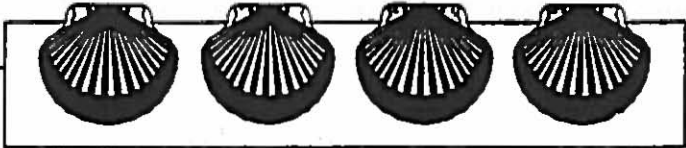




I Tano'-ta The Land Use Plan for Guam



PREPARED FOR
The Territorial Planning Council

PERFORMANCE STANDARDS CHECKLISTS

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INTRODUCTION

Guam is changing daily in its physical form as a result of decisions made by a variety of public officials and private individuals. Nearly every decision has at least some implications that go beyond the immediate property being planned for development and reviewed. Thus, it is important that Guam have a set of performance standards against which all future development can be measured equally as to its impact on the community.

In years past, both the private development community as well as those Government of Guam agencies charged with reviewing projects for permit approval were guided by regulations that were outdated and vague. This resulted in developers submitting plans that they felt were "good enough to get by," and with inconsistent decisions coming out of the reviewing agencies.

The frustration levels of individuals wanting to build a home for themselves and for the larger developers as well, quite naturally was extremely high. So too was the case for the Government agencies. On the one hand, it became difficult for the private developer to know what was "good enough to get by," and, on the other, for a conscientious reviewer of plans to be berated by a developer because his technically sound criticisms were more stringent than those of a less diligent co-worker.

What had become readily apparent was the need to create as "level a playing field" as possible, one that was equally fair for the private developer and the Government of Guam review personnel. What was needed was a set of regulations that clearly presented what a private developer "must" and "shall" do to get his project built. This is not so much a case of the Government being dogmatic; rather, it is more of a situation that sets forth exactly what is expected of the developer.

If he (the developer) says either in a written statement or by showing it on his development plans that he will do all of those things that are called for in the Performance Standards, then he has a reasonable expectation that his plans will be approved. By the same token, if the reviewer has a complete set of standards against which he is to evaluate all development proposals, no one can accuse him of having been arbitrary in making his decision as to whether a proposed development should proceed or not.

It is with the objective of telling every private developer what is expected of him and providing both the developer and the Government review agency with a measurable set of criteria that the Performance Standards that have been included in the Zoning Code were prepared. And, because this is a new system, it was considered to be appropriate to prepare a checklist for each of these Standards that can be used by both private developers and the Government reviewer.

The requirements that are set forth in each of the Checklists will also be found in the Zoning Code. However, the Checklists also provide after the various requirements that must be met a question that asks if, in fact, this has been done. By doing this means that both the applicant and the Government reviewer have a logical, step-by-step process that

they can use to ensure that all of the information required has been submitted. This will help the applicant by expediting his plans more quickly; it will help the Government reviewers to ensure that everything that must be included has been.

Several individuals spent many long hours assisting the Consulting Team by reviewing the information, helping in presenting the ideas and concepts to various segments of the community, and providing thoughtful and positive input into the development of the Zoning Code in general and the Performance Standards in particular. These have included the staffs of the Territorial Planning Council (and its Technical Advisory Committee), the Department of Land Management, the Guam Environmental Protection Agency, the Bureau of Planning, and the Department of Public Works Building Permit Office. They all helped to move the process forward, with their only motivation being to make Guam a better place to live.

Finally, a cautionary note should be made. This Checklists are intended to provide individuals with the information they need and the various Government review agencies with a "road map" to ensure that complete submittals for development proposals are made. It will still be necessary for all parties, from time to time, to refer to the Zoning Code for other requirements (e.g. dimensional and density requirements, uses allowed in the various Zoning Districts, etc.). It is the Zoning Code that provides the final authority on all development rules and regulations.

TIME FRAMES FOR PROJECT APPROVAL

A central feature of the new Zoning Code for Guam is the establishment of finite time frames within which the Government must render a decision on an applicant's proposal. This is much different than the situation that existed in the past, when an individual might have to wait months, or in some cases, years to be able to move ahead with his project, large or small.

