancy showed that the establishment met the necessary requirements for a sanitary operation.

2. Submission of the Application for Sanitary Permit and Supporting Documents

The owner or his/her authorized representative will be given an informational packet and will be required to submit a completed Application for Sanitary Permit with the required supporting documents indicated on the handout. The owner will be told that until all the documents are submitted, the Application for Sanitary Permit cannot be submitted for processing. Specifications on how the documents should be drafted and submitted will be explained thoroughly.

3. Acceptance and Approval for the Application for Sanitary Permit and Supporting Documents

Using a supporting documents checklist, each document submitted will be evaluated for responsiveness. If a supporting document is determined to be not responsive, it will be returned to the owner for resubmission. The application will be complete when all the documents are responsive to the information handout.

4. Submission to Administration

The Application for Sanitary Permit and the supporting documents will be placed in a file folder and submitted to the Administration. A five (5) to seven (7) day period will be allowed for review and approval by the Administrator of Environmental Health and the Director of DPHSS. Signed Sanitary Permits can be picked up by the owner.

III. New Sanitary Permit Clearance (Business License Track)

The Business License Track of new Sanitary Permit issuance is used for establishments undergoing a change of management, relocation, and amendment of business activity. It is also used for establishments that were not granted full approval during occupancy permit inspection.

The steps for Sanitary Permit Issuance are as follows:

A. Review of Business License Application

1. Determination of the Establishment Type

First review of the Application for Business License involves determining the establishment type. The applicant will be required to describe exactly all the different business activities so that a clarification can be established as to what set of Rules and Regulations will be applied to the particular business activity. At this time consultation may be given on the physical and structural requirements for the particular type of health regulated establishment.

2. Review of Permitted Activities as per Zoning

This review is more applicable to health regulated activities conducted on residential or non-commercial zoning. The agency clearance remarks of the Department of Land Management (DLM) should be referred to so as to prevent the issuance of a Sanitary Permit to a business location that (DLM) requires the health regulated business activities occur off-site.

B. Submission of the Application for Sanitary Permit and Supporting Documents

The owner or his/her authorized representative will be given an informational packet and will be required to submit a completed Application for Sanitary Permit with the required supporting documents indicated on the handout. The owner will be told that until all the documents are submitted, the Application for Sanitary Permit cannot be submitted for processing. Specifications of how the documents should be drafted and submitted will be explained thoroughly.

To schedule an inspection, the owner will be required to submit:

- 1) Application for Sanitary Permit,
- 2) Floor plan,
- 3) Equipment specifications,
- 4) Vicinity map, and
- 5) documented smoking policy for the establishment.

C. Plans and Specifications Review and Scheduling of the Inspection

Prior to the scheduling of the inspection, a plan review will be conducted. The plan will be looked at for neatness, responsiveness to specifications on submission, and then reviewed for physical and structural requirements. Any structural deficiencies will be consulted with the owner. An inspection will not be scheduled until the structural deficiency is corrected.

D. Job Site Inspection of the Establishment

Public Health Engineering Section personnel will conduct an inspection to determine whether requirements given during plan review were complied with. If deficiencies exist, business license clearance will not be given until the deficiencies are corrected as specified in the remarks of the plan review. The deficiencies will be documented on a job site inspection report.

E. Sanitary Permit Issuance

1. Clearance of the Business License

The business license will be cleared with agency computer clearance remarks indicating that inspection conducted for occupancy showed that the establishment met the necessary requirements for a sanitary operation.

2. Acceptance and Approval of the Application for Sanitary Permit and Supporting Documents

Using a supporting documents checklist, each document submitted will be evaluated for responsiveness. If a supporting document is determined to be not responsive, it will be returned to the owner for resubmission. The application will be complete when all the documents are responsive to the information handout.

3. Submission to Administration

The Application for Sanitary Permit and the supporting documents will be placed in a file Folder and submitted to Administration.

A five (5) to seven (7) day period will be allowed for review and approval. Signed Sanitary Permits can be picked up by the owner.

4. To Director for review and approval.

A five (5) to seven (7) day period will be allowed for review and approval. Signed Applications for Sanitary Permit will be routed back to ASU for logging-in and filing for later pick up by the owner.

Department of the Army
CORPS OF ENGINEERS, PACIFIC OCEAN DIVISION
GUAM OPERATIONS OFFICE
GUAM REGULATORY BRANCH
PSC 455, Box 188
FPO AP 96540-1088
Tel: 339-2108
FAX: 339-2306

ARMY CORPS OF ENGINEERS

The U.S. Army Corps of Engineers (ACOE) is responsible for, among other things, protecting the nation's navigable waters from obstructions and for maintaining the environmental quality of water resources. A Corps permit is required to perform work in, on, over or under all tidal waters. Permits are required for dredging in all tidal waters and in some wetlands. Also, the permanent or temporary placement or discharge of dredged or fill materials into all tidal and non-tidal waters and adjacent wetlands require a permit.

Activities which require permits include, but are not limited to, the following:

- a) Construction of boat ramps, seawall or other similar structures and artificial reefs.
- b) Placement of floats, piers or mooring buoys in tide waters.
- c) Discharging sand, gravel or other fill materials into all waters and wetlands.
- d) Filling of wetlands, rivers or other non-tidal bodies of water and filling of tidal waters.
- e) Laying of underwater cables, tunnels or outfall pipes in tide waters.
- f) Creation of aquaculture ponds located in waters of the U.S. including wetlands.
- g) Excavations in wetlands if excavated material is side cast.
- h) Mechanized clearing of wetland vegetation.

The ACOE advises that work in wetlands and other special aquatic sites must be avoided unless it can be shown that no other less environmentally damaging alternative exists.

Applicants are expected to provide the following information:

- a) A detailed description of the proposed activity, including the purpose, use, type of structure, facilities for handling waste, and composition and quantity of dredged or fill materials.
- b) Names and addresses of adjoining property owners and others who may be affected by proposed activity.
- c) Complete information on the project location in enough detail so that a field visit may be conducted.
- d) A list of the status of all other federal or local government permits and clearances required for the project.
- e) A simple environmental impact assessment. A more detailed EIA may be required for projects having large, potential impacts.

The Corps' permit review process includes reviews by interested local agencies and organizations and may involve a public hearing. The ACOE will not issue a permit until all applicable Territorial regulations have been satisfied. In some cases, however, the ACOE may issue "provisional" permits before required local approvals such as the CZM consistency statement or Section 401 Water Quality Certification have been issued. These "provisional" permits make it clear that the permit is not valid until these approvals have been issued or waived. Review time may be reduced by simultaneous processing. If there are no objections to the proposed activity, a permit may be issued within 3 months after completed application is submitted unless the project meets the requirements of a nationwide permit in which case final action on processing normally takes two weeks.

The permit is \$10 for non-commercial uses and \$100 for commercial and industrial uses. Copies of Permit Application Forms are reproduced as ACOE-1. National Wetlands Inventory Maps of areas over which the ACOE exercises permit jurisdiction are available for review at the local ACOE office; however, these maps are only useful as general guide and are not a reliable way to ensure wetlands are not on a particular site. The only way to be sure if there are wetlands on site is for a qualified wetland delineator to inspect the entire site.

Violations of pertinent laws may result in the following penalties: removal of materials followed by restoration; **finest from \$500 to \$5,000 per day; finest for unpermitted work can be as high as \$25,000 per day;** and/or imprisonment for up to one year.

Reference: "U.S. Army Corps of Engineers Permit Program – A Guide for Applicants", U.S. ACOE, November 1977 (with supplements).

Authority: Section 10, River and Harbor Act of 1899; Section 404, Clean Water Act; and Section 103, Marine Protection, Research and Sanctuaries Act.

More information about these permit regulations may be obtained from the Guam Operations Office, U.S. Army Corps of Engineers.



**United States Department of Agriculture
Rural Development
Western Pacific Area Office
GUARANTEED HOUSING PROGRAM**

Terms and Conditions:

1. Maximum Amount: no limit
2. Term: 30 years
3. Interest rate: Fixed Rate - maximum FNMA 90 day yield rate, plus 60 basis points
4. Purpose:
 - Purchase a new or existing single family house
 - Purchase a condominium
 - "Take Out" financing to construct a new dwelling
 - "Take Out" financing to purchase and improve an existing dwelling
 - Legal fees, Title services, Loan closing costs
 - Refinance existing Guaranteed Loan

5. Overview of Program

- For applicants who can't qualify for a mortgage loan without the guarantee
 - Borrower deals with lender
 - Rural Development works with lender
 - This is the lenders loan
 - Lender uses own forms
 - Loans can be made 100% loan to value
 - No down payment requirement
 - Repayment ratio Maximum: Total Debt 41% and PITI 29%
 - No Government restriction on size, bedrooms, and bathrooms
 - Fee simple or leasehold property
- Dededo-Ineligible Area***

6. 9 Approved Lenders: Allied Mortgage, Bank of Guam, Bank of Hawaii, Bank Pacific, Citibank N.A. Guam, Citizens Security Bank, First Hawaiian Bank, 1st & 2nd Mortgage Co. of New Jersey, Community First Guam Federal Credit Union

7. GUARANTEED HOUSING PROGRAM INCOME LIMIT (Effective March 03, 2005)

No. Persons	1	2	3	4	5	6	7	8
Low Income	35,300	40,300	45,350	50,400	54,450	58,450	62,500	66,550
Moderate Income	50,700	57,950	65,200	72,450	78,250	84,050	89,850	95,650

* add 8% of 4 person limit for each person in excess of 8. **Moderate-income is defined as the greater of 115% of the U.S. Median Family or the average of the State-Wide and State Non-Metro Median Family Incomes or 115/80ths of the Area Low-Income Limit.

ADJUSTED ANNUAL INCOME:

	Annual Income	\$
DEDUCTIONS		
1. Dependents. \$480 for each family member under 18 yrs.; full time student over 18 yrs.' or 18 yrs/ or older who is a person with a disability.		-
2. Elderly. \$400 for each family having an applicant/borrower 62 yrs. or older or who is a person with a disability.		-
3. Child Care. Actual amount expended for care of children 12 yrs. or under to enable family members to work or for School.		-
4. Medical Expenses. Adjusted medical expenses for elderly family. \$ _____ - \$ _____ - \$ _____ = Adjusted attendant care/aux. Medical Insurance 3% of gross annual income. equipment for each person with a disability.		-

Adjusted Annual Income =

First Hawaiian Bank Bldg., Suite 303, 400 Route 8, Hagatna, Guam 96910-2003, Tel: (671) 472-7361, FAX: (671) 472-7366
<http://www.rurdev.usda.gov>

Committed to the future of rural communities

Rural Development is an Equal Opportunity Lender, Provider, and Employer. Complaints of discrimination should be sent to USDA, Director, Office of Civil Rights, Washington, D. C. 20250-9410



United States
 Department of
 Agriculture

Rural
 Development



Leveraged Loan Program

Definition A joint financing concept between USDA Rural Development and a participating lender. The housing applicant receives two loans. Each lender (Rural Development and participating lender) makes separate financial agreements, and each lender remains responsible for the underwriting its loans, but some of the application and closing costs can be combined. This results in saving money for the applicant, and also furthering the funding resources of USDA Rural Development.

Benefits for the Lender

- Community Reinvestment Act points for lender
- Assists rural families in local communities in Hawaii
- Communities benefit; with joint financing federal dollars reach more households
- New customers for lender
- Very limited risk or exposure for lender

Advantages for the Applicant

- Leveraged loans receive processing priority with USDA.
- Joint financing concept allows some rural applicants to make homeownership a reality
- Working with a participating lender may be the first opportunity the applicant has to establish a relationship with a private lender.

Purposes

- Finance an existing house and lot
- Purchase a lot and construct a home
- Improve or relocate a house
- Finance closing fees

Eligibility Requirements

Applicant must show adequate repayment ability – front-end and back-end ratios of 29/41 for very-low income or 33/41 for low income households. Meet other USDA requirements; such as, an applicant may not already own a home, applicant must be able to personally occupy the home on a permanent basis, be unable to obtain conventional or USDA guaranteed type financing, acceptable credit history, a U.S. citizen or resident alien, and income must be under 80% of the median as determined by HUD.

Has adjusted income no higher than the following limits for Guam as of 3/3/05

1 person	35,300	5 person	54,450
2 person	40,300	6 person	58,450
3 person	45,350	7 person	62,500
4 person	50,400	8 person	66,550

Committed to the future of rural communities.

Types of Homes Financed

USDA defined modest housing. Our loan limits define “modest housing” here in Guam. Homes must be priced at or under the HUD limits. For example: a “modest home” on Guam must be priced at or below \$180,500.

Loan Terms

USDA loans are written for 33 years. Current interest rates are at 5.375% as of 9/01/05; however, loans are subsidized. USDA borrower may be paying at 1% or higher. Participating lender can write the loan for 30 years or a 15-year balloon with a 30-year amortization. Participating lender should be using market interest rates.

Paper Processing

USDA will usually package the entire loan and take the deal to the participating lender. Either the lender or USDA can order the appraisal.

Lender’s application and forms are acceptable as long as they are standard Fannie Mae forms. The lender will need to insure that the Verification of Employment comes directly from the employer and not through a Realtor or Contractor. USDA will accept the lender’s credit report as long as it is a residential mortgage credit report and comes directly to the lender. Lenders may charge fees that are considered reasonable and customary for the area and in this type of lending.

How to Apply

1. Complete a USDA, Rural Development application form
2. Rural Development staff will help you determine if you pre-qualify (financing will be considered in the following order: conventional loan, guaranteed loan, leveraged loan, direct agency loan)
3. Following pre-qualification, applications are processed in the order received as funding becomes available.
4. If funding is available and it appears that you are eligible for the program you will be referred to the bank in order to apply for additional funding.



**United States Department of Agriculture
Rural Development
Western Pacific Area Office**

USDA, RURAL DEVELOPMENT 504 LOANS & GRANTS Summary Sheet

-----Adjusted Income Limits as of *March 3, 2005*-----

1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
22050	25200	28350	31500	34000	36550	39050	41600

TERMS AND CONDITIONS:

1. Maximum Amount: \$20,000.00 Loan
\$7,500.00 Grant
2. Interest Rate: 1% Fixed Rate
3. Term: 20-years maximum
4. Purpose: Home repair/improvement only (not for cosmetics purposes)

TYPICAL PAYMENT SCHEDULE FOR A \$20,000.00 LOAN

5-years	\$342.00	per month
10-years	\$176.00	per month
15-years	\$120.00	per month
20-years	\$92.00	per month

OTHER ELIGIBILITY REQUIREMENTS:

1. Must own at least a 50% undivided interest in the property.
2. Subject property must be owner -occupied
3. Liquid assets must not exceed \$7,500.00 or \$10,000 for elderly (can be waived)
4. Lacks ability to obtain financial assistance from other non-FmHA credit or grant sources
5. No pre-payment penalty.
6. Loan is assumable.
7. **DEDEDO VILLAGE IS INELIGIBLE**

EXAMPLES OF LOAN PURPOSES:

1. Septic tank/waste disposal system
2. Insulation
3. Screen Storm windows and doors
4. Upgrade or improve electrical wiring
5. Repair or replacement of roof (including tin roofs)
6. Replacement of deteriorated siding
7. Payment of incidental expenses such as surveys, title clearances, loan closing, architectural and other technical services
8. Necessary repairs to mobile or manufactured homes.
9. Additions to existing dwellings
10. Repair or remodel houses to make accessible and usable for handicapped or disabled persons.
11. Repair and improve bathrooms. Other purposes are subject to review.

First Hawaiian Bank Bldg., Suite 303, 400 Route 8, Hagatna, Guam 96910-2003, Tel: (671) 472-7361, FAX: (671) 472-7366
<http://www.rurdev.usda.gov>

Committed to the future of rural communities

Rural Development is an Equal Opportunity Lender, Provider, and Employer. Complaints of discrimination should be sent to USDA, Director, Office of Civil Rights, Washington, D. C. 20250-9410



**United States Department of Agriculture
Rural Development
Western Pacific Area Office**

SECTION 502 RURAL HOUSING LOAN PROGRAM

OBJECTIVE

The basic objective of the Rural Housing Loan Program is to provide loans to assist eligible persons who will live in rural areas with an opportunity to own a home that would provide a decent, safe and sanitary living environment for its occupants.