However, it must be recognized that the burden does not lie entirely on the shoulders of the Department of Land Management or some other review agency to simply review an individual's plans and pass judgement on it within a stipulated period of time, or else it gets approved automatically.

The applicant must make sure that his submission is complete. That is why this Checklist Manual has been prepared and why the applicant must check the Zoning Code as well. The first step in the review process is for the Department of Land Management to make a completeness determination. The review "time clock" will not begin until it is officially determined by the Department that all of the information that is required to make a proper review has been submitted.

Another feature that should be noted is that there are different time frame review limits depending upon the magnitude of the proposed activity. It has been learned from discussions with the Government personnel charge with development reviews that it can generally be assumed that the larger the project that is proposed, the more complex the issues, and, therefore, the more time is needed to perform an adequate review.

It is for this reason that three levels of projects have been established with their own individual time frame review requirements. The reader is directed to Chapter VIII., Sections B.1.e and B.1.i. of the Zoning Code to determine the threshold levels for the various types of projects in the different Zoning Districts. The time frame reviews for each level of project is as follows:

- **Minor Project 25 working days**
- **Major Project 120 working days**
- **Super-Major Project 180 working days**

There will be no narrative in this Checklist Manual to explain the various steps that are required in the development review process. Rather, the reader is directed to Chapter VIII., Sections B.1. through B.6 for written statements on the processes.

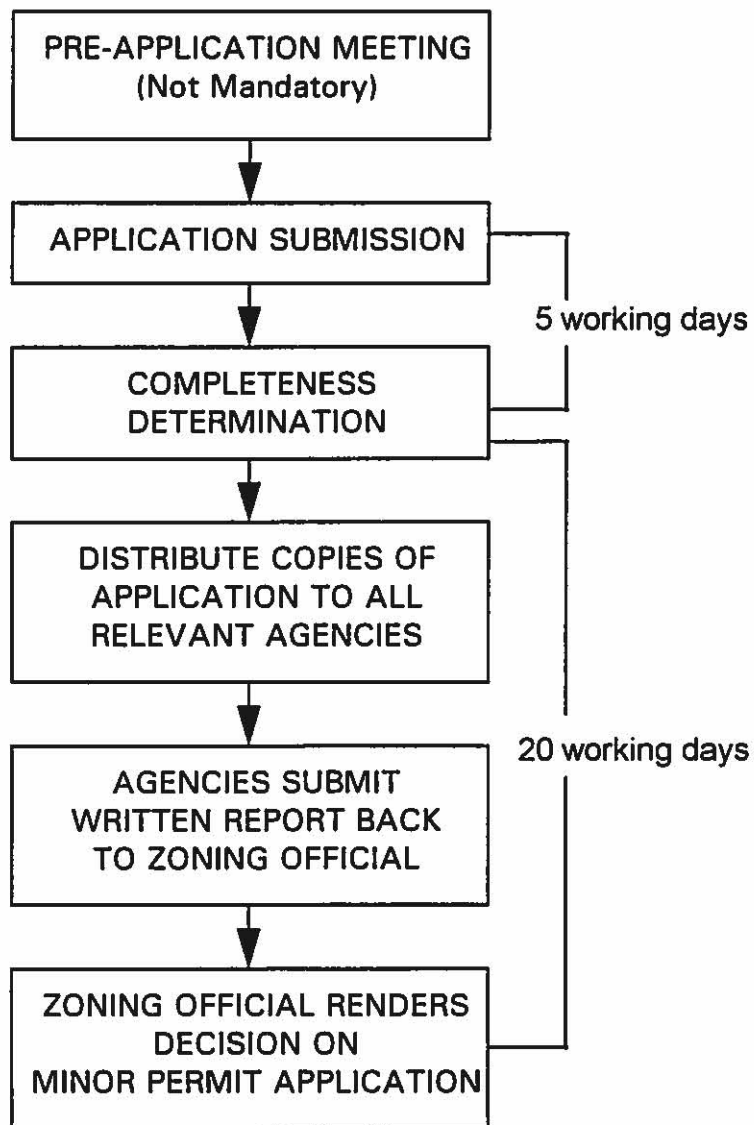
It should be noted that if a project is classified as major or super-major in size, it is required by the Zoning Code for the applicant to meet with the Department of Land Management (DLM) prior to officially submitting the development plans for review. The purpose of this meeting is for the applicant to advise DLM as to what his development plans may be, including the displaying of as much of the site plans as the applicant may wish. In this way, DLM can advise the applicant as to which of the Performance