WHO IS ELIGIBLE

To be eligible for a section 502 loan, the applicant must meet the following eligibility requirements:

1. A person who does not own a dwelling , or owns a dwelling which is not Structurally sound or functionally adequate.
2. Be without sufficient without financial resources and unable to secure necessary Credit elsewhere to meet housing needs (refer to section on Net family Assets and Down payment)
3. Must be a U. S. citizen or permanent resident alien.
4. Possess the legal capacity to incur the loan obligation.
5. Will personally occupy the home on permanent basis.
6. An acceptable credit history
 - a. No legal problems in the last 36 months, including charge-off, bankruptcies and foreclosures.
 - b. No more than 2 late payments in the last 12 months.
 - c. No judgment or collection accounts in the last 12 months.
7. Has adequate and dependable income sufficient to meet the following income to debt qualifying ratios:
 PITI=Principal, Interest, Taxes, Insurance (PITI divided by gross income)
 TD=Total Debt Ratio (PITI plus all other debts divided by gross income)
 - a. Low income-not to exceed PITI-33%; TD - 41%
 - b. Very Low Income-not to exceed PITI-29%; TD-41%
8. Adjusted annual income not exceeding the applicable LOW INCOME limits established below.

INCOME LIMIT Effective March 03, 2005

No. Persons	1	2	3	4	5	6	7	8
Very Low Income	22050	25200	28350	31500	34000	36550	39050	41600
Low Income	35300	40300	45350	50400	54450	58450	62500	66550
38 Year	21500	24600	27650	30700	33200	35650	38100	40550
Adj. Median Inc.	44100	50400	56700	63000	68000	73100	78100	83200

*add 8% of 4-person limit for each person in excess of 4 except for moderate income families for which \$5,500 should be added to the respective low-income limit for 8+ person families. RHS Adj. Median incomes shown equal twice the Very Low Income limits.

ADJUSTED ANNUAL INCOME

DEDUCTIONS:	Annual (Gross) Income
1. Dependents. \$480 for each family member under 18 yrs.; full-time student over 18 yrs.; or older who is a person with a disability.	-
2. Elderly. \$400 for each family having an applicant/borrower 62 yrs. or older who is a person with a disability.	-
3. Child Care. Actual amount expended for care of children 12 yrs. or under to enable family members to work or for school.	-
4. Medical Expenses. Adjusted medical expenses for elderly family. \$ _____ - \$ _____ - \$ _____ = Adjusted attendant care/aux. Medical & Insurance 3% of gross annual income. equipment for each person with a disability.	-
	Adjusted Annual Income =

LOAN PURPOSES

A loan may be made for the acquisition of a home and related incidental costs, inclusive of however not limited to the following:

1. To purchase and improve or repair an existing dwelling.
2. To purchase a site and concurrently construct a dwelling.
3. Provide for site preparation, including grading and driveway.
4. Pay customary loan closing costs fees.

SITE AND DWELLING REQUIREMENTS

1. Location- Property must be located in a designated rural area. Areas considered "eligible" for consideration include, but are limited to: Agana, Agana Heights, Agat, Asan, Barrigada, Ordot-Chalan Pago, Inarajan, Mangilao, Merizo, Mongmong-Toto-Maite, Piti, Santa Rita, Sinajana, Talofoto, Tamuning Umatac, Yigo, Yona. **DEDEDO – INELIGIBLE AREA**
2. Access- must have access to public utilities and where connection costs for such utilities are reasonable.
3. Minimum Adequate Site - The site must be of a size that it cannot be subdivided into two or more adequate sites.
4. The site and plot plan are subject to approval by Rural Development based on a site inspection of the property.
5. Site Ownership- may be either fee simple or leasehold.
6. Dwelling
 - a. No size limitation or restrictions on types for amenities except for in-ground swimming pools and income producing structures.
 - b. For existing homes, must be determined to be structurally sound, functionally adequate and in good repair.
 - c. Must be serviced by electricity and have a dependable water and waste disposable system approved by local or state authorities (catchment system not allowed).
 - d. Dwelling may be detached single-family homes, townhouses and certain types of condominiums with mortgageable units.

MAXIMUM LOAN AMOUNT

1. Current loan ceiling for Guam is 180,500.
2. Maximum loan amount will be the lesser of the current market value or selling price of loan ceiling. The amount of loan is further dependent upon the families needs, repayment ability and cash contribution.

INTEREST RATES AND PAYMENT ASSISTANCE

1. This loan has a fixed rate of interest referred to as the note rate, which is established at loan closing.
2. The note rate of payment may be reduced if eligible for payment assistance.
3. Generally, for those in the very-low and low-income categories, payments may range from as low as 1% to as high as the note rate depending on the relationship between the annual adjusted income to the median income provides the basis for determining the amount of payment.

PAYMENT ASSISTANCE REDEMPTION

Any payment assistance received by the borrower will be subject to repayment to the government when the property is sold, assumed, released, or when no longer occupied by the borrower.

LOAN TERMS AND CONDITIONS

1. Typical loan amortization is for 33 years, however, a shorter term of not less than 25 years can be considered if necessary.
2. A longer term of 38 years may be also considered for those meeting specific income criteria and need for a longer repayment period.
3. No points, prepayment penalty or escalation clause.

NET FAMILY ASSETS AND DOWNPAYMENT

Applicants are expected to reduce the need for loan funds by utilizing available nonessential assets and or cash on hand. In certain instances, a down payment may be required should the selling price exceed the appraisal. A reasonable reserve may be considered of up to \$7,500.

ASSUMPTION OF AN EXISTING RURAL DEVELOPMENT LOAN

1. Existing loans can be assumed at the current rate and terms if the applicant is eligible.
2. Subsequent loans can also be made to pay the difference between the amount of assumption and selling price provided there is adequate collateral.
3. Ineligible applicants can assume existing loans if it is in the best interest of the Government. A higher interest rate will be charged, a down payment of at least 10% is required, and the loan is amortized typically over a ten-year period.

SECURITY REQUIRED

Loans will be adequately secured to protect the interest of Rural Development during the scheduled repayment period. A first mortgage will be required and no junior liens will be permitted at closing.

PROCESSING TIME

This time is dependent on how quickly and applicant can provide all the required information and the volume of prior loan applications pending at time of application. Furthermore, if determined eligible, loan approval may be subject to availability of funds.

REQUIREMENTS PRIOR TO CLOSING (FOR EXISTING DWELLINGS)

Dwelling must be inspected by a qualified inspector who must be able to certify that the dwelling is structurally sound, functionally adequate, in good repair or will be placed in good repair with loan funds. The required certification must also state that the dwelling has adequate electrical, plumbing, water and wastewater disposal systems, and is free of termites.

LOAN COSTS

Borrowers (buyers) must pay for:
credit report
down payment (if required)
1/2 escrow fee
recordation fee
property tax reporting fee

appraisal fee
notary fee
mortgage preparation fee
title insurance
homeowners insurance (1 yr. prepaid)
prorated property taxes

Estimated cost: \$2,250 to \$2,450

GUARANTEED RURAL HOUSING LOAN AVAILABLE

Rural Development offers a loan guarantee program in participation with certain approved lenders. Loans are made by the lender to individuals whose income are within the applicable moderate-income limits and unable to obtain a loan without a guarantee. With the guarantee, some lenders are providing 100% financing. For further details, please contact Rural Development.

PARTICIPATION LOAN

Rural Development offers a loan guarantee program in participation with certain approved lenders. Loans are made by the lender to individuals whose income are within the applicable moderate-income limits and unable to obtain a loan without a guarantee. With the guarantee, some lenders are providing 100% financing. For Further details, please contact Rural Development.

APPLICATION PROCESSING

1. The application form and other documents provided should be fully completed and submitted to Rural Development.
2. The law requires that applicants provide their Social Security Number. Any application that does not contain the applicant(s) SSN on the application form will not be accepted.
3. Rural Development regulations also require that the applicant(s) indicate whether they know of any individual Rural Development employee who is a close relative or close associate. This information should be indicated in the "remarks" section of the application form.

Please send all applications to: USDA, Rural Development
First Hawaiian Bank Building
400 Route 8 Suite 303
Hagatna, Guam 96910-2003

AIR INSTALLATION COMPATIBLE ZONES

On Guam, air installation compatible use zoning (AICUZ) is a guide for determining appropriate land uses around the Guam International Air Terminal and for land uses south of Andersen Air Force Base. AICUZ is a composite of 5 noise zones and 3 aircraft accident-potential zones based on an analyses of noise, accident records and operational activities. The 5 noise zones and 3 accidental-potential zones are further categorized into 16 “AICUZ zones” which represent various combinations of noise (from totally acceptable to intolerably loud) and accident-potential severity (from a clear zone with the highest risks to an APZ II with decreased accident potential).

The footprints of these AICUZ zones are mapped for planning reference by developers and land owners. Each of the 16 AICUZ zones has been rated for its acceptability to general land use categories, such as low density residential, commercial, agriculture, etc.

The Department of the Air Force has completed an AICUZ study in 1995 which is an update of the original 1976 AICUZ Study which was amended in 1983 and updated in 1986.

The update study is a reevaluation of aircraft noise and accident potential related to flying operations and is designed to aid in the development of local planning mechanisms which will protect public safety and health as well as preserve the operational capabilities of Andersen AFB.

AICUZ zones are neither enacted by law nor promulgated by regulations. However, they are valuable guides for establishing compatible land uses within proximity to aircraft operations.

The Bureau of Statistics and Plans should be consulted during the planning stage for any proposed project which is incompatible with the recommended guidelines of AICUZ.

Reference: “AICUZ Study Volumes I and II” United States Air Force, AAFB, Guam, 1995.

For further information, contact the Director, Bureau of Statistics and Plans.

GUAM COASTAL MANAGEMENT PROGRAM and FEDERAL CONSISTENCY

The Government of Guam has adopted 16 policies regarding use, protection and development of Guam's land and water resources. All proposed development must conform to these policies. Such compliance is reviewed by the Guam Coastal Management Program (GCMP) as part of the Government's permitting process.

Every proposed project which involves a federal authority, requires a federal government license of permit, or relies on federal grants or funds must be approved by GCMP for consistency with the 16 policies.

Reference: "Procedures Guide for Achieving Federal Consistency with the Guam Coastal Management Program," Bureau of Planning.

Authority: Executive Order No. 78-37.

Further information with regard to GCMP policies and federal consistency may be obtained from the Director, Bureau of Statistics and Plans.

GUAM ENVIRONMENTAL PROTECTION AGENCY

P.O. Box 22439 Guam Main Facility

Barrigada, Guam 96921

15-6101 Mariner Ave., Tiyan, Guam

Telephone: 475-1658

Web Site: <http://guamepa.govguam.net/>

**AIR POLLUTION SOURCE CONSTRUCTION and
SOURCE OPERATING PERMITS**

- A. Air Pollution Source Construction Permit**
- B. Minor Air Pollution Source Operating Permit**
- C. Major Air Pollution Source Operating Permit**
- D. Vehicle Emissions**
- E. Radon Testing**
- F. Open Burning Permit**

A. Air Pollution Source Construction Permit. Any facility which may emit pollutants into the atmosphere is required to have an **Air Pollution Source Construction Permit**, issued by GEPA. This Permit assures that facilities are built in a manner which keeps airborne emissions at a reduced level and within permissible limits, as established by Guam's Air Quality Standards. Types of facilities which need a construction permit include: laundries, incinerators, foundries, sandblasting and spray painting facilities, rock quarrying and processing facilities (batch plants) as well as any facilities that burn petroleum products such as stand-by generators, boilers and compressors. Permits are in force for a one year period. There is no permit fee. For more information or assistance in determining if an activity or facility requires an Operating Air Pollution Permit, contact the **GEPA Air Pollution Control Program** at Guam EPA.

B-C. Minor/Major Air Pollution Source Operating Permits. Once an air pollution facility is constructed, it must have an **Air Pollution Source Operating Permit** before start-up of operations.

Applications for **Minor Air Pollution Source Operating Permits** must be submitted to **GEPA** at least 60 days prior to commencing construction. **Major source permits** require **US EPA** approval and make take 2 years for review and approval. There is no fee.

Major Stationary Sources

100 - 250* tons per year of Criteria Pollutants

10 - 25* tons per year of Hazardous Air Pollutants

* requires review and approval by both Guam EPA and U.S. EPA

There are 189 listed Hazardous Air Pollutants (HAPs) published under **Section 112 of the 1990 Clean Air Act**.

Minor Stationary Sources

All other facility source which falls below the Major Source thresholds are considered minor sources.

There are six (6) Criteria Pollutants

1. Carbon Monoxide (CO)
2. Particulate Matter (PM10)
3. Sulphur Dioxide (SO)
4. Nitrogen Oxides (Nox)
5. Ozone (volatile organic compounds, VOC)
6. Lead (Pb)

Vehicle Emissions. The Agency is authorized to conduct inspection and testing programs to identify vehicle emission problems, particularly emission from heavy equipment, buses and similar vehicles which use either gasoline or diesel fuel, to encourage proper vehicle maintenance or reduce excessive exhaust pollution. A regular inspection and testing program will soon be implemented.

Radon Testing of residential, commercial and government buildings is available through GEPA's Radon Lab under the Air Pollution Control Program. The Agency will assist individuals in developing a radon testing plan, provide test results and follow-up testing as well as recommend methods to reduce radon gas problems if detected in significant quantities. There is no fee for the test as it is provided as a public service. For more information on this testing service contact the **Air Program at GEPA.**

Open-Burning Permits are no longer issued by the GEPA. In October 1996, the Agency reorganized the burning permit procedure to transfer **issuing authority** to **Village Mayors and the Guam Fire Department.** For more information contact the Village Mayors and the Guam Fire Department.

HAZARDOUS WASTE MANAGEMENT PERMIT

Any person or business that generates 100 kilogram (120 pounds) of hazardous wastes in one calendar month is subject to the Guam Environmental Protection Agency Hazardous Waste Management Regulations and is responsible for assuring that the hazardous wastes are delivered to a treatment, storage or disposal facility that has been permitted by the Administrator of GEPA.

Presently, hazardous waste facilities are issued hazardous waste permits by the U.S. EPA. Applications are available at GEPA, where they must be processed. Processing of permit applications can take as long as 90 days.

Small quantity generators (less than 100 kilograms), not subject to the permit requirements, are covered by the **GEPA Hazardous Waste Management Regulations**

with respect to reporting treatment, storage, transportation, disposal or management of hazardous wastes.

- A. Storage of Hazardous Waste**
- B. Treatment of Hazardous Waste**
- C. Disposal of Hazardous Waste**
- D. Notification of Hazardous Waste**

A.-C. The **Guam Hazardous Waste Management Regulations** (GHWMR) were developed to guide individuals and organizations in the proper methods and procedures for handling, transporting, storing, disposing, and treating hazardous wastes; to establish a program which identifies hazardous wastes and provides for the regulation of the mentioned activities to include transport or transfer of wastes through program capabilities for inspection, permit review, and enforcement.

Individual permits may be issued for any of the activities listed under A. through C. above, government or privately-owned, facilities. Larger integrated facilities such as the military may manage hazardous wastes through a combination of activities and therefore obtain composite permits to treat, store, and dispose (TSD) of certain hazardous wastes on-island. The permit is comprised of two parts. The Part A portion is a form that may be obtained from Guam EPA. The Part B portion is a narrative. For information on the Part B portion, please contact the **Hazardous Waste Management Program** or refer to **Part X [adopted by reference, 40 CFR 270] of the GHWMR.**

The transportation of hazardous wastes is regulated by the U.S. Department of Transportation through the Guam Department of Public Works, Highway Division. GEPA is involved from the standpoint of tracking waste types and quantities transported and accepted across state lines and internationally between facilities. The Notification process ensures accurate tracking and accountability of various waste streams through registration with Guam EPA.

D. Notification of Hazardous Waste Activity

The following activities require notification to Guam EPA and USEPA, and receipt of an EPA identification number:

1. Facilities that generate at least 50 kg of hazardous waste per calendar month; or 1 kg of acutely hazardous waste per calendar month.
2. Transportation of hazardous waste.
3. Treatment of hazardous waste.
4. Storage of hazardous waste.
5. Disposal of hazardous waste.
6. Marketing of used oil.
7. Hazardous Waste Fuel Marketers.
8. Burners of used oil.
9. Transportation of used oil.
10. Processor/Re-refiner of used oil.

Notification Forms may be obtained from **Guam EPA's Solid/Hazardous Waste Management Program**. Original completed form must be submitted to Guam EPA for processing.