Standards he will be required to meet, and raise any other questions and comments of the applicant about his plans as they may wish. This should result in a submitted application that is complete from the outset and pays particular attention to those issues that may be of special concern to the Government. And, while it isn't mandatory for an applicant for a minor permit to have a pre-application meeting, the prudent individual will at least discuss his plans with DLM officials informally to ensure that he will meet all requirements of the Zoning Code.

The applicant should also be aware that up to 45 days into the official review period for a major or super-major project, if the Government determines that it will need additional time to review the proposed project, a one-time extension of up to 60 days may be granted. For a minor permit, if it is found that additional information is needed to adequately perform the review, the time review clock shall stop as of the date of the written request for said information.

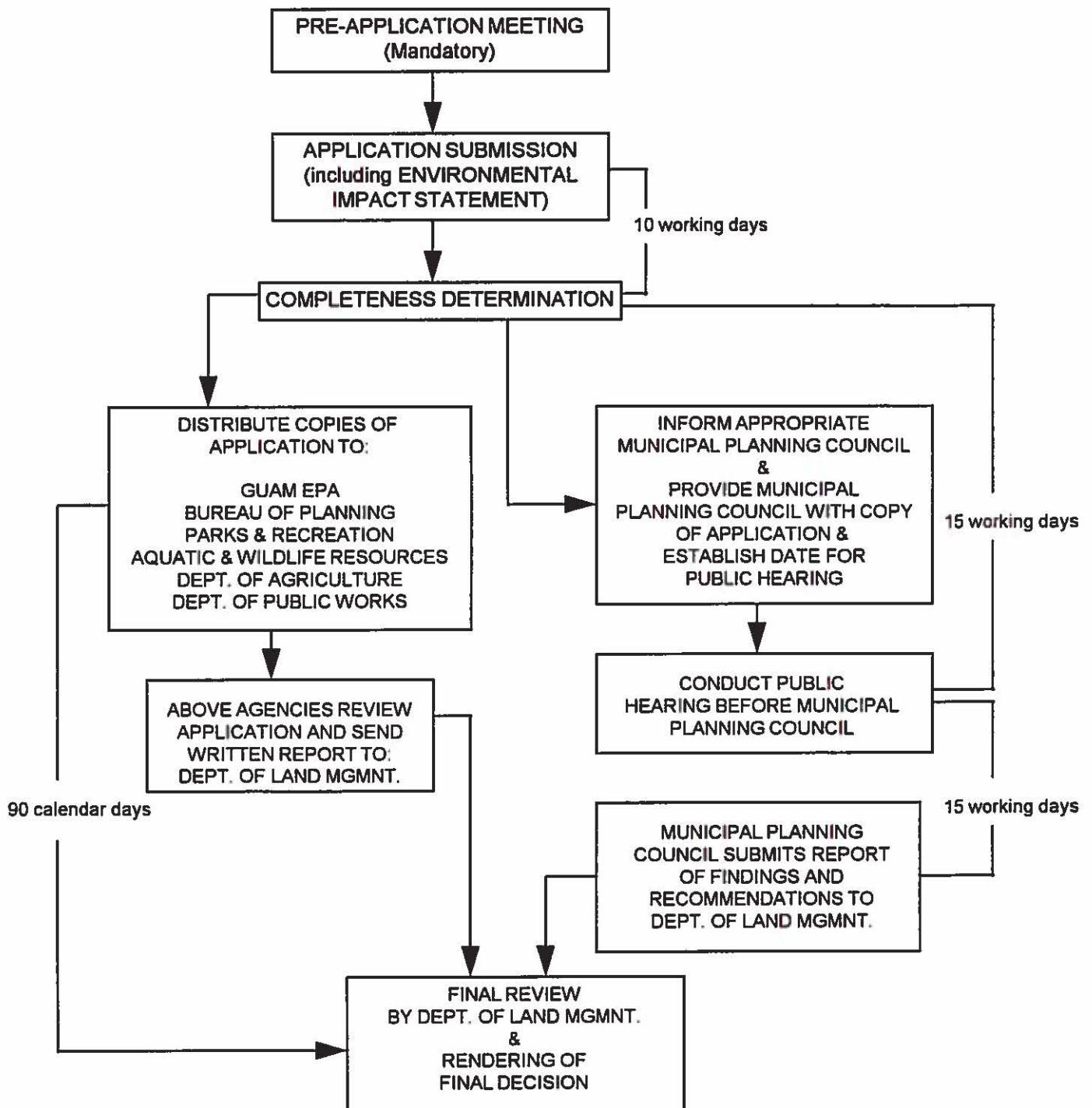
The following pages present flow diagrams that indicate the steps and time frames for minor, major and super-major projects.