Other Requirements and Programs

- A. Underground Storage Tanks (USTs)**
- B. Hazardous Waste Importers**
- C. Hasso Guam Household Hazardous Waste Cleanup Program.**

A. Underground Storage Tanks (USTs) must be registered through completion of a UST notification form with the Agency to ensure that outdated tank technology is replaced in accordance with the GEPA and federal regulations. USTs must be inspected annually and removed if found to be faulty or leaking. Above ground storage tanks are also regulated except that the primary concern for these tanks is a properly functional secondary containment system as opposed to double-walled tank designs. For information on above ground storage tanks and secondary containment requirements, refer to **Section VII.H.**

B. Hazardous Waste Importers (into the Territory of Guam) must obtain an Administrator's intended from the point of embarkation. The importer may accept the hazardous waste only after receiving the Administrator's Consent. For more information on the notification requirements, please contact the Agency's **Solid and Hazardous Waste Management Staff**.

C. Hasso Guam

Hasso Guam Program is the Collection of Household Hazardous Waste on an on-going basis. Since the signing of the Consent Decree on February 11, 2004, the collection of Household Hazardous Waste during the interim will be on-going with various days, times, and location until a permanent Household Hazardous Waste Collection Facility has been constructed and begins operation as required by February 11, 2007. Homeowner are encouraged to collected household hazardous wastes, used automobile engine and transmission oils, engine coolant, batteries, brake fluid, detergents, solvents, paints, thinners, expired pesticides, fluorescent light bulbs, and other chemicals, for proper disposal to a registered participating Hasso Guam contractor free of charge.

Individuals with questions about potential household hazardous wastes and the interim and on-going collection dates and locations, may contact the Agency's Hazardous or Solid Waste Management Programs. For more information contact the Administrator, Guam Environmental Protection Agency.

ENVIRONMENTAL LAND USE PERMITS

- A. Environmental Protection Plan (EPP)**
- B. Environmental Impact Assessment/Statement (EIA/EIS)**

- C. Minimum Lot Size Policy**
- D. Sand, Soil, and Aggregate Importation**
- E. Wetland Development/Identification**

A. Environmental Protection Plan (EPP's) are required for most clearing, grading and marine related construction work. The EPP should be developed by a project contractor who will be primarily responsible for its implementation. EPPs describe the construction work to be undertaken including all methods of manual and mechanical work, the potential environmental impacts or problems that may be encountered and the environmental protection measures that will be employed to minimize, reduce or eliminate the impact or problem as described in the EIA/EIS, if such Assessment or Statement was prepared. EPPs may include erosion and sedimentation control, vegetation, wildlife, and coral/marine resource protection measures, fugitive dust control, solid and hazardous waste management and disposal procedures, personnel safety procedures, work site maintenance, and typhoon contingency plans. EPP guidance is available through the Agency's Water Program Division.

B. Environmental Impact Assessment/Statement (EIA/EIS) An EIA or EIS is required by executive order to be conducted for every zone change, variance, wetland, seashore, golf course, conditional use, use variance and related permit applications to the Guam Land Use Commission and Guam Seashore Protection Commission (GLUC/GSPC). Environmental Impact Statements (EIS) may be required as a final study proposal if anticipated impacts will cause the significant loss, damage or degradation of resources without comprehensive mitigation being identified and agreed upon. EIAs may be required for any other significant development proposal on a case by case basis by the Administrator, GEPA.

The federal government must conduct EIA/EIS documentation for certain federal actions including new construction, transfer or change in use of federal lands and for most federally financed programs and projects. The Agency has developed guidance material for the preparation of EIAs and EISs and a short form for small projects. In addition, copies of the federal National Environmental Policy Act, 1970 which mandates assessments for all federal programs and activities are available at the Agency's Planning and Review Division.

The difference between an EIA and an EIS document is the level of data and analyses, since the same elements are discussed in each document. Normally, the complexity of the project determines whether an EIA is sufficient to adequately cover the impacts or if an EIS is needed.

C. The Minimum Lot Size Policy. P.L. 24-51 had the Agency establish a land use policy setting lot size standards for areas where public sewer is not available and the property is located over the Groundwater Protection Zone. The policy is applicable to all zone designations and all lot parceling and subdivision proposals. Subdivision proposals which meet policy standards are automatically certified by the Agency through the

Department of Land Management. Following is a brief summary of the three policy standards:

- 1) In “A” (Agricultural) Zones with no sewers, the minimum lot size permitted over Guam’s Northern Aquifer is 19,200 square feet and lot density is one (1) dwelling unit per 19,200 square feet.
- 2) In “R1” (Residential), “R2” (Multi-Family), and “C” (Commercial) Zones with no sewers, the minimum lot size permitted over Guam’s Northern Aquifer is 19,200 square feet with a maximum density of one (1) unit per 19,200 square feet.
- 3) In “A” (Agricultural), “R1” (Residential), “R2” (Multi-Family) and “C” (Commercial) Zones without sewers, the minimum lot size permitted in areas not over Guam’s Northern Aquifer is 10,000 square feet with a maximum density of one (1) unit per 10,000 square feet.

GEPA will not support zone change proposals from “A” to a higher density without adequate public or private sewer facility.

Copies of the policy including a quick reference table for lot size standards and densities are available from the Agency’s Planning and Review Division.

D. Sand, Soil, and Aggregated Importation. Various landscaping, golf course and resort businesses have Imported Sand and Other Quarried Products for decorative, landscaping and construction uses. These materials are subject to Executive Orders 91-16 and 91-37. The primary clearance agency is the Department of Agriculture which issues an Importation Permit; however, GEPA through its laboratory analysis capabilities assumes a significant role in the clearance process in cooperation with the Dept. of Agriculture. All sand and aggregate material imported must be accompanied by official records indicating chemical composition, pest free certification, treatment certificate, and certificate of origin. Treatment (disinfection) must be conducted at the point of origin. The Agency will deny clearance of this material from customs if treatment cannot be authenticated or if any of the required documentation outlined above is not in order. The rules require certain minimum standards for disinfection per quantity of material and may be subject to inspection, sampling and laboratory verification in Guam. Individuals who desire to import sand and aggregate material are advised to consult with GEPA or the Department of Agriculture before committing to off-island purchase and shipment. For more information and a copy of the rules, interested individuals may contact the Agency’s Monitoring and Laboratory Services Division or the Department of Agriculture.

E. Wetland Development/Identification. Wetlands are protected resources areas and as such required special identification, delineation and permitting activities prior to development of the resource. The federal and local government plays important roles in wetland permitting and protection. All federal identification, protection, and permitting (enforcement) concerns should be referred to the U.S. Army Corps of Engineers, Guam

Office. The Department of Agriculture, DAWR, Department of Land Management, Bureau of Statistics and Plans and GEPA are involved in local wetland protection and permitting. Field **Wetland Identification** services may be provided by the Department of Agriculture and GEPA to a limited extent in that preliminary determination and guidance is offered; however, the Agency will not make federal jurisdictional determinations or resources delineations. Farmers are encouraged to consult with the USDA Natural Resources Conservation Service for technical guidance and advice. The Official Wetland Inventory Map for Guam is available for review at most of the above-mentioned agencies as well as local regulations on wetland protection.

PESTICIDE REGULATION AND PERMITS

- A. Pesticide Dealer's License**
- B. Pesticide Certification and Training**
- C. Special Permits**

The Agency's Pesticides Enforcement Program is responsible for regulating the importation, sale, use, storage and disposal of pesticides in Guam. The program has been delegated local and federal mandates under 10 Guam Code Annotated (GCA), Chapter 50, known as the Guam Pesticide Act and the Federal Insecticide, Fungicides, and Rodenticide Act (FIFRA). Implementation of the Guam Pesticide Rules and Regulations, patterned after FIFRA, provided the means for conducting all aspects of pesticide investigations in the Territory.

A. Pesticide Dealer's License (PDL) No person shall sell restricted use pesticides (RUPs) unless such person has obtained a pesticide certification and pesticides dealer's license from the Guam EPA. Application for the PDL is Twenty-five (\$25.00) dollars for each principal sales outlet and a fee of ten (\$10.00) dollars for each branch sales outlet. All sales outlets offering RUPs shall have a Certified Pesticides Sales Manager. Individuals seeking to be certified pesticide sales managers shall apply for examination at the Guam EPA or attend a Pesticide Certification Workshop at the University of Guam, College of Agriculture and Life Sciences. Successful completion of the examination will result in the issuance of a certification card.

Licensed pesticide dealers shall have joint responsibility with his or her pesticides sales manager in the solicitation, sales, handling and reporting of RUPs with the Guam EPA.

B. Pesticides Certification and Training. Certification and training programs are designed to ensure that users are competent to handle RUPs without causing danger to themselves, the public and the environment. These programs also allow the continued use of certain chemicals that might otherwise have to be withdrawn from the market because of potential danger to humans or the environment. The University of Guam, Cooperative Extension Service (CES), in cooperation with GEPA, offers training workshops and administers the tests for certification.

There are a number of different types of certification. The first type is a **private applicator** (farmer, rancher, etc.) who applies or supervises the application of RUPs for the production of agricultural commodities on property he or his employer owns or rents, or as an exchange of service with other private parties. The second type of certification is the **commercial applicator** who applies or supervises application of RUPs for any purpose or on any property other than as provided by the “private applicator” definition. The regulation established seven categories of commercial use based on occupation:

1. Regulatory Pest Control
2. Public Health Pest Control
3. Forest Pest Control
4. Ornamental/Turf Pest Control
5. Industrial, Institutional and Health Related Pest Control
6. Right-Of-Way Pest Control
7. Agriculture Pest Control

(A license is required for any person who sells or applies pesticides. The dealer license fee is \$25 and may take 10 working days for review and approval. There is no fee for an applicator’s license, and issuance can be given within 1 day, after successful completion of a training workshop administered through the University of Guam, College of Agriculture and Life Sciences. A \$50 fee is charged for this workshop.

The importation of foreign pesticides requires the submittal of a “Notice of Arrival Form” to GEPA for review and approval. Notice of Arrival Forms are available at GEPA.)

C. Special Permits

Experimental Use Permit – Any person may apply to the Agency for an experimental use permit in order to accumulate information necessary to register a pesticide. An application for an experimental use permit may be filed at the time of, before or after application for registration is filed.

Application of Restricted Use Pesticides by aircraft (RUPs) - No person shall apply Restricted use pesticides by aircraft except by Special Permit issued by the Agency. A Special Permit application shall conform to all conditions and limitations required under the Guam Pesticides Regulation. Federal environmental permits, i.e., Experimental Use Permits, Special Local Needs Registration and Emergency Exemption Permits shall be Enforced in coordination with federal EPA.

For more information, please contact the Pesticides Program, GEPA

Authority: 10 Guam Code Annotated (GCA), Chapter 50, known as the Guam Pesticide Act and the Federal Insecticide, Fungicides, and Rodenticide Act (FIFRA).

WASTE MANAGEMENT COLLECTION, PROCESSING, STORAGE, AND DISPOSAL PERMITS

Solid Waste Management (SWM) Facility Permits are required for all facilities conducting the different types of solid waste management activities. Solid waste management facilities means any facility, or any machinery, equipment, vehicles, structures or any part of accessories thereof installed or acquired for the primary purpose of: collection, transportation, storage, recycling, processing or disposal of solid waste, and shall include sanitary landfills, resource recovery facilities, or plasma torch.

Collection, or collect, means the act of removing solid waste from a generator. Transportation, or transport, means the act of transporting of solid waste from a generator to a storage, recycling, processing or disposal facility. Storage, or store, means the interim containment of solid waste. Recycling, or recycle, means the method by which recovered resources are converted for used as raw material or feedstock to make new products. Processing, or process, means any method, system or other treatment designed to change the physical, chemical or biological character or composition of any solid waste.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Permit applications must specify the facility locations, facility layout, mode of operations, and detailed description illustrating compliance with applicable federal and local regulations, and permit applicable permit application fee. Furthermore, most permit applications, excluding collection permit applications, also require copies of business or **SOLID** contractor's license, plans for propose closure and post-closure activities of the facilities; certification of compliance with zoning requirements by Department of Land Management, a written consent from property owner if property is being leased, and proof of financial assurance.

Permitting review process for all SWM Facilities, except for Collection Permit applications, require a 120 day permit evaluation/processing review after receipt of application. . If additional information is required to clarify any part of the submitted application, the Administrator may request for such information. Then the permit evaluation period shall begin upon receipt of the additional requested information.

Before issuing a solid waste management permit to any person with respect to any facility for the processing, storage, or disposal of solid waste, the Administrator shall cause to publish in a major local newspaper or newspaper of general circulation, and broadcast over a local radio station or stations, notice of the Agency's intention to issue such permit. These draft permits require a forty-five (45) day public comment period. If the Agency receives written notice of opposition to the Agency's intention to issue permit and a request for a hearing is made, the Agency shall provide for a hearing in accordance

with the Administrative Adjudication Law, if requested by the substantially affected party or an informal public meeting if requested by any other person.

Reference: Guam Environmental Protection Agency's "***Solid Waste Collection Regulations***" and the "***Solid Waste Disposal Rules and Regulations.***"

Authority: "***Solid Waste Management and Litter Control Act***", Title 10, Chapter 51, of the Guam Code Annotated.

SWM Collection Permits:

A collection permit is required for any person providing regular solid waste collection services to a business, place, residence or institutions. A collection permit is also required for any generator or group of generators that store, collect and transport as an activity of business operations. A permit is not required for the irregular and infrequent collection and transport of accumulated solid waste such as by a resident or homeowner, or by a business which is otherwise served by a collection service. All Guam EPA Solid Waste Management Collection Permits are valid for three (3) years and are not transferable without prior written approval of the Administrator.

All new applications or renewal applications for a Guam EPA Solid Waste Management Collection Permit shall be accompanied by a nonrefundable application fee of \$25.00 by check or money order payable to the Treasurer of Guam. The Administrator shall evaluate the permit application and act upon it within thirty (30) calendar days after receipt of the application. If additional information is required to clarify any part of the submitted application, the Administrator may request for such information. Then the permit evaluation period shall begin upon receipt of the additional requested information.

SWM Storage Facility Permits:

A solid waste management storage permit is required for facilities storing vehicles, vehicle parts, appliances, and metals still having worth and use. Salvaged materials, such as automobile bodies, metals, and appliances may be salvaged in a controlled manner only by the permit holder.

Solid waste excluded from storage facilities includes hazardous waste and residential waste.

SWM Processing Facility Permits:

A solid waste management processing permits is required for facilities processing solid waste. Types of processing facilities includes composting facilities, solid waste material resource recovery facilities, solid waste remediation facilities, incinerators, waste-to-energy recovery facilities, and other processing facilities. Permit Applications Fees and Duration of Permits for Solid Waste Processing Facilities varies for the different types of processing facility. Please refer to Addendum A and Addendum B of the Solid Waste Disposal Rules and Regulations.

Solid waste allowed, and excluded, in the different types of processing facilities varies. A compost facility is the processing of yard waste, paper waste, and vegetative wastes. A solid waste material resource recovery facility may be the processing of scrap metal, aluminum, and batteries; newspapers, paper, magazines, cardboard, glass, and plastics; tires, oil, and CFCs. A solid waste remediation facility includes bioremediation of petroleum contaminated waste and all other types of remediation of solid waste. A solid waste incinerator is allowed the incineration of residential and construction waste. A solid waste-to-energy recovery facility includes residential and construction waste. Other processing facility includes facilities processing vehicles and vehicle parts and appliances.

Municipal Solid Waste Landfill Facility Permits:

Solid waste management disposal facility includes Municipal Solid Waste Landfills. Municipal Solid Waste (MSW) Landfills are those permitted in accordance to Guam's Solid Waste Disposal Rules and Regulations (SWDRR) and the Resource Conservation Recovery Act Subtitle D (RCRA D) requirements of 40 CFR Part 258. The Andersen Air Force Base (AAFB) and the Navy Public Works Center (PWC) MSW Landfills are currently operating in accordance to these requirements. The Ordot Dump is Guam's only non-RCRA D operating solid waste disposal facility that serves the disposal of the civilian population municipal solid waste. The Government of Guam is required to construct and operate a RCRA D Municipal Solid Waste Landfill by September 2007.

The Permit Application Fee for a Municipal Solid Waste Landfill is a non-refundable \$10,000. The duration of the Municipal Solid Waste Landfill Permit is for five (5) years. The Solid Waste Disposal Rules and Regulations defines the location restrictions, operating criteria, design criteria, ground-water monitoring and corrective action requirements, the closure and post-closure requires, and financial assurance criteria for municipal solid waste landfills.

SWM Transfer Facility Permits:

A solid waste transfer facility permit is required for a facility in which residential waste and yard waste are temporarily deposited and stored while awaiting transportation to another solid waste management facility. The three (3) SWM Transfer stations currently operated by the Department of Public Works include the Dededo Transfer Station, the Agat Transfer Station, and the Malojloj Transfer Stations. These facilities support intermediate collections for residential waste and final deposition of these wastes is to the Ordot Landfill.

SWM Hardfill Facility Permits:

A solid waste management hardfill facility is also considered a disposal facility. Hardfilling is the method of compaction and earth cover of solid waste, other than those containing garbage or other putrescible (putrescent) and combustible waste. There are several hardfill disposal facilities operating on Guam. These hardfill facilities are only allowed to accept demolition and construction debris and are also required to obtain a backfilling permit from Guam EPA's Water Pollution Control Program.

The Permit Application Fee for a SWM Hardfill Facility is a non-refundable \$500.00. The duration of the SWM Hardfill Facility is for 2 years.

Other Solid Waste Management Activity Review and Approval:

Demolition Projects:

All demolition projects requiring One Stop approval will be reviewed and approved by the Solid Waste Management Program. In addition to the Demolition Plan, a Solid Waste Disposal Plan must be included prior to approval by the Guam EPA. The Solid Waste Disposal Plan is a written plan for the separation and disposal of waste generated from the demolition activity. The plan shall include the type and amount of waste to be generated; separation plan of waste generated, list of disposal site of where waste will be disposed of at, and monitoring and record-keeping requirements. The company who will collect and transport the waste shall be a Guam EPA permitted facility. The disposal sites must be at Guam EPA Solid Waste Management Permitted Facilities.

WATER PERMITS

- A. Section 401 Water Quality Certifications (401 WQC)**
- B. National Pollution Discharge Elimination System (NPDES)**
- C. Pollution Discharge Permit**
- D. Sewer Construction**
- E. Sewer Connection and Individual Wastewater Disposal**
- F. Underground Injection**
- G. Test Boring and Dewatering**
- H. Well Drilling and Deep well Operating**
- I. Erosion Control Permit**
- J. Feedlot Permit**

A. Section 401 Water Quality Certification (401 WQC). A number of federal permits, most of which are identified in the Federal Clean Water Act, for construction, fill, dredging, and discharges to Waters of the United States and Territorial Waters require Territorial (GEPA) Section 401 Water Quality Certifications. 401 WQC issuance identifies that construction or operation of a proposed project or facility will be conducted in a manner consistent with the Guam Water Quality Standards. All federal permits for work in marine waters, rivers, streams, and wetlands require 401 WQC. Submission of a 401 WQC form is required and is available at the Agency.

B. The National Pollution Discharge Elimination Systems (NPDES) is a federal permit for all storm water and point source pollution discharges. GEPA reviews and certifies (401 WQC) the permit for compliance with all local regulations and policies and in accordance with the Guam Water Quality Standards. USEPA coordinates drafts and issues the permit facilities that require wastewater discharges such as sewage treatment plants, electrical power generation plants, industrial processing facilities, storm water outfalls, aquaculture facilities, aquariums, and similar operations must be permitted under this permit system. Guidance as to requirements for this permit may be obtained at

GEPA or from USEPA, Region 9. Individuals anticipating the need to discharge wastewater to waters of the U.S. are encouraged to consult with either agency as early in the project planning schedule as possible. NPDES permit issuance may take anywhere from one to two years.

C. Pollution Discharge Permit. For discharges similar to those covered by the NPDES permit, GEPA may require a Government of Guam Pollution Discharge Permit for any number for liquid, gaseous, solid or thermal discharges into Territorial Waters that fall below the minimum criteria defined in the Federal Clean Water Act as Determined by the Administrator.

The processing period may take 6 months or more, depending on the complexity of the project and location of disposal site. The permit application is processed without charge.

Authority: “Water Pollution Control Act,” Title 10, Chapter 47, Guam Code Annotated.

D. Sewer Construction Permit is required for all sewer related projects to include systems lateral extensions, lift stations, force mains, wastewater holding facilities, treatment works, and new sewer systems, unless a private party is involved in constructing (financing) either an exclusive use system or a system for eventual transfer to the Public Utility of Guam or the military (Air Force or Navy) as the main purveyor of all sewer systems in Guam. Permit issuance involves the prior review and approval of engineering and design plans by GEPA for compliance with all environmental requirements. GEPA review time for wastewater systems varies with a project’s complexity. Normally, less than one week is sufficient.

E. Sewer Connection or Individual Wastewater Disposal Systems (IWDS) Permit. Two permits are required for disposal of wastewater by either connection to a public sewer system or by a septic tank and leaching field. The first is a construction permit and the second an occupancy permit. GEPA reviews constructions plans, at no fee. The GEPA permit is issued in conjunction with the Department of Public Works Building Permit application process. Review and approval is normally quick for simple projects (i.e., house sewer connections and septic tanks) but can take more time depending on the complexity of the project. As part of the building construction process, GEPA issuance either a public Sewer Connection Permit through Guam Waterworks Authority or a separate permit for Individual Wastewater Disposal Systems (IWDS) and on site septic tank/leaching systems. IWDS must be designed in accordance with the Individual Wastewater Disposal System Regulations which specify requirements for systems sizing, location, materials, testing, inspection, maintenance, and health considerations. Because this type of disposal system may contribute unacceptable levels of pollutants to surface or ground water, the Agency has developed policy standards in addition to the regulations which specify minimum lot sizes in order to control land use densities as appropriate.

Reference: “Individual Wastewater System Regulations,” Guam Environmental Protection Agency, 1984.

Authority: "Toilet Facilities and Sewage Disposal," Chapter 48, Title 10, Guam Code Annotated, and "Individual Wastewater System" Regulations, 1984.

F. Underground Injection Control Permit. Underground injection is one method for disposing of storm water runoff from land and other non-hazardous liquid wastes. The GEPA application requires detailed engineering plan, including information regarding soil composition, depth of well, and location of the well in regard to coastal waters or aquifer recharge points.

GEPA does not charge a fee for this permit, and the review period varies with the complexity of the project. A public hearing may be required. In addition to the processing time of approximately 2 weeks to issue a draft permit, a Notice to the Public is required to be published in a daily newspaper for three consecutive days followed by a thirty-day waiting period for public comment and one week thereafter to process the final permit if no public comment is received. Permits may be issued to public utility agencies or private parties when all methods of storm water or treated wastewater disposal have been investigated and exhausted. The disposal of treated wastewater may be permitted if it is injected at least 100 feet below the bottom of the freshwater/saltwater interface either by gravity or mechanically applied pressure.

Reference: "Guam Storm Drainage Manual," Department of Public Works, 1982.

Authority: "Guam Safe Drinking Water Act." Title 10, Chapter 53, Guam Code Annotated and "Underground Injection Control" Regulations," 1981.

G. Test Boring and Dewatering Permits. The conduct of soil test boring and subsurface investigation/measurement activities may be required to obtain a GEPA Test Boring Permit. Test boring activities include drilling and excavations deeper than six (6) feet deep for soil and structural engineering analysis or investigative work. In addition, if the water table is encountered during any excavation work for building foundations and similar construction activities, a **Dewatering Permit** may be required to control and treat water pumped from an excavation prior to final discharge. Both the Test Boring Permit and Dewatering Permit approvals may be a subcomponent of a site clearing and grading and building permit request. The approval of these permits will be accomplished separately.

H. Well Drilling and Operating Permits. Well Drilling and Well Operating Permits are two separate permits, issued when a well is to be drilled and operated. The first permit authorizes the drilling and development of a well, and the second permit authorizes the operation of a well after its successful development for utilization as an agricultural, irrigation, industrial, monitoring, grounding, public water supply, individual domestic water supply or an environmental remediation well.

Separate application forms for drilling and operating permits are available from GEPA. The Drilling Application requires specific information concerning the proposed site,

construction methods, and desired operation conditions. The Operating Permit Application requires as-built construction plans and operating details.

The well drilling permit fee is \$250 per well and is to be submitted with the application.

The operating permit fees are established in accordance with the following schedule.

- a) Upon initial application and payable every five years, a fee of \$250. This fee includes the cost of the water quality analysis.
- b) In addition to the initial application fee, an annual operating fee shall be assessed, based on the maximum pumping rate authorized, as stipulated in the operating permit. The annual operation fees are:

PUMPING RATE	ANNUAL FEE
0-150	\$ 200
151-225	\$ 250
226-325	\$ 400
326-525	\$ 600
over 525	\$ 800

Authority: “Water Resources Conservation Act,” Title 10, Chapter 46, Guam Code Annotated and “Well Development and Operating” Regulations, 1985.

I. Erosion Control Permits are issued by the Agency while the Department of Public Works issues the Clearing and Grading Permit. Since Clearing and Grading Permits Require GEPA review for compliance to the Guam Soil and Sedimentation Control Regulations, the actually assumes the lead review and approval responsibility. For most Clearing and/or grading permits there must be an accompanying Erosion Control Plan (ECP) to protect water quality of the closet body of water, fresh or marine.

Erosion Control Plans are a requirement of most land grading and clearing permits issued by the Building Official, Department of Public Works. Such a plan must accompany the permit application and must be prepared in compliance with the promulgated Soil Erosion and Sedimentation Control Regulations.

Preparing and implementing an Erosion Control Plan is generally the responsibility of the contractor, who must use accepted erosion control methods to hold soil on-site during the construction period. In some cases, especially during the wet season, special erosion control and sedimentation control measures must be taken to prevent environmental problems.

An Erosion Control Plan is usually prepared a an integral part of the Environmental Protection Plan (EPP). However, it may be developed as a separate or supporting document. With large projects, like subdivisions or projects on a slopping terrain, the Erosion Control Plan becomes the focal point of the EPP. Review and approval of an Erosion Control Plan by GEPA can take one week or longer, depending on the

complexity of the project and completeness of the Plan upon submittal.

Reference: “Soil Erosion and Sedimentation Control Technical Manual,” Guam Environmental Protection Agency, 1986.

Authority: “Water Pollution Control Act,” Title 10, Chapter 47, Guam Code Annotated and “Soil Erosion and Sedimentation Control” Regulations, 1985.

J. Feedlot Permit. Livestock operators and farmers who raise and produce swine, poultry, and other animals in commercial quantities may be required to obtain a Feedlot Permit to ensure the facility is in compliance with feedlot operations regulations for the control, treatment and proper disposal of animal wastes. Large quantities of animal waste, if not contained and treated properly may pose unacceptable risks to both surface and groundwater supplies. Feedlot regulations are part of the Water Pollution Control and Water Resources Management Programs.

Other Requirements and Programs

- A. Aquifer Protection Review**
- B. Water and Wastewater Operator Certification**
- C. Water Quality Monitoring Plan (WQMP)**
- D. Spill Prevention Control and Control Measure**

A. Aquifer Protection Review. Any project (federal government, Government of Guam or private) which is located in northern Guam, over the Principal Source Aquifer, must be reviewed by GEPA. There is no application or permit required; however, such reviews are essential in order to protect that aquifer (Guam’s prime drinking water source) from potential pollution resulting from any development.

Reference: “Northern Guam Lens Study,” Guam Environmental Protection Agency, 1982.

Authority: “Federal Safe Drinking Water Act,” Section 1424 (c) and “Guam Safe Drinking Water Act,” Title 10, Chapter 53, Guam Code Annotated.

B. Water/Wastewater Operators’ Examinations are required for individual work in water treatment and production of potable water systems. Satisfactory completion of the GEPA administered examination by water system operators is required for both public and privately owned community systems to insure that operators possess the minimum knowledge and qualification necessary to operate and maintain clean water systems free of disease and chemical pollution in accordance with the Safe Drinking Water Act and Regulations.

Wastewater Operators Examination. Successful completion of the Wastewater Operators Examination is required for individuals who work in public or private sewage/wastewater treatment facilities. Operator must have the basic knowledge and

qualification to properly operate plant equipment and in particular, the ability to identify problems in the treatment process and to implement appropriate remedies as well as conduct normal maintenance procedures. The certification is critically important in order to ensure that discharges meet federal and local permit requirements. Examinations are administered by GEPA.

C. Water Quality Monitoring Plans (WQMPs) may be required to evaluate the effectiveness of any number of different environment permits and/or performance standards. Monitoring plans are formulated to identify ambient or control conditions at a particular site and to capture deviations from those conditions resulting from a project or operations of a facility.

WQMPs may range in complexity from visual inspections for sedimentation and protection measure failure to laboratory or field analysis of chemical and biological effects on water quality or organisms (acute/chronic bioassay), dependent on a given water resource. WQMPs always include procedures for reporting results and observations to GEPA and provisions for corrective actions decision making.

Water quality monitoring is standard requirement for all industrial point source discharges, municipal wastewater treatment plant discharges, thermal discharges, marine and underwater construction activities, aquaculture effluent discharges, and mass clearing and grading projects such as golf course construction, among others.

D. Spill Prevention Control and Countermeasure. Public and private business organizations must comply with regulations requiring secondary containment areas if they store or use a minimum of 660 gallons of hazardous or petroleum products or wastes as a single above ground stored quantity or 1320 gallons if stored in multiple above ground containers. The Spill Prevention Control and Countermeasure (SPCC) requirements are designed to prevent all manner of spillage from contaminating surface and ground waters as well as soil in and around a storage area which may lead to future environmental contamination. Although the above regulated quantities are too specific to trigger management action, the Agency's Water Pollution Control Program will investigate and require remedial containment action in the event smaller quantity spills occur. Individual performance in the proper storage, use and disposal of hazardous and petroleum material is the best indication of the need for additional management measures. All facilities subject to SPCC requirements must develop a SPCC Plan identifying prevention procedures, methods, and equipment necessary to address operational spill prevention and countermeasures. The SPCC Plan and system must be approved by GEPA. The program is implemented through concurrent permit and plan reviews as well as periodic inspections of all known facilities. SPCC requirements may be identified and addressed concurrently through other permits issued or reviewed by the Agency.

An application form is available; however, no fee is required.

Authority: "Water Pollution Control Act," Title 10, Chapter 47, Guam Code Annotated and 40, Code of Federal Regulations 112.

Department of Parks and Recreation

490 Chalan Palayso

Agana Hts. Guam 96910

Telephone: (671) 475-6296/7

Facsimile: (671) 477-0997

GUIDELINES AND STANDARDS FOR SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD) ON GUAM

I. GUIDELINES:

While several guidelines exist on Guam for parks, recreation areas, and open space in new developments, it is felt that guidelines oriented from the park and recreation administrative viewpoint would have merit. These are thus oriented toward a supply and demand analysis of the community's recreation needs in addition to the viewpoints of maintenance and vandal prevention.

Choosing a park site should take into account the resources available in the area. Thus consideration should be given toward, but not limited to utilizing beaches, forests, marshlands, ridges, unique ecological areas, and historical and archaeological sites for the park.

The park design should be flexible as possible to reflect changing patterns of recreation needs in its service area. Additionally, special efforts should be provided for easy access and facility use for the elderly, individuals with disabilities, and less mobile groups that have a need to utilize the park.

When a development is being considered, the park area should be developed considering certain factors. Each developer should demonstrate knowledge or consideration of the following factors when locating and designing the park:

1. Time-distance factor of the proposed development from existing or proposed parks.
2. Demographic profiles (age, sex, family size, etc.).
3. Socio-economic factors (income, educations, etc.).
4. Cultural and ethnic characteristics.
5. Climate.
6. Special urban conditions and sub-neighborhoods.
7. Local traditions and customs.
8. Quantify, quality, access to, and distance from existing recreation facilities or other private facilities.
9. Available natural resources on or close to the site.

II. STANDARDS:

All future parks in subdivisions or PUD's of 20 or more dwelling units will have to meet these standards and receive written approval of the Department of Parks and Recreation prior to the department accepting any responsibility for the parks or recreation areas.

In addition, all multi-family dwellings, subdivisions, and PUD's with private parks have certain requirements where applicable to be met when approval of the department is required.

THE FOLLOWING PERTAINS TO TWENTY (20) OR MORE UNITS ONLY:

A. Size and Location

The minimum amount of land to be reserved for park and recreation functions is one acre per 50 dwelling units (one acre = 43,560 sq. ft.) or any fraction thereof residing within the development. The park land should be properly distributed (generally centralized) to insure ease of access to the park for the residents of the development. The exception to this guideline would be where the park land would preserve a natural feature such as a beach. Location of the park adjacent to a public school is desirable although not necessary. The land to be designated as a park should be composite in layout and should have a minimum of 40 feet of continuous boundary on a public street.