MINOR PERMIT FLOW DIAGRAM



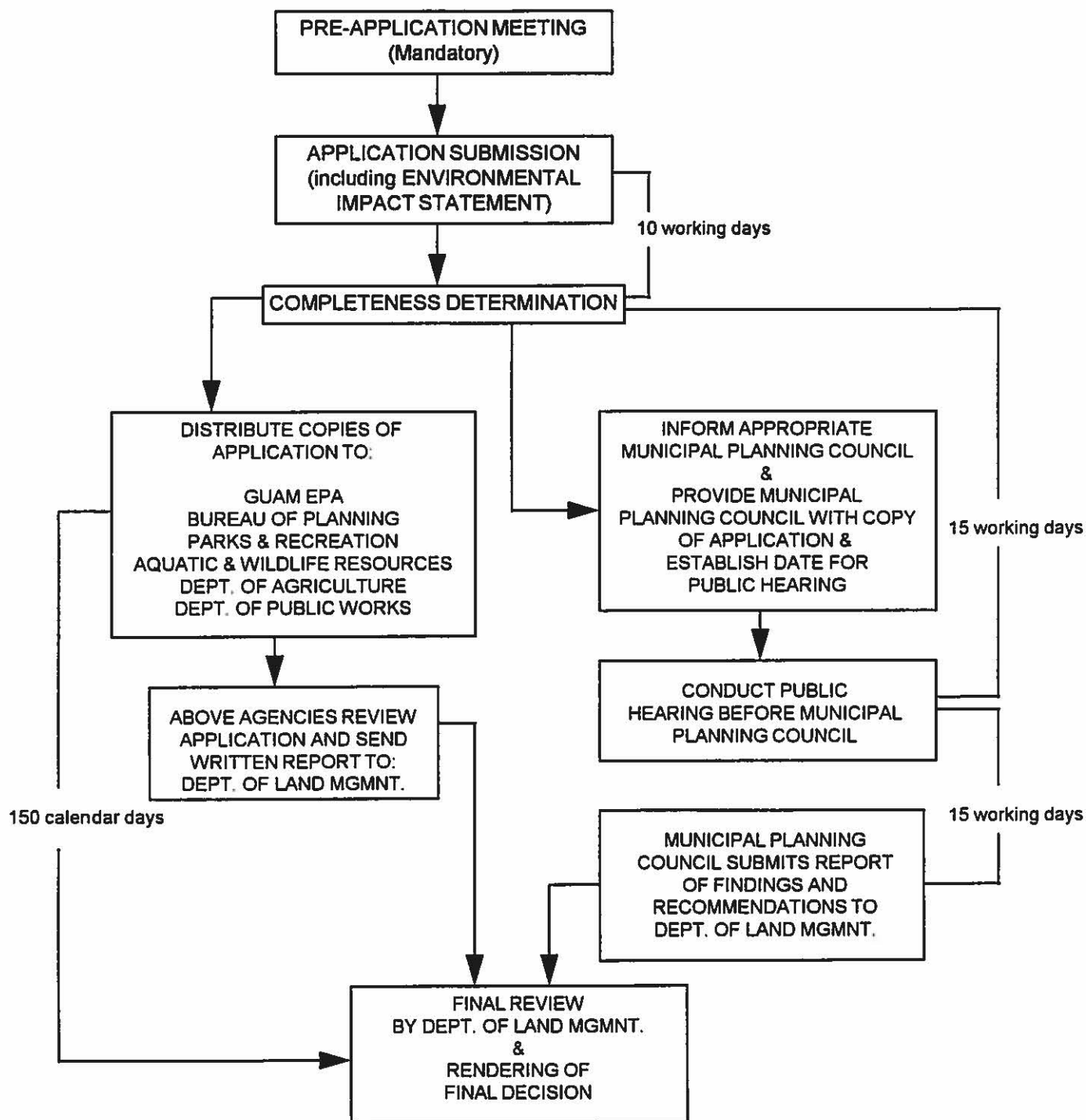
**TOTAL REVIEW TIME NOT TO EXCEED
25 WORKING DAYS**