B. Legal Dedication

The park, recreation area, or open space should be accurately documented on maps that meet Department of Land Management standards. The reserved area should be specifically deeded in fee simple to the government of Guam and accepted by the Director of Land Management for park, recreation, or open space use only. Inclusion of this protective covenant and a clause for usage for other purposes upon the approval of the department and all abutting landowners is necessary.

C. Land Surface Status

The park area should be partially cleared and developed to present some recreation opportunities for the nearby inhabitants of the area. Slope should be no more than 10% for 70% of the area. A reasonable amount of area whose slope exceeds 10% is allowable to preserve a natural or historical feature. Where slopes exceed 10% a low maintenance ground cover shall be established. The grounds shall have at least two inches of topsoil. If cuts and fills were utilized, two inches of topsoil shall be required over the disturbed area. Also, spoil remains of sand, gravel, construction materials or other items shall not be deposited on the area. Open space or green belts can be no less than 100 feet wide.

D. Vegetation

Adequate consideration shall be given to retaining the natural vegetation except where the construction of recreation facilities requires their removals. Retaining ornamental shrubs and mature trees will not only provide visual esthetics, but will also attract users to the park since shade will be utilized. All new vegetation and landscape materials should be guaranteed for a period of at least six months after the area is legally dedicated to the government of Guam as a park.

E. Fencing

If the area is located immediately adjacent to a primary or secondary road, a fence should separate the road from the park. The fence should be from four to six feet high. However, gaps in the fence should exist to allow access for users. Under no circumstances should the area be designed to be entirely closed or even presenting the appearance of preventing entrance.

F. Parking

All areas should have provisions for parking, either along the abutting street or a small parking lot within the park area itself. Spaces will be provided at a ratio of at least 10 for every 50 dwelling units serviced by the park. However, any parking lot or roadway within the park cannot be considered as a portion of the minimum acreage required for the park. In a related matter, adequate design and construction must insure that vehicles cannot use areas in the park where they are not intended to traverse. Thus, curbing must be utilized along the street abutting the park with automobile barriers installed in parking lots and other areas within the park where necessary. Provisions should be made to install moveable barriers so maintenance access is guaranteed.

G. Utilities

Minimum utilities will be required. This will consist of at least one water outlet with meter and one power outlet with meter in each area. These shall conform to the requirements of their respective government of Guam agencies. The park should be no further than 100 feet from a sewer line, unless specifically prohibitive, so a possible installation of a restroom facility would be feasible.

H. Required Facilities

Each development should include at least some of the following numbered items in the park or related areas prior to formal turnover to the government of Guam and based on the sliding scale at the end of the list:

1. Baseball diamond little league* with bike rack for 20 bikes.
2. Softball diamond*.

3. Basketball court (high school)* lighted.
4. Play apparatus (four pieces) and open play area of at least 8,000 sq. ft. (sand box, climbers, slide, parallel bars, mounds, rock pile, whilers, etc.), with benches and drinking fountain.
5. Tennis complex (minimum two courts)* lighted.
6. Swimming pool (800 sq. ft. minimum) fenced.
7. Picnic area comprising at least five picnic tables located under trees or shelters, five fireplaces, and five trash cans with adjacent parking.
8. Community center shelter of at least 1,000 sq. ft.
9. Marina of at least one two-lane launching ramp with adjacent parking.
10. Natural area of at least three acres untouched by grading or clearing but with a 3' wide gravel trail of 1,000 ft., lighted.
11. Campground of at least five tent pads, five fireplaces, five picnic tables, and five trash cans with nearby parking.
12. Running track* (1/4 mile).
13. Volleyball courts (min. two courts)*, lighted.
14. Beach of at least 150 lineal feet.
15. Fishing pier at least 50 ft. long.
16. Football field (regular)*.
17. Handball courts (minimum two courts)*, lighted.
18. Hiking, jogging, and biking trails (minimum two miles).

*International competition requirements (size).

Other items will be considered to compensate for these specific omissions if a reasonable alternative is presented.

Scale for recreation facilities:

<u>Occupation Units</u>	<u>Mandatory inclusion of numbered items above</u>
20 – 50	1
50 – 100	2
100 – 200	3
200 – 300	4
300+	5

I. Specific Required Facilities

In addition to the above choice of recreation facilities, certain facilities will be mandatory when the number of dwelling units reaches certain levels. In these large developments, these mandatory facilities can be the same and compensate

for the required items in the selection list in item I. The facilities and their required inclusion dwelling unit levels are:

<u>Facility</u>	<u>Minimum of one of total number of dwelling unit thereof and each additional total units thereof</u>
Baseball Diamond	1,000
Softball Diamond	500
Tennis Complex	330
Basketball Court	80
Swimming Pool	2,000
Community Center Shelter	1,670
Football Field	1,000

J. School Park Concept

If recreation facilities are at a school site they can be counted towards the requirements listed in H and I with two specific requirements. The facilities at the school must not be fenced or locked to prevent use during weekends, after school, or during vacation periods.

K. Time-Distance Factor

An occupation unit shall be no more than 2,000 feet from a park, recreation area, or green space.

L. Required Approval

The park layout plans and specification must be approved by the department prior to construction. In addition to meeting other applicable government of Guam approval, the finished park must pass a site inspection of a representative of the department, prior to formal maintenance acceptance.

M. Park Size

The recreation facilities should be located in either a playlot, vest pocket park, neighborhood park, or district park. The rough standard for these parks are as follows:

<u>Classification</u>	<u>Suggested Acres per 1,000 people</u>	<u>Size Range</u>	<u>Population Served</u>	<u>Service Area</u>
Play lots	*	2,500 Sq. Ft. To 1 acre	500–2,500	Subneighborhood

Vest pocket parks	*	2,500 Sq. Ft. To 1 acre	500–2,500	Subneighborhood
Neighborhood parks	2.5	Min. 5 acres	2,000-10,000	¼-½ mile
District park	2.5	20-100 acres	10,000-50,000	½-3 miles

Each development should include at least one of these types of parks. However, the minimum acceptable size for a park is 10,000 square feet. A smaller area would be acceptable if it met the criteria and provided an additional separate area of at least 10,000 square feet was included in the development. In addition, at least 30% of the total park area should be retained as open space. A brief description of the four classifications of parks follows:

1. Playlots

The playlot is a small area intended for children up to six or seven years of age. It is essentially a substitute for the backyard, and thus normally provided only in high-density areas such as apartment or condominium areas. Playlots are expensive to maintain and difficult to administer but serve an important function in urban areas. They range in size from 2,500 square feet up to 1 acre and usually feature play apparatus, a paved area for wheeled toys, benches, sand area, a small wading or spray pool, and landscape treatment. They should be located within a block or near the center of a housing development. Children should not be required to cross a major arterial street to reach the playlot.

2. Vest Pockets or Mini Parks

There has been great emphasis lately on the vest pocket parks, since such parks should be supportive to adequate open space for all needed facilities. Vest pocket parks may serve children only, senior citizens only, or all age groups, depending on the needs in the neighborhood. The size and location are determined more by the availability of the land than any other factor. Vest parks may feature children’s play areas, quiet games areas, landscaping and some sports activities such as multi-purpose courts if space allows.

3. Neighborhood Parks

The neighborhood parks should, when possible, adjoin the public elementary school, which usually about a square mile of urban area and a total population ranging from 2,000 to 10,000. It is desirable to locate the areas for active recreation such as ball diamonds and play areas toward the interior of the site so the perimeter can be landscaped to buffer sound, provide a greater measure of safety, and prevent glare from night lighting.

Developers should give much more consideration to the inclusion of night lighting of outdoor facilities because it greatly extends use and tends to reduce vandalism.

Recreation facilities for adults should be provided in the park portion of the site, in accordance with the desires of the people. Such facilities as sitting areas, shuffleboard, and horseshoe courts should be located in the shade. Tables for games such as chess, checkers, and cards, and perhaps some picnic tables are desirable. The site and the school building should be designed to attract the people of the neighborhood and make it a center for education, recreation, and for cultural activities.

4. District Parks

The district parks supplement the neighborhood parks in providing the near-at-hand recreation facilities needed by the urban population. These larger sites should, when possible, adjoin the public junior and senior high schools. They also encompass the activities formerly included in the playfield. While the neighborhood sites should be designed to attract and serve the entire neighborhood populations, there are certain recreation facilities needed which require more space than the neighborhood sites should accommodate.

Thus, the need for the district park. Other facilities may include a tennis complex, swimming pool, multi-purpose courts, community center, and adequate off-street parking. Parks of this type are best located on or near thoroughfares, easily accessible and distributed so they are within about one to three miles of each home. The increased mobility of teenagers who heavily utilized the district parks tends to widen the radius of the service area.

THE FOLLOWING PERTAINS TO TWO (2) TO TWENTY (20) UNITS ONLY:

None of these areas are anticipated to generate parks that will become the responsibility of the government of Guam. Since the development proposals are reviewed by the department, the government of Guam is responsible for certain services to the ultimate residents and the recreation needs of the residents.

Landscaping immediately surrounding the future habitation structures and the parking areas is mandatory.

An area for outside living shall be provided, either for each separate unit or a community living area. If a community area, it must service no more than six units.

DEPARTMENT OF PARKS AND RECREATION
STANDARDS EVALUATION FORM
SUBDIVISIONS AND PLANNED UNIT DEVELOPMENT (PUD)

PROJECT NAME:
VILLAGE:
LEGAL DESCRIPTION:

Number of dwelling units: _____

Park area/dwelling unit X 871.2 ft² = _____

Park area required: _____

Park area indicated: _____ ft²

Analysis: _____ %

SCALE:

<u>Dwelling units</u>	<u>Required Facilities</u>	<u>List of Facilities</u>
20 – 50	1	
51 – 100	2	
101 – 200	3	
201 – 300	4	
301+	5	

TOTAL

<u>Number of Dwelling Units</u>	<u>Required Facilities</u>
---------------------------------	----------------------------

Facilities indicated: _____

Analysis: _____

Evaluated by: _____

Date: _____

DEPARTMENT OF PARKS AND RECREATION
OCEAN SHORE PUBLIC ACCESS ACT OF 1987
(Public Law 19-05)
STANDARDS

Public Law 19-05, Ocean Shore Public Access Act of 1987 mandates that:

1. It shall be unlawful for the owner, lessee, or tenant of any land adjacent to or abutting the ocean shore to block, impede, or interfere with the public use of any traditional right-of-way (Section 13474(a)).
2. It shall be unlawful for the Guam Land Use Commission to approve or permit any development of land which will result in the blocking, impeding, or interfering with the public use of any traditional right-of-way which provides public access to the ocean shore (Section 13474(b)).
3. That all rights-of-way established under the provisions of this chapter shall be two (2) meters in width (Section 13476).

Now therefore, as the Department of Parks and Recreation is charged the responsibility for insuring development conditions of beach access, the following designs standards shall apply to every applicable development:

1. The right-of-way, extending from the edge of the public highway to the end of the property line fronting the ocean shore, shall be a recorded public access easement (Section 13474(b)).
2. The width of the right-of-way shall be two (2) meters (6.50 feet). The right-of-way cannot be utilized for any other purpose (Section 13476).
3. Standards for a required developed public access:
 - a. Paved parking adjacent to the public highway for at least eight (8) vehicles; two (2) of which to be reserved for individuals with disabilities. Parking stall design must be also approved by the Department of Public Works.
 - b. A permanently developed, handicapped accessible walkway be developed on the right-of-way from the parking area and/or the public highway to the ocean shore. Should access be situated on a driveway, a separate walkway must be constructed along the side of the driveway for the safety of the public. The developed walkway must be no less than four (4) feet wide and four (4) inches high, constructed of concrete.

Walkways developed for the government of Guam intended for the use of the general public shall be designed and constructed in such a manner as to permit disabled who are confined to wheelchairs or otherwise limited mobility ready access to walkways and to all parts thereof open to the general public (PL 18-28, Section 10001.9).

- c. Sufficient signs shall be placed to notify the public about the right-of-way, parking, and handicapped parking. The Department of Parks and Recreation ocean shore access sign specification shall be utilized.
- d. The right-of-way should not be placed through or immediately adjacent to a service, utility, or solid waste disposal area as this could place users of the public access in an unsafe location. The right-of-way could be used for other purposes.

It is highly recommended that the ocean shore requirements be addressed and approved as early as possible to avoid any delays in the project. The responsibility for meeting the ocean shore requirements is vested in the project applicant:

1. The construction drawing of the walkway, the landscaping design, and survey map of the right-of-way and a draft copy of the Grant of Easement document **MUST** be submitted in a timely manner to the Department of Parks and Recreation for review/approval prior to commencement of construction of the initial phase of the project and the walkway. Once the walkway is 100% completed, the Department of Parks and Recreation must be notified for final inspection prior to signing off on the final Occupancy Permit for the project.
2. The final Grant of Easement document signed by the **GRANTOR**, along with the survey map of the rights-of-way as a part of this document should be submitted in a timely manner to this Department for signature routing and filing for record. Only after the document has been submitted for recording will this Department sign off on the final Occupancy Permit.

The **GRANTOR** of easement shall be responsible for maintenance and repair of walkway/right-of-way. Should the **GRANTOR** of easement find it necessary to close beach access for maintenance and repair, or for any reason, the **GRANTOR** must make available alternate access route to allow the public to include the handicapped to gain access to the ocean.

These guidelines are requirement pursuant to Public Law 19-05, passed on August 21, 1987 and Public Law 18-28, passed on January 10, 1986. The Department has required the Guam Land Use Commission, to include these requirements for public access to the ocean shore where applicable.

an ancient Chamorro settlement site, or a structure built during the Spanish period, or buildings and structures built during the Naval Government Period such as the Guam Congress Building or the Government House.

EVALUATING SIGNIFICANCE

Evaluation criterias are used to determine how and why a property is significant. Significant properties that have a high degree of integrity, and that are 25 – 50 years in age, are considered potentially eligible for listing in the Guam, and/or National Register of Historic Places. Properties eligible must also have at least one of four kinds of connection to the past. These are as follows:

- **Association with the lives of persons significant in our past.** Properties with this kind of significance are those that gain their importance primarily through association with a famous or important person. Both registers give more weight to places directly associated with the important works of a person, rather than birthplaces and gravesites.



Examples of this kind of property would be the site where Father Duenas was executed in Tai, the place where Father San Vitores was martyred, or the Guam Institute where Nieves Flores established a successful private school before World War II, and where a number of later island leaders were educated.

- **Association with events that have made a significant contribution to the broad patterns of our history.** In this category fall properties such as the Merizo Massacre sites, Invasion Beaches of Agat and Asan, Spanish public works such as bridges and forts. Some of these places may be connected to a well-known historic event, others simply to a general pattern of events that characterized a certain time.
- **Distinctive characteristics of a type, period, or method of construction, characteristics that represent the works of a master, possess high artistic values, or significant and distinguishable entities whose components may lack individual distinction.** In this category are places that show significant characteristics of a particular period, such as “Pacific Colonial Vernacular Architecture” – many of the houses in Inarajan, and a few in Hagåtña, are significant in this way: they show the kind of architectural character of pre-World War II Guam, though generally not associated with specific important events or people.
- **Have yielded, or may be likely to yield, information significant to our history or prehistory.** This is the “scientific data” category. Most archeological sites such Ipao Beach, Fafai Beach, Ritidian and Urunao fall in this category. Limited archeological studies were conducted on these sites. The information gathered from these sites confirmed existing records that there were thriving communities in these areas.

In addition to the four kinds of significance, historic properties must have another quality. **Integrity.** This means that the historic property must have a preservable element still intact and capable of manifesting the historic associations of information.

WHO SHOULD PLAN FOR PRESERVATION?

Through several public laws (see the list in the appendix), preservation responsibilities are placed on:

- Owners of registered historic places planning changes or alterations to the property;
- Applicants requiring approval from the Guam Land Use Commission or Territorial Seashore Protection Commission;
- Applicants for licenses, permits or other assistance from federal agencies or Government of Guam agencies;
- All government agencies.



The preservation laws applicable to specific projects can be quite complex, but a single basic planning process generally satisfies most of them. For advice tailored to a specific project, contact the Guam Historic Resources Division (Guam Historic Preservation Office).

THE BASIC PRESERVATION PLANNING PROCESS

For projects or “undertakings” that might have adverse effects on historic properties, or conversely, projects where there are no historic properties affected, there is an orderly process for satisfying any obligations with respect to historic properties. Whether the obligations arise from the laws and regulations of the Federal government, or Government of Guam, the process is the same.