MINOR PERMIT FLOW DIAGRAM



**TOTAL REVIEW TIME NOT TO EXCEED
120 WORKING DAYS**

SUPER-MAJOR PERMIT FLOW DIAGRAM



**TOTAL REVIEW TIME NOT TO EXCEED
180 WORKING DAYS**

RESIDENTIAL PERFORMANCE STANDARDS CHECKLIST

If development combines Residential and Non-Residential uses, refer to Non-Residential Performance Standards Checklist.

1. If development contains at least two (2), but fewer than nine (9) dwelling units, SITE PLAN is required.

a. Has SITE PLAN been submitted: Yes ___ No ___

2. If development contains more than nine (9) dwelling units, CONCEPT PLAN and SITE PLAN are required.

a. Has CONCEPT PLAN been submitted? Yes ___ No ___

b. Has SITE PLAN been submitted? Yes ___ No ___

3. Density Requirements

- a. In what Zoning District is the proposed development located?

Zoning District 1 ___ Zoning District 5 ___
Zoning District 2 ___ Zoning District 6 ___
Zoning District 3 ___ Zoning District 7 ___
Zoning District 4 ___ Zoning District 8 ___

- b. What type of development is being proposed?

Single Family Detached ___ Patio Home ___
Duplex ___ Zero Lot Line ___
Townhouse ___ Multi-Family ___

- c. How many dwelling units are proposed to be built? _____

- d. How many acres are included in the proposed development? _____

- e. What is the density of the proposed development? (Divide the total number of dwelling units by the total acreage.) _____

- f. Is the density of the proposed development within the requirements for the Zoning District in which it is located? _____

- g. For those types of developments where the permitted density is expressed not in units per acre, but rather minimum number of square feet per total area of the lot:

- (1) In what Zoning District is the proposed development located?

Zoning District 1 ___ Zoning District 5 ___
Zoning District 2 ___ Zoning District 6 ___
Zoning District 3 ___ Zoning District 7 ___
Zoning District 4 ___ Zoning District 8 ___

- (2) What is the proposed housing type? (All other housing types densities are measured in units per acre.)

Single Family Detached _____
Two-Family _____
Duplex _____

- (3) What is the minimum lot size proposed for any lot within the development? _____

- (4) Is the minimum lot size for any lot shown on the proposed development plan within the requirements for the Zoning District in which it is located?

Yes ____ No ____

4. Building Placement Requirements

- a. Do the front, rear, and side yards for all proposed structures shown on the development plan meet the minimum requirements for the Zoning District in which it is located?

Yes ____ No ____

- b. If the distance from the exterior wall of any proposed structure is less than the minimum required, the application must show evidence of a maintenance easement from adjacent property owners. Has the evidence of a maintenance easement been presented?

Yes ____ No ____ N/A* ____

- c. If any structure is proposed to be built on a property line, the applicant must show evidence of an attachment easement. Has evidence of an attachment easement been presented?

Yes ____ No ____ N/A ____

- d. No roof overhang (eave) may extend beyond the applicant's property line. Has a determination been made that this requirement is being followed?

Yes ____ No ____

- e. When a building exceeds two (2) stories in height, the minimum distance from the adjacent side property line must be increased by two (2) feet for each story above two. However, this does not mean that a building may be "stepped back" two (2) feet for each story above the second. The intent is not to create a "stairway" effect. Rather, the side yard requirement shall be determined for the housing type in the Zoning District which is proposed for the new development (25 feet for multiple family housing in Zoning District 4, for example). If the applicant proposes to build a three story apartment building in this District, the required side yard setback on each side shall be *twenty-seven (27) feet*, not twenty-five (25) feet. Has this requirement been checked and have all side yard standards been met?

Yes ____ No ____

5. Supplemental Standards for Special Residential Uses

Group Care Homes	Emergency Shelters
Residential Treatment Facilities	Recovery Homes
Barracks Housing	

* Not Applicable

a. No special residential development may be built closer than 1,200 linear feet, measured from property line to property line, from another such facility. Has this requirement been checked and found to be in compliance? Yes ☐ No ☐

b. If any special residential development is proposed to be located within an existing residential neighborhood in Zoning Districts 4, 5, 6 or 7, it shall conform to the character of that neighborhood.

(1) Density/Lot Size

(a) What is the average lot size for the existing residential uses? sq. feet

(b) What is the lot size for the proposed special residential development? sq. feet

(2) Design

(a) What is the average building height of the existing residences in the area (within 1,000 feet of the site)? feet or stories

(b) What is the proposed height of the special residential development? feet or stories

(3) Landscaping

Has a landscaped buffer been shown on the site plan for the special residential development to minimize its impact on the surrounding neighborhood?

Yes ☐ No ☐

c. Is there a notation on the submitted application that there will be one identification sign not exceeding two square feet in area? Yes ☐ No ☐

d. Have computations been submitted on the application to show that no more than 200 square feet per occupant have been provided for the special residential development? Yes ☐ No ☐

e. If the special residential development is proposed to be located on a local residential street, occupancy may not exceed two clients per bedroom. Have computations been presented with the application and has a statement been provided by the applicant to ensure that this standard will be met? Yes ☐ No ☐

6. Supplemental Standards for Home Occupations

a. Have plans been submitted that indicate the manner in which materials, goods, supplies or equipment will be stored? (No outside storage is permitted.) Yes ☐ No ☐

b. Has a written statement been provided by the applicant that states that there will be no outside storage of materials, goods, supplies or equipment? Yes ☐ No ☐

c. Have plans been submitted that indicate there will be no changes to the building's exterior to give visible evidence that the proposed home occupation exists? Yes ☐ No ☐

d. Has a written statement been provided by the applicant that states that no on-street parking, noise, electrical interference or hazards shall be generated by the proposed home occupation? Yes ☐ No ☐

- e. Has a written statement been provided by the applicant that states that there shall be no more than one person outside of the immediate household employed in the proposed home occupation? Yes ☐ No ☐
- f. Have plans and computations been submitted to show the proportion of the floor area of the residence that is proposed to be devoted to the home occupation? Yes ☐ No ☐
- g. Has the definition of "Home Occupation" in the Zoning Code been checked to establish that the proposed use is permitted as a home occupation activity? Yes ☐ No ☐

7. Manufactured Housing

- a. What classification does the proposed manufactured housing fall within:
 - (1) Manufactured Housing (non-mobile house): Factory-built, single family unit; built under the authority of 42 U.S. Code, Section 5401; built on a permanent chassis; does not have a permanent hitch; does not have wheels or axles permanently attached to its body or frame. Yes ☐ No ☐
 - (2) Type A Mobile Home: Certified as meeting HUD Mobile Home Construction and Safety Standards and (if used) found on inspection to be in excellent condition and safe and fit for residential use. Yes ☐ No ☐
 - (3) Type B Mobile Home: May or may not be certified as meeting HUD Mobile Home Construction and Safety Standards, is a used unit, and found on inspection to be in excellent, good or fair condition. Yes ☐ No ☐
- b. Classification of Mobile Home Developments
 - (1) Mobile Home Community: Development containing at least five mobile homes, has local general management, and facilities for common use by the occupants (e.g., recreation buildings and/or areas, open space, laundries, meeting rooms, etc.) Yes ☐ No ☐
 - (2) Mobile Home Park: At least five acres in size under single ownership and at least five mobile homes. Yes ☐ No ☐
 - (3) Mobile Home Subdivision: An area designated and/or intended for the sale of lots to be occupied by mobile homes. Yes ☐ No ☐
- c. Type A mobile homes are allowed in any mobile home development type described above. Type B mobile homes are only allowed in mobile home communities. Has a statement been submitted by the applicant as to what type of mobile homes are intended to be placed in the development, how this type has been verified, and what mobile home development type is proposed to be built? Yes ☐ No ☐
- d. Mobile Home developments are only allowed in Zoning Districts 2, 3, and 4. Is the proposed project located in one of these Districts? Yes ☐ No ☐