There are five basic steps needed to explain the process, though in practice, several of the steps are often completed together. The steps are explained below:

- **Identify and evaluate** the property. Consultation should start in this first step.
- **Determine** the project’s **effects** on the “historic” property.
- **Consult** with interested parties and oversight agencies.
- **Resolve adverse effects;** agree to **avoid, lessen, or mitigate** the adverse effects on the historic property.
- **Implement** the agreed measures.



Identification. In order to make good decisions for preservation, one must know what historic properties are in the area that may be affected by the proposed project. So the first preservation task is to find out what historic properties are in the area of concern.

Identification activities may include, but are not limited to:

- A simple inquiry with the Guam Historic Preservation Office.
- A search of archival records at government agencies and libraries or other archives.
- Interviews with current or past residents of the area who have knowledge of the area and its history.
- A check of existing records of the Registers of Historic Places, and of professional searches of nearby areas for historic or archaeological sites.
- A small-scale reconnaissance survey for archaeological sites or a “windshield survey” for architecturally significant buildings.
- A detailed archaeological or architectural assessment, with subsurface testing at selected locations, measured drawings or professional historical research in conjunction with the field study.

The guiding rule is that identification or “survey” work should be done as needed to make the preservation decision relevant to the project. The Guam HP Office (GHPO) can help you determine how much survey and what survey measures are needed. Any survey done without consulting the GHPO may be either too much or too little for your actual needs. The Office will review the proposed project, its area and surroundings, the records on file, and can advise you of your survey needs, or review proposed surveys prepared by independent qualified consultants.

Evaluation. Once an area has been surveyed, and a property identified, the property is then evaluated for register eligibility. The criteria are stated above. There are properties that may have been identified as historic, but may not be significant, or that lack integrity if they were once historic. It is also possible that there may be disagreements with the evaluations of the GHPO, or with independent consultants. Disagreements may be resolved by the Guam Historic Preservation Review Board for private projects, by the Governor for undertaking projects with no federal involvement, i.e., local funded projects, or the Advisory Council on Historic Preservation for federal undertakings.



Assess Effects. Effect on historic places is defined as **any change in the character or use** of a historic property, which is reasonably foreseeable as a consequence of the project. **Adverse Effect** is any change in the character or use of a historic property, which **diminishes or damages** the qualities that give the place its significance.

Once the historic properties have been identified and their significance established, the effect that a proposed project may have on them should be determined. One of three decisions should be made:

- **No Historic Properties Affected.** This finding is appropriate when the project is one that cannot or does not change the character or use of the historic property in and near the project area. An example would be a proposal to compile navigation charts at new scale using only existing information.
- **No Adverse Effect.** This finding is appropriate when the project is one that will have an effect on at least one historic property, but the effect will not diminish the significance of the property or properties in question. An example would be a proposal to repave an existing parking lot at Fort Santa Agueda, at a depth no greater than the existing lot.
- **Adverse Effect.** This finding is appropriate when the project in question may diminish the significance of one or more historic property. Please note that adverse effect on historic properties is not prohibited; however there should be a balance of competing or complementary public interest, which is all that is required, that is decided publicly, and that full knowledge of the likely effects on the historic properties is conveyed.



Consultation. It is at this stage that negotiations take place regarding appropriate responses to the adverse effects a project is likely to have. The first goal is to find a way to avoid adverse effects if possible. Sometimes changes or amendments to the proposed project can avoid the potential adverse effects the project would normally have. If there is no reasonable way to avoid adverse effects, then the consulting parties seek ways to lessen the adverse effects, or to **mitigate** the adverse effects. Appropriate mitigation measures can be quite varied depending on the proposed project's circumstances. A full section below is devoted to discussion of mitigation measures.

Participants in consultation should include the Guam Historic Preservation Office, other agencies that may be affected by the decisions, other parties involved with the project, and interested parties. In the case of federal undertakings or involvements, the Bureau of Statistics and Plans - Guam Coastal Zone Management program should be consulted.

Avoid, Lessen, Mitigate Adverse Effect. Resolving adverse effects will produce a written document of agreement. This written agreement, signed by all parties who have actions specified in the agreement, is incorporated in position statements, permit approvals, and periodic inspection reports of the project's progress. For federal undertakings, the federal agency and the ACHP (if they choose to), sign the agreement, along with other agencies affected.

Agreement Implementation. Once all the parties sign the agreement, the project may then proceed. Monitoring is usually the responsibility of the affected agency and the Guam State Historic Preservation Office.

HISTORIC PRESERVATION PARTICIPANTS

In completing the historic preservation review process, you may interact with a number of parties. The main ones are:



The Guam (State) Historic Preservation Officer. This official supervises the Guam Historic Resources Division (Guam HP Office). The position of the GHPO is to ensure that the review process is used correctly and appropriately, and that information on historic sites, surveys, the review process, and the historic preservation program itself, are available to all. The GHPO also has the responsibility to review determinations of effect and proposed mitigation plans.



Territorial Archaeologist (Guam Historic Preservation Office). The Territorial Archaeologist (TA) supervises the Review and Compliance program, and Survey and Inventory program. It is the TA that mainly advises the agency in the review process and in matters relating to the types of surveys or scopes of work that may be needed for a given project.

Guam Historic Preservation Office. Other than the administrative staff, the office is staffed with historic preservation specialists, technicians, and a historian. The specialists are primarily responsible for the initial project and permit reviews. They also, among other duties, provide advice and conduct site inspections. Specialists and technicians periodically attend training in review and compliance. Specialists may represent the Department in Application Review Committee meetings.

Guam Historic Preservation Review Board. This board has general oversight of the operations of the historic preservation program, and has the final authority to place a property on the Guam Register of Historic Places. The board members normally do not get involved in specific project reviews except for settling disputes over significance or mitigation measures.



Guam Land Use Commission. This commission approves the uses of land, which do not fall within already approved zoning designations. As a part of their review, historic preservation concerns are often addressed and incorporated into eventual requirements for approvals.

Army Corps of Engineers. This federal agency screens applications for a wide variety of actions that will take place in, or near water and wetlands. Review of impacts to historic properties is part of the application process. The Corps is a participant in many preservation reviews.

Advisory Council on Historic Preservation (ACHP). An independent federal agency that advises the President and Congress on historic preservation matters and oversees the review of projects under section 106 of the National Historic Preservation Act. Staff of this agency review determinations of effect and proposed mitigation measures for federal undertakings. The Council is made up of twenty members: President appointed members, agency heads, and people named in the NHPA.

Interested Parties. The review process is intended to allow any parties who may have a special interest in the historic place in question to voice their concerns and have these weighted in the decisions regarding the places. Interested parties may include other agencies, people whose personal, family or cultural history is connected to the historic place, and any member of the public who takes a special interest in the project or the historic place. Interested parties are often notified during the identification stage or “survey” for historic places. Sometimes public notices are filed and sometimes, public hearings are appropriate to solicit views from interested parties.



Keeper of the National Register of Historic Places.

The Keeper of the National Register will normally not be involved in a project unless there is a dispute regarding the significance of a place the project may affect. The Keeper has the authority to make the final determination whether a

place is or is not eligible for listing on the Register. If a place is not eligible, then it does not need any further attention under federal regulations.

MITIGATION MEASURES

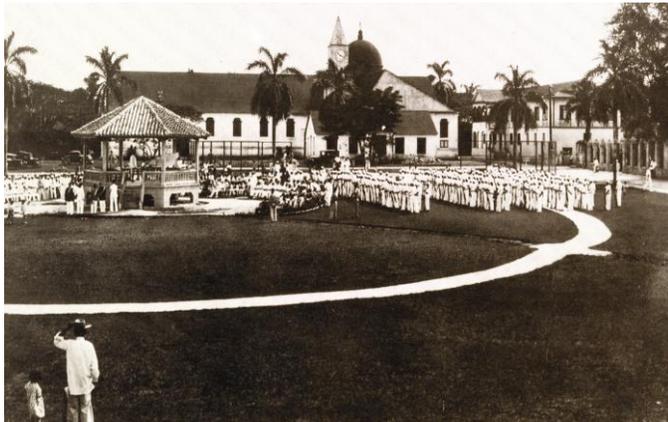
Once it is determined that the project is likely to affect a significant historic property, and the potential effects cannot be avoided, you will be asked to consider mitigation measures. To mitigate means “to soften, to make less harsh.” Mitigation in historic preservation means ways to lessen the adverse effects, or to compensate for them in some way that provides some of the same benefit to the public that the historic property would have. The following paragraphs explain some of the more common kinds of mitigation measures that are appropriate in many cases.

Restoration of significant elements. Often unavoidable damage can be repaired. In these cases, restoration can be agreed upon as a mitigation measure.

Visual Screens. Putting up new developments next to historic properties can cause visually distracting and intrusive effects. To minimize these effects, the new buildings can sometimes be hidden behind non-distracting hedges or other material.

Detailed drawings, photographs or other records. In many cases, destruction of a historic property is part of the best solution to the competing interests affecting a project. The historic property can usually be recorded in detail by measured drawings, maps, architectural renderings, photographs, and other documentation measures, before the historic property is destroyed. Sometimes archival research in connection with such records helps preserve the history, if not the historical property.

Interpretive markers, signs and exhibits. In many cases, the public benefits from a brief explanation of the history of the property, as well as from the preservation of the property itself. Good interpretive signs, markers or exhibits can help people understand the history and significance of the place, and the events that took place.



Data Recovery. For places that are significant primarily because of information (data) that can be gained from study, conducting that study to gain information is considered a way to make up for unavoidable destruction of the property. Most archaeological sites fall into this category, though it is generally preferable to leave these sites undisturbed if possible. The study of archeological sites can be very expensive. Data recovery includes background research, actual excavations in the field, sorting, weighing, measuring and cataloguing the items

recovered, specialized analysis of certain samples, compiling the reports of the excavations and analysis, publishing the report, and placing the collection of artifacts, notes and field records in a secure permanent storage facility such as a museum. Since data recovery can be such an expensive option, there must also be means to assure that the costs are well justified. A Data Recovery Plan is used to help keep the archaeological tasks focused tightly on doing what is needed to investigate **important** research questions rather than whatever interests a particular archaeologist.

The Data Recovery Plan should clearly state:

- What important research questions can be investigated at the site. These questions are usually set out in a “Historic Context” for archeology in the Comprehensive Historic Preservation Plan.
- What field and laboratory activities are needed to get reliable information concerning these questions.



- How much time and effort will be needed to perform these actions, the report compilation and disposition of the collection and field notes.
- The concurrences or reviews needed and when these are to happen. Please note that when data recovery is selected as a mitigation measure, it is not completed until the study collections are placed in appropriate permanent curatorial care.
- With a plan like this, consulting archeologists are able to generate fairly accurate cost estimates for the work. The Guam Historic Preservation Office reviews and accepts mitigation plans before any construction starts. In the case of federally permitted projects, the Advisory Council on Historic Preservation also needs the opportunity to comment on the plans.



Monitoring. Monitoring means having a trained person watch during the parts of a project that have some risk of damaging significant archeological deposits. Monitoring does not belong to the identification or survey part of the process. It is not a good way to search for something in order to plan around it. Monitoring is a discovery measure because it is a good way to deal with resources that cannot be reasonably searched for ahead of time (such as deposits under existing highways), but which can be expected to exist based on general conditions near the project area. A monitor must be able to watch, to record what is, and what is not found, and to trigger more detailed efforts when something significant is found. Whenever monitoring is used, you must be ready to call in the

more extensive effort as needed. Monitors are only used when we expect a good chance of finding those more significant deposits as the project gets underway. Monitoring is often included along with other mitigation measures for portions of an overall project.

GLOSSARY

Adverse Effect. Any change in the characteristics or use of a historic property, which diminishes the characters that give the property its historic significance.

Advisory Council on Historic Preservation. An independent federal agency, charged with review and comment on federal undertakings, which may affect historic properties listed or eligible for the National Register of Historic Places.

Assess Effects. To determine whether a project will have No Historic Properties Affected, No Adverse Effect, or Adverse Effect on significant historic properties.

Certificate of Approval. A Certificate of Approval must be issued by the Guam Historic Preservation Officer before any action affecting potential historic sites or objects is undertaken, including, but not limited to: building permits, grading permits, clearing permits, foundation permits, leases and lease renewals of government loan, application for surplus federal real estate, government infrastructure improvement projects; government construction, including clearing and grading, submittal of federal grant applications for construction, land use or improvements; and applications to Guam Land Use Commission and Guam Seashore Protection Commission. (21GCA,



E. O. 89-9. Requires the Territorial Planning Commission and the Seashore Protection Commission to impose conditions to protect registered sites and those potentially eligible for the Guam Register of Historic Places.

E. O. 89-24. An Executive Order that declares reburial of human remains from archaeological contexts to be the general policy of the Territory.

Eligible. A property, which meets the criteria for inclusion on the historic registers but which, has not yet been formally listed for whatever reason.

Guam Historic Preservation Review Board. Advises the Guam HP Officer on program matters; makes the final decision to list a property on the Guam Register of Historic Places; hears appeals of GHPO decisions, and other functions pertinent to Guam's historic preservation program.

Guam Register of Historic Places. A listing of historic properties, that have been formally reviewed and accepted for listing by the Guam Historic Preservation Review Board.

Identification. The process of determining what historic properties exist in the project area or its surroundings.

Monitoring. A discovery measure, used when a project is likely to uncover previously unidentified historic properties during parts of its implementation.

National Register of Historic Places. A list of properties, which have been formally determined to have historic significance, and which, have been accepted by the Keeper of the National Register.



Section 106. The specific portion of the National Historic Preservation Act that requires federal agencies to check for historic properties that may be affected by their undertakings. Implementing regulations for 106 is found at 36 CFR Part 800.

State Historic Preservation Officer. An official required by the NHPA in each state, territory or commonwealth who is designated to implement a comprehensive historic preservation program within that "state" and to consult with federal agencies on the effects of their undertakings on historic sites within that jurisdiction.

Survey. An organized search of an area, to find and document historic properties within the area. Survey, is usually done as a part of the identification stage, using existing information to help design the actual search in the field

A PARTIAL LISTING OF HISTORIC PRESERVATION LAWS AND REGULATIONS

Federal Laws and Regulations

National Historic Preservation Act of 1966. This law sets up a comprehensive historic preservation program, including the "state" historic preservation offices. It provides for the National Register of Historic Places and for comment on federal undertakings by the Advisory Council on Historic Preservation. The major duties of most federal agencies are in Sections 106 and 110 of this act.

National Environmental Policy Act of 1969. This act provides for a review of impacts on a range of



environmental resources, including cultural and historic resources. This law and the Historic Preservation Act can usually be satisfied in a single process regarding historic and cultural resources.

Department of Transportation Act, Section 4(i), as created by the Amtrak Improvement Act of 1974. For federally assisted highway projects, a higher standard of avoidance of impacts to historic and recreational sites is imposed.

Archaeological and Historic Preservation Act, as Amended. This act, sometimes referred to as the Moss-Bennet Act, requires response to cultural resources discovered with projects in progress.



Archaeological Resources Protection Act of 1979. This law imposes criminal and civil penalties for removing archaeological items from federal lands without a permit.

Abandoned Shipwreck Act of 1987. This law establishes “state” ownership of abandoned shipwrecks on submerged land around Guam are still under federal ownership, so some submerged shipwrecks are under federal ownership.

36 CFR 800. Protection of Historic Properties (Advisory Council on Historic Preservation). Implements Section 106 of the National Historic Preservation Act.

36 CFR 60. National Register of Historic Places.

36 CFR 61. Procedures for State, Tribal, and Local Government Historic Preservation Programs.

36 CFR 63. Determinations of Eligibility for Inclusion in the National Register of Historic Places.

36 CFR 68. The Secretary of the Interior’s Standards for the Treatment of Historic Properties.

Government of Guam Laws and Regulations

Public Law 12-126. This law established Guam’s historic preservation program in 1974. It requires all Government of Guam agencies to identify and protect historic places, and it established the Guam Register of Historic Places.

Public Law 20-151. This law strengthens the historic preservation program, formally establishing authority for preservation review of all government permits or licenses, providing authority to stop projects in violation of the preservation requirements and setting up the Guam Preservation Trust.



Title 21, Guam Code Annotated, Chapter 76 (Historical Objects and Sites). A codification of public laws 12-126 and 20-151.

Public Law 27-89. This law repealed and reenacted Article 6, of Chapter 76 Relative to the Guam Preservation Trust.

Executive Order 89-9. This Executive Order firmly requires consideration of historic preservation needs for any action needing an approval from the Territorial Planning Commission (TLUC).

Executive Order 89-24. Established Policies for Disposition of Archaeologically Recovered Human Remains.



GUAM
FLOODPLAIN MANAGEMENT
ORDINANCE
2000

FLOODPLAIN MANAGEMENT ORDINANCE

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FLOODPLAIN MANAGEMENT ORDINANCE

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

1.1 STATUTORY AUTHORIZATION: The Government of Guam, Department Of Public Works, under the authority of Subsection (a), Subsection 66116, Article 1, Chapter 66, Building Law, 21 GCA hereby adopts the following floodplain management rules and regulations.

1.2 FINDINGS OF FACT.

A. The flood hazard areas of Guam are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards, which increases flood heights and velocities also, contribute to the flood loss.

1.3 STATEMENT OF PURPOSE. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expenses of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory use” means a use which is incidental and subordinate to the principle use of the parcel of land on which it is located.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance.

“Area of shallow flooding” means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

“Area of special flood hazard” – See “Special flood hazard area.”

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in-any given year (also called the “100-year flood”). Base flood is the term used throughout this ordinance.

“Basement” means any area of the building having its floor subgrade – i.e., below ground level – on all sides.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and
2. The elevated portion of the building shall not incur any structural damage due to the effect of wind and water loads acting simultaneously in the event of the base flood.

“Building” – see “Structure”.

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other

area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation of tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE, or V.

“Commission” means the Guam Land Use Commission/Guam Seashore Protection Commission.

“Department” means the Department of Public Works.

“Director” means the Director of the Department of Public Works.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood, flooding, or flood water” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows)—see “Mudslides”; and

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

“Floodplain or flood-prone area” means any land area susceptible to being inundated by water from any surface – see “Flooding”.

“Floodplain Administrator” is the Department of Public Works, Building Permits and Inspection Administrator is responsible to administer and enforce the floodplain management regulations.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain management regulations” means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such a grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to non-residential structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

“Floodway” means the channel of a river or river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “Regulatory Floodway”.

“Floodway encroachment lines” means the lines marking the limits of floodways on Federal, state and local floodplain maps.

“Floodway fringe” is that area of the floodplain on either side o the “Regulatory Floodway” where encroachment may be permitted.

“Fraud and victimization” as related to Section 6, Variances, of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Government of Guam will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of

damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

“Governing body” is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

“Hardship” as related to Section 6, Variances, of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The Government of Guam requires that the variance is exceptional, unusual, and peculiar to the property involved. More economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means any structure that is:

1. The building or structure that has been placed on the Guam Registered of Historical Places.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage in an area other than a basement area (see “Basement”) is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of

this ordinance. Below grade attached garages are not allowed as they are considered to be basements.

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle”.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

“Mudslide” (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

“New construction”, for floodplain management purposes, means structures for which the “start of construction” commenced on or after effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

“New manufactured home park or subdivision” means a manufactured home park or subdivision for which construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by this community.

“Obstruction” includes, but is not limited to, any dam wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill structure, vegetation or other material in along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or collect debris carried by the flow of water or its likelihood of being carried downstream.

“One-hundred-year flood” or “100-year flood” – see “Base flood.”

“Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

“Principal structure” means a structure used for the principal use of the property a distinguished from an accessory use.

“Public safety and nuisance” as related to Section 6, Variances; of this ordinance means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, or any navigable lake, or river, bay, stream, canal, or basin.

“Recreational Vehicle” means a vehicle, which is

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharged the base flood without cumulatively increasing the water surface elevation more than one foot.

“Riverine” means relating to, form by, or resembling a river (including tributaries), stream, brook, etc.

“Sand dunes” mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

“Sheet flow area” – see “Area of shallow flooding”.

“Special flood hazard area (SFHA)” means an area having special flood, hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, AH, V1-V30, VE or V.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however include either

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

“V zone” – see “Coastal high hazard area”.

“Variance” means a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the island of Guam.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of

the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated September 1983, November 1985 & June 1998 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated November 1985 & June 1998 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the Government of Guam by the Floodplain Administrator. The study, FIRMs and FBFMs are on file at Department of Public Works, Office of FloodPlain Management Government of Guam, 542 North Marine Drive, Tamuning, Guam 96911.

3.3 COMPLIANCE. No structure or land shall hereafter be constructed located extended, converted, or altered without full compliance with the term of this ordinance and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Government of Guam from taking such lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION. In the interpretation and application of this ordinance, all provisions shall be

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under Guam of Federal law.

3.6 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free for flooding or flood damages. This ordinance shall not create liability on the part of the Government of Guam, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

3.7 SEVERALBILITY. This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF BUILDING PERMIT. A building permit shall be obtained before any construction or other development begins any area of special flood hazard area established in Section 3.2. Application for a building & development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required.

- A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures – in Zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures; or
- B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, if required in Section 5.1 C.3; and
- C. All appropriate certifications listed in Section 4.3 D of this ordinance; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. See floodplain and floodway One Stop permit procedures on pg. 111.

4.2 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR. The Department of Public Works, Building Permits and Inspection Administrator shall be responsible to administer, implement, and enforce this ordinance by granting or denying building permits or occupancy permits in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR. The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following.

- A. Permit Review. Review all building & grading permits to determine that
 1. Permit requirements of this ordinance have been satisfied,
 2. All other required permits have been obtained,
 3. The site is reasonably safe from flooding and

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this ordinance, “adversely affects” means that

5. Existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3.2, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 5. Any such information shall be submitted to the (governing body) for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and
2. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available, as needed the following:

1. Certification required by Section 5.1 C.1 (floor elevations),
2. Certification required by Section 5.1 C.2 (elevation or floodproofing of nonresidential structures),
3. Certification required by Section 5.1 C.3 (engineered foundation openings),
4. Certification of elevation required by Section 5.3 B (subdivision standards),
5. Certification required by Section 5.6 (floodway encroachments),
6. Information required by Section 5.7 F (coastal construction standards), and
7. Reports required by Section 5.8 D (mudflow standards).

E. Map Determinations. Make interpretations where needed. As to the location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine boundaries of the SFHA. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6.

Remedial Action. Take action to remedy violations of this ordinance as specified in Section 3.3, or other applicable law.

4.4 APPEALS. The Guam Land Use Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 STANDARDS OF CONSTRUCTION. In all areas of special flood hazards the following standards are required:

A. Anchoring

1. All new construction and substantial improvements shall be adequately Anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All manufactured homes shall meet the anchoring standards of Section 5.4

B. Construction material and methods. All new construction and substantial improvement shall be constructed.

1. With materials and utility equipment resistant to flood damage;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and if
4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and floodproofing. (See Section 2 definitions for “new construction,” “substantial damage” and “substantial improvement”.)

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement,
 - a) In an AO zone, elevated above the highest adjacent grade to a Height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.
 - b) In an A zone, elevated to or above the base flood elevation, as determined by this community.
 - c) In all other Zones, elevated to or above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated to conform with Section 5.1 C.1 or together with attendant utility and sanitary facilities

a) Is flood proofed below the elevation specified in Section 5.1 C.1 so that the structure is watertight with walls substantially impermeable to the passage of water;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c) Be certified by a registered professional engineer or architect that the standards of this section (5.1 C.2) are satisfied. Such certification shall be provided to the Floodplain Administrator.

1. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a) Be certified by a registered professional engineer or architect to comply with the guidelines of engineered openings as specified in FEMA technical bulletin 1-93; or

b) Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency, or

c) Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

2. Manufactured homes shall also meet the standards in Section 5.4.

5.2 STANDARDS FOR UTILITIES.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems, and
2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

5.3 STANDARDS FOR SUBDIVISIONS.

- A. All preliminary subdivision proposals of 5 acres or 50 lots, whichever is lesser shall identify the flood hazard area and the elevation of the base flood.
- B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final first floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
- C. All subdivision proposals shall be consistent with the need to minimize flood damage.
- D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

5.4 STANDARDS FOR MANUFACTURED HOMES.

- A. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map, on sites located
 - 1. Outside of a manufactured home park or subdivision.
 - 2. In a new manufactured Home Park or subdivision.
 - 3. In an expansion to an existing manufactured home park or subdivision, or
 - 4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation collapse and lateral movement.
- B. All manufactured homes that are placed or substantially improve on sites located within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.4 A and Section 5.7.
- C. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of paragraph 5.4 A will be elevated so that either the
 - 1. Lowest floor of the manufactured home is at or above the base flood elevation
 - 2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5.5 STANDARDS FOR RECREATIONAL VEHICLES.

A. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map will either:

1. Be on the site for fewer than 180 consecutive days,
2. Be fully licensed and ready for highway use a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or
3. Meet the permit requirements of Section 4 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 5.4 A.

B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 5.5 and Section 5.7.

5.6 FLOODWAYS. Located within areas of special flood hazard established in Section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

B. If Section 5.6 A is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 5.

5.7 COASTAL HIGH HAZARD AREAS. Within coastal high hazard areas as established under Section 3.2, the following standards shall apply.

A. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable Federal or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 2 of this ordinance. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings.

E. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.

F. The Floodplain Administrator shall obtain and maintain the following records.

1. Certification by a registered engineer or architect that a proposed structure complies with Section 5.7 A.
2. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

SECTION 6.0 VARIANCE PROCEDURE

6.1 NATURE OF VARIANCES. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of Guam to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

6.2 APPEAL BOARD.

A. In passing upon requests for variances, the Guam Land Use Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

1. Danger those materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damages;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded at Department of Land Management and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

6.3 CONDITIONS FOR VARIANCES.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections 4 and 5 of this ordinance have been

fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increase.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 2 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary: means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the GLUC need not grant permission for the applicant to build at grade, or even to whatever elevation the application proposed, but only to that elevation which the GLUC believes will both provide relief and preserve the integrity of the local ordinance.

E. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional “hardship” (as defined in Section 2 of this ordinance) to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Section 2 – see “Public safety or nuisance”), cause fraud or victimization (as defined in Section 2) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 6.2 A through 6.2 E are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of the factors of Section 6.1 C and the purposes of this ordinance, the GLUC may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

7.0 STANDARD OPERATING PROCEDURES FOR ONE STOP BUILDING PERMITS

7.1 BUILDING PERMITS APPLICATION PROCEDURES:

A. All developments within the Special Flood Hazard Areas, (i.e., floodplains and floodways), in accordance with the current Flood Insurance Rate, must complete and submit a Department of Public Works, Building Permits Application. All building permit applications shall be accompanied by at least five (5) complete sets of plans and specifications. The owner of his licensed contractor must submit the plans and specs. to the OneStop Building Permits Section Center, Department of Public Works.

B. Determination for the site-of-Development. The Flood Zone Determination included with the application will be reviewed by the Department of Public Works to verify the determination.

C. If the Site-of-Development is located within a Special Flood Hazard Area in accordance with the current Flood Insurance Rate Map, the Floodplain and floodway building requirements of Guam's floodplain management ordinance shall be placed on the development application.

D. In additions, if the Site-of-Development is located within regulatory floodway, in accordance with the current flood insurance rate map, the applicant shall conduct a hydrologic and hydraulic analysis, which meets current Federal Emergency Management Agency (FEMA) flood insurance study standards.

1. If this analysis demonstrates that the proposed development will cause no rise, (i.e., O.O), in the Base Flood Elevation Level, the floodway development can go forward in accordance with Guam's Floodplain Management Ordinance.

2. If this analysis demonstrates that the proposed development will caused a rise in the Base Flood Elevation Level, no matter how small or insignificant, the application must meet building requirements of Guam Floodplain Management Ordinance.

7.2 CHECKLIST FOR SUBMITTALS FOR PLAN REVIEW:

1. Five complete sets of standard uniform size plans (18" x 24" min...30" x 42" max.) with seal/stamp by an Architect and/or Engineer license to practice of Guam.

2. Indicated applicable Lot No., Block No., and Tract No. on a Vicinity Map. Title Block must be provided on all sheets. Drawing scale should be not less than 3/16"= 1'10" except on civil drawings.

3. The site or plot plans must show the property boundaries, public rights of ways, utility easements, zoning setbacks, existing roads, existing and finished grade elevations, finished floor elevation of the proposed structure. Show all existing buildings on the lot.

4. Provide elevation certificates for all new construction and substantial improvements. Elevation Certificates will be reviewed to ensure proper elevations.
5. Provide two sets of hydraulic calculations, backup data and certificates specially targeted to any rise in base flood elevations as part of documents submitted to obtain a building permit.
6. Provide a copy of Department of Land Management recorded property map, ownership documents or lease agreements.

7.3 ISSUANCE OF BUILDING OR GRADING PERMITS:

If plans and specification meet all local codes and Federal Regulations #44, Section 65.12, the Flood Administrator must approve the development for issuance of a building permit which must be posted on a conspicuous location at all times.

7.4 CERTIFICATE OF OCCUPANCY FOR BUILDING WITHIN A SPECIAL FLOOD HAZARD AREA (SFHA).

A Certification of Occupancy shall not be issued for any building or structure in a Special Flood Hazard Area unless a Post-Construction Elevation Certificate is submitted and approved by the floodplain Administrator.

7.5 APPROVED PLANS & SPECIFICATIONS:

Approved plans & specifications shall not be changed, modified or altered in any manner affected by the provision of this other applicable laws, without express written authorization from the FloodPlain Administrator, and all work shall be done in accordance with the approved plans and specifications.

7.6 INSPECTIONS:

The project shall be inspected on a regular basis by building inspectors from the Department of Public Works to assure compliance with the approved plans and elevation certificate and is in accordance with all local codes and Federal Regulations #44 Section 65.12.

7.7 STOP WORK ORDERS:

In the events that a project is commenced without a building permit and work performed is not in compliance with all locals and Federal Regulations #44 Section 65.12. a Stop Work Order shall be issued and all work must stop. The stop work order will remain in effect until all requirements are met.

8.0 OPERATION AND MAINTENANCE MANUAL FOR REGULATED RIVERS AND STREAMS

8.1 Responsible Agency and Positions:

The Government of Guam, Department of Public Works, Chief of Operations is responsible to carry out the required maintenance and operation for regulated rivers and streams.

Inspection and Maintenance Requirements:

The Department of Public Works shall make inspections and provide maintenance of the channels and floodways in accordance with the following requirements:

1. The channel or floodway is clear of debris, weeds, and wild growth;
2. The channel or floodway is not being restricted by the depositing of waste materials, building of unauthorized structures or other encroachments;
3. The capacity of the channel or floodway is not being reduced by the Formation of shoals;
4. Banks are not damaged by rain or wave wash, and that no sloughing of banks has occurred;
5. Riprap sections and deflection dikes and walls are in good conditions;
6. Approach and egress channels adjacent to the improved channels or floodways are sufficiently clear of obstructions and debris to permit proper functioning; and
7. Other structures and/or facilities, which function as a part of, or affect the efficient functioning of, the channels and floodways shall be periodically inspected, and appropriate maintenance measures taken.

Such inspections shall be made prior to the beginning of the flood season and otherwise at intervals not to exceed 90 days. Immediate steps will be taken to remedy any adverse conditions disclosed by such inspections. The Department of Public Works shall provide for periodic repair and cleaning of debris basin, check dams and related structures as may be necessary.

In addition, both banks of the channel shall be patrolled during periods of high water and measures shall be taken to protect those reaches being impacted by the current and/or wave wash. Appropriate measures shall be taken to protect the formation from debris. Large objects, which become lodged against the bank, shall be removed. Any improved channel or floodway shall be thoroughly inspected immediately, following each major high water period. As soon as practicable thereafter, all snags and other debris shall be removed, and all damages to banks, riprap, deflection dikes and walls, drainage outlets, or other flood control structures repaired.

8.2 INSPECTION AND MAINTENANCE REPORTING REQUIREMENTS:

Reporting of the Inspection and Maintenance process shall be performed using the form entitled, Operation and Maintenance Inspection Report, attached hereto as Appendix A.

Appendix A

Operation and Maintenance Inspection Semi-Annual Report

1. Date of Present Inspection_____
2. Date of Last Inspection_____
3. Have any unusual natural occurrences or damages to the regulated rivers and streams that has taken place since the last periodic inspection?
4. Has this inspection revealed any necessary maintenance and/or repairs?
5. Is an Outline, Status Report, and Schedule of Maintenance and/or Repairs, enclosed with this report?
6. Names and Work Addresses of present maintenance personnel:
7. Have any key maintenance personnel been changed?
8. Telephone numbers for location maintenance personnel:
Day Number_____
- Night Number_____
9. Any additional Comments or Remarks:

Inspector's Signature

Inspector's Title

Applying For Electric Service?

(Prepared by Customer Services Division)

GENERAL INFORMATION

(Details to these and other questions can be addressed to GPA Customer Service Representatives located in Harmon and Agat).

APPLICATION FOR SERVICE

Each applicant for electric service shall render a deposit, sign an application on a form provided by the Authority, and furnish the following information:

1. Name of applicant.
2. Date and place of application.
3. Service address and/or location of premises to be served.
4. Date applicant will be ready for service.
5. Whether the premises have been previously supplied.
6. Purpose for which service is to be used.
7. Applicant's mailing address.
8. Whether applicant is owner or tenant of, or agent for, the premises.
9. Rate schedule desired if optional rate is available.
10. Other information the Authority may reasonably require.

WHAT DOCUMENTS ARE REQUIRED TO APPLY FOR ELECTRIC SERVICE?

Any building/property owner, landlord, lessee, or renter applying for electrical service to include Government Lease, CLTC, Ancestral Lands, must submit to the Authority a copy of documents substantiating ownership, leasing, or rental that references the location where electricity is to be provided. The documentation may include--but it is not limited to--building permit, certificate of ownership, title, deed, current lease or rental agreement, etc. For newly constructed homes, submit copies of property maps and DPW/GPA Approved Plans. Relocation of meter/ADIL meter/generator installation.

HOW MUCH WILL IT COST TO APPLY FOR ELECTRIC SERVICE?

Upon applying for electric service, the following charges will be assessed:

- Application Fee.....**\$10.00**
- Security Deposit.....**Minimum \$25.00 & not to exceed 2½ times the estimated monthly bill**
- Installation Fees.....**Customer will be notified after a field check is assessed by GPA Engineering Division**

HOW LONG WILL IT TAKE BEFORE POWER IS INSTALLED?

This will depend on the assessment done by our Engineering Division, and if inspection approval is granted by the Department of Public Works.

WHEN DO I START APPLYING FOR ELECTRIC SERVICE?

Upon completion of the flooring foundation in the issuance of a Bldg. permit.

MUST I BE PRESENT AT THE INSTALLATION SITE THE SAME TIME GPA CREWS ARE ABOUT TO INSTALL POWER?

Yes customers must be present at the installation site to ensure that the location's main breaker is in the "OFF" position before GPA crews energize the service line.

DEFINITIONS

Application	A written request to the Authority for electric service.
Customer	Any person (partnership, firm, corporation, municipality, Cooperative, governmental agency, etc.) Who has made an application for service and is responsible for payment of the bills resulting from consumption of electric energy at the location identified in the application.
Electric Service	The availability of electric energy at the point of delivery for use by the customer, even if no electric energy is used.
Line Extension	All facilities, excluding transformer, service connection and meter required to extend electric service from the Authority's existing permanent facilities to the point of delivery to the customer.
Point of Delivery	The point where conductors of the Authority are connected to the conductors of the customer, regardless of the location of the Authority's meters or transformers.
Temporary Service	Service for enterprises or activities which are temporary in character or where it is known in advance that service will be of limited duration. Service, which in the opinion of the Authority, is for operations of a speculative character of the permanency of which has not been established, also is considered temporary service.

- **Moderate Design Path** – *Permanent power (Service/Meter/Transformer Installation/Relocation or additional meter/Generator Installation/Work Clearances/Electrical Upgrades/Downgrade)*

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESCO standards.
2. Verify/Obtain DPW and GPA approved electrical plans from customer/contractor.
3. Prepare work order, which includes bill of materials.
4. Obtain Supervisor's approval.
5. Release to the Transmission and Distribution (T&D) for scheduling. (DPW inspection report required.)

- **Intermediate Design Path** (*Secondary line extension – wire only*)

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESCO standards.
2. Verify/Obtain DPW and GPA approved electrical plans from customer/contractor.
3. Formulate design.
4. Prepare cost estimate of charges.
5. Obtain Supervisor's approval of work order, which includes the cost estimate, bill of materials and design.
6. Release to Credit and Collection, Customer Services for payment (if required).
7. Release to T&D for scheduling.

(Temporary Power/Relocation of meter)

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESC standards.
2. Formulate design.
3. Formulate design.
4. Obtain Supervisor's approval of work order, which includes the cost estimate, bill of materials and design.
5. Release to Credit and Collection, Customer Services for payment (if required).
6. Release to T&D for scheduling. (Note: DPW inspection report required for relocation of meter for permanent status.)

- **Complex Design Path**

(Primary/Secondary pole/downguy installation, Relocation, and Underground installation)

1. Schedule site investigation/as built to determine scope of work and ensure compliance with GPA, NEC, and NESC standards.
2. Obtain required Department of Land Management property maps and GPA approved electrical plans.
3. Conduct a proper as built with at least three (3) verified and clearly marked Registered Land Surveyor (RLS) boundary points.
4. Perform underground inspection of transformer pad, manhole/handhole as needed.
5. Formulate design and prepare cost estimate of charges.
6. Negotiate and obtain GPA Easement – if required, through GPA Real Estate Section.

7. Obtain Supervisor's approval of work order, which includes the cost estimate, bill of material and design.
8. Release to Credit and Collection, Customer Services for payment.
9. Release to Survey for "stake-out" of pole locations and underground clearance requirements.
10. Release to T&D for scheduling.

Note:

- 1) All work orders requiring easement(s) shall not be released until easement is secured.
- 2) All work orders requiring payment shall not be released to T&D without approval or verification of payment from Credit and Collection.

UNDERGROUND INSTALLATION

(Padmount and Hybrid)

In addition to the procedures mentioned above, the Engineering Division must perform a step-by-step inspection for the construction of the manhole/handhole and transformer pad, prior to the pouring of concrete. *All GPA construction standards must be followed.* **Proper coordination must be made upon approval of electrical plans and application for service must be made eight (8) months prior to completion of building to ensure timely processing of service and availability of long lead padmounted transformers.**

Other Commonly Asked Questions....

WHAT GOVERNS MY RESPONSIBILITIES AS A GPA CUSTOMER?

All account holders are required to comply with the GPA Service Rules/ Regulations and "Rate Schedules" governing electric service. Copies can be requested from a GPA Customer Services Office.

WHAT HAPPENS IF I DON'T RECEIVE MY BILL STATEMENT?

GPA is not responsible for bill statements not received. It will be your responsibility to obtain a copy of bill at a GPA customer service office, if the original bill is not received 15 days after "Date Billed." Failure to receive a bill does not prevent it from becoming due and payable. Electric service may be terminated for non-payment with no further notice.

WHEN AM I REQUIRED TO PAY A RECONNECTION FEE FOR POWER?

Your security deposit may be refunded for "good credit rating" only. A good credit rating occurs when bills are paid on-time during the first 12 months of service. The refund request can only be done by the account holder in person, by telephone or through

written request to a GPA Customer Services Office. Should an additional deposit be required for other services, you will be notified in writing.

Upon termination of service or cancellation of service (before rendered), your security deposit refund should take about 30 to 60 days to process from the date that the request was made.

HOW DO I GO ABOUT TERMINATING ELECTRIC SERVICE?

A request for termination of service must be made at least **two (2) working days** in advance. The request can only be made by the account holder and in person at any GPA Customer Service Office. To quicken the process, please have available your customer number, meter number, and forwarding address (if required).

**GPA
CUSTOMER SERVICES**

BUSINESS HOURS

HARMON BUSINESS OFFICE
MONDAY – FRIDAY: 7:00 A.M. – 6:00 P.M.

AGAT SATELLITE OFFICE (Agat Community Center)
MONDAY – FRIDAY: 8:00 A.M. – 5:00 P.M.

TELEPHONES

Harmon: 647-5787/8 or 9
Agat: 565-2909/15/25

EMERGENCY 24 HOURS SERVICE
DISPATCH: 475-1472/3 or 4

Written inquiries can be mailed to:

**GUAM POWER AUTHORITY
ATTN: Customer Services
P.O. BOX 2977
Hagatna, Guam 96910-2977**

APPENDIX A

ACRONYMS

“A” Zone - Agricultural Zone

ACOE – Army Corps of Engineers

AICUZ - Air Installation Compatible Use Zone

ARC – Application Review Committee

APC – Area of Particular Concern

BSP – Bureau of Statistics and Plans

“C” Zone – Commercial Zone

DLM – Department of Land Management

DoAg – Department of Agriculture

DPR – Department of Parks and Recreation

DPW – Department of Public Works

EIA – Environmental Impact Assessment

EIS – Environmental Impact Statement

EPP – Environmental Protection Plan

GCMP – Guam Coastal Management Program

GEPA – Guam Environmental Protection Agency

GLUC – Guam Land Use Commission

GPA – Guam Power Authority

GSPC – Guam Seashore Protection Commission

GWA – Guam Waterworks Authority

“H” Zone – Resort Hotel Zone

“M-1” Zone – Light Industrial Zone

“M-2” Zone – Heavy Industrial Zone

NOA – Notice of Action

“R-1” Zone – Single-Family Dwelling Zone

“R-2” Zone - Multi-Family Dwelling Zone

APPENDIX B

DEFINITIONS

1. **Application Review Committee:** A committee comprised of the following permanent voting members:
 - (a) Department of Land Management (DLM)
 - (b) Bureau of Statistics and Plans (BSP)
 - (c) Department of Agriculture (DoAg)
 - (d) Guam Environmental Protection Agency (GEPA)
 - (e) Department of Parks and Recreation (DPR)
 - (f) Department of Public Works (DPW)
 - (g) Guam Power Authority (GPA)
2. **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.
(Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)
3. **Commission:** Shall mean the “Guam Land Use Commission”
4. **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 parceling; 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 or any private, public or municipal utility, and the removal of significant vegetation.
5. **Dwelling:** A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels.

6. **Dwelling Unit:** One or more rooms and a single kitchen in a dwelling, designed as a unit for occupancy by one family for living and sleeping purposes.
7. **Dwelling, One-Family:** A detached building containing only one dwelling unit.
8. **Dwelling, Two-Family:** A detached building containing two dwelling units.
9. **Dwelling, Multiple:** A building containing three or more dwelling units.
10. **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.

(Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)

11. **Family:** An individual, or two or more persons related by blood or marriage, or a group of not more than five persons who need not be related by blood or marriage living together as a single housekeeping unit.
 12. **Flood Hazard:** A flood hazard area is one type of Area of Particular Concern. Flood hazard areas are defined as any land subject to flooding conditions or susceptible to inundation (including wetlands) and areas subject to a one percent or greater chance to flooding in any given year.
 13. **Hotel:** A building containing six or more rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes.
 14. **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.
- (Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)
15. **Lot:** A parcel of land occupied or to be occupied by a use or building, and

accessory buildings and uses, together with such yards, open spaces and lot area as are required by this Title, and having frontage on a street.

17. **Lot Area:** The total horizontal area within the lot lines of a lot.

18. **Nonconforming Building:** A building or structure which does not conform to the regulations of this Title and which lawfully existed at the time the regulations, with which it does not conform, became effective.

19. **Nonconforming Use:** A use of a building or land which does not conform to the regulations of this Title and which lawfully existed at the time the regulations, with which it does not conform, became effective.

20. **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.

(Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)

21. **Planned Unit Development District:** A substantial area in which development follows an approved plan integrating a combination of uses in an appropriate and unified manner. [Added by P.L. 9-232, effective August 10, 1968]

22. **Story:** That portion of a building between the surface of any floor and the surface of the floor or ceiling next above it.

23. **Structure:** Anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

24. **Use:** The purpose of which land or a building is arranged, designed or intended or for which either land or a building is or may be occupied or maintained.

25. **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.

(Guam Administrative Rules and Regulations, 1997 Edition; Vol. 3, Titles 11-18)

APPENDIX C

KEY PUBLIC LAWS

The following is a list of key public laws that affect certain sections of the Zoning and Subdivision Law by either amending or adding to the existing code known as Title 21 GCA, (Guam Code Annotated) Chapters 61 & 62.

Please note that this list do not necessarily reflect a comprehensive listing of laws that may exist to date pertaining to the subject listed below.

- P.L. 12-163, Sec. 2, (Amends P.L. 12-142) requires one (1) parking per dwelling unit instead of two (2) as reflected in 21 GCA. Note: the GCA renumbered Title XVIII, Section 17000 series of the Government Code to 21 GCA, Chapter 61, Sec 61101 thru 61670 (Zoning Code)
- P.L. 12-177, Sec. 3, (Amends P.L. 12-163) requiring one (1) parking space for every 400 sq. ft. of floor area or portion thereof for Professional & Business Offices instead of one parking space for every 150 sq. ft. of floor area or portion thereof (formerly subparagraph (g) of Section 17350 of Title XVIII and renumbered under 21 GCA, Chapter 61. Sec. 61531 (g)
- P.L. 14-41, Sec. 1, Adds permitted uses to the Hotel-Resort Zone under 17110 (a) G.C. now 21 GCA, Chapter 61, Section 61311 (b) Permitted Uses
- P.L. 21-14, Sec. 2, Procedures for Conditional Use Applications, 21 GCA, Chapter 61 Section 61303
- P.L. 21-14, Sec. 21, Amend Section 61401, Title 21, Guam Code Annotated, to change height limitations in certain zones
- P.L. 21-40, Sec. 19, Adds professional healing arts, offices, business or professional, clinics and banks as permitted uses in the Commercial zone, 21 GCA, Chapter 61, Section 61307
- P.L. 21-49, Sec. 1, Defines and adds compact automobile parking size and requirements of 160 sq. ft. for compact and 180 sq. ft. for standard. Also adds ratio of 60% for compact and 40% for standard or at any lesser percentage of compact automobiles
- P.L. 21-72, Sec. 20, Changes setbacks in the “A” zone; Parental Subdivisions in an “A” zone; and includes Cockpits as a permitted use in an “A” Zone. This was amended by P.L. 22-163

- P.L. 21-82, Sec. 4, Establishes the “Fast Track Process” which permits landowners to rezone their property from “A” to “R-1”, “A” to “R-2” or “R-1” to “R-2” if property is 2 acres or less in size by applying through without having to go through the GLUC process
- P.L. 21-129, Sec. 10, Voting requirements for GLUC members
- P.L. 21-130, Sec. 10, Roadway width reduction in an “A” Zone from 50 foot wide to 40 foot wide or minimum of 20 foot width
- P.L. 21-144,
Sec. 8 (b) Amendment to P.L. 21-82, i.e., four certifying agencies (GPA, GEPA, GWA, DPW); The provision of a rough sketch of the development; Authorizes the Director of DLM to determine if a public hearing is necessary
- P.L. 22-16,
Sec. 2 (b) Amends Subparagraph (C) of P.L. 21-82, i.e., the 45 day review period by the Legislature has been increased to 60 days before rezoning takes effect
- P.L. 22-72, Sec. 44, Amends P.L. 21-40 and reinstates Conditional Uses back in the Commercial “C” Zone which was eliminated under P.L. 21-40
- P.L. 22-123,
Sec. 2 thru 4 Amends P.L. 21-49 reducing minimum parking stall requirements from 160 sq. ft. to 120 sq. ft. for compact cars and 180 sq. ft. to 160 sq. ft. for standard. Also changes ratio of compact to standard parking stalls from a 60% compact and 40% standard to 75% compact and 25% standard or at any greater percentage of compact automobiles
- P.L. 22-153,
Sec. 1 (b) Removes the 5 year period from which the parent must own property before allowing for the creation of a Parental Subdivision
- P.L. 22-153,
Sec. 2 (a) Removes the 5 year restriction period prohibiting the sell of property rezoned under the fast track process least it revert back to its previous zoning designation. However, if six or more lots are to be created then full improvements must be provided in compliance with Title 21, Chapter 62, Section 62501
- P.L. 22-161, Sec. 6, Amends minimum lot size in an Agricultural Zone “A” from 20,000 sq. ft. per lot to 10,000 sq. ft. per lot. Also changes setback requirements for front, rear and side yards from 15 ft., 10 ft. and 8 ft. respectively to 25 ft. for front, 15 ft. for rear and 8 ft. for side yards. (Amends P.L. 21-72)

- P.L. 23-59,
Sec. 2 thru 4 Amends Subsection (a) of Section 62105, and to Amend Section 62108.1, Relative to Agricultural Subdivision requirements, and to Amend Subsection (c) of Section 61501, Relative to Minimum Yards and Lot Areas, all in Title 21, Guam Code Annotated.
- P.L. 24-51, Se. 2 Restores the Minimum Yard and Lot Area Table
- P.L. 27-91, Sec. 3 Exception for restoration of minimum yard and lot area table and exception for nonconforming buildings and the nonconforming use of land