e. Mobile home developments shall not exceed the density standards for single family detached housing in Zoning Districts 2, 3 or 4, whichever is appropriate to the development. Has the applicant submitted density calculations and have these been verified as being consistent with the Zoning Code requirements? Yes ___ No ___

f. Site Design Standards for a Mobile Home Park or Mobile Home Community

(1) Minimum land area must be five acres. Does the site plan show a parcel at least five acres in size? Yes ___ No ___

(2) Does the site plan show that all proposed mobile homes are at least eight feet from the edge of any internal street? Yes ___ No ___

(3) Does the site plan show that there is at least 15 feet between all proposed mobile homes (measured at the narrowest space between structures)? Yes ___ No ___

(4) Have the Subdivision Regulations been checked to ensure that the proposed development complies with all those requirements pertaining to streets, utilities, sidewalks and fire protection? Yes ___ No ___

8. Standards for Infill Development in Residential Areas

a. All proposed residential development in existing housing areas shall conform to the dimensional requirements that existed at the time that the areas were developed. Does the proposed residential development adhere to these requirements in the following areas:

(1) Minimum Lot Dimensions (width, depth)?	Yes ___	No ___
(2) Minimum Lot Area?	Yes ___	No ___
(3) Minimum Yard Setbacks (front, rear, sides)?	Yes ___	No ___
(4) Accessory Uses?	Yes ___	No ___
(5) Off-Street Parking Requirements?	Yes ___	No ___
(6) Dwelling Unit Type (single or two-family, etc.)?	Yes ___	No ___
(7) Stormwater Retention?	Yes ___	No ___
(8) Dedication or Reservation of Easements?	Yes ___	No ___
(9) Landscaping and Sight Barriers?	Yes ___	No ___
(10) Sidewalks?	Yes ___	No ___
(11) Maximum Height?	Yes ___	No ___

9. Planned Unit Development and Planned Affordable Residential Development

a. Tract Requirements

(1) Does the plan for the proposed development indicate that the site is located in either Zoning District 2 or 3? Yes ___ No ___

(2) Does the plan for the proposed development indicate that the minimum lot size requirements for the site have been met (check the Dimensional and Density Requirements Tables for Zoning District 2 or 3, whichever is appropriate)? Yes ___ No ___

- (3) Does the site plan show that no automobile access from the tract to existing public roads other than by interior streets at minimum intervals of 200 feet are proposed? Yes ___ No ___
- (4) Does the site plan show that no proposed dwelling unit shall have direct automobile access to a collector or arterial street proposed within the development? Yes ___ No ___
- (5) Have calculations been presented by the applicant to show that the proposed density of the development does not exceed that which is allowed in the Zoning Code? Yes ___ No ___

b. Permitted Uses

- (1) Single family detached dwellings shall constitute at least 20% but shall not exceed 40% of the total dwelling units. Has this requirement been met? Yes ___ No ___
- (2) Single family attached dwellings shall constitute at least 20% but shall not exceed 80% of the total dwelling units. Has this requirement been met? Yes ___ No ___
- (3) Multiple family dwelling units may not exceed 40% of the total dwelling units. Has this requirement been met? Yes ___ No ___
- (4) Wherever the proposed development site abuts another parcel or lot less than five acres in size and which contains a pre-existing single family home, only single family detached or attached housing may be proposed in the adjoining area. Has this condition been examined and has the proposed development plan been designed appropriately? Yes ___ No ___
- (5) Does the proposed site plan indicate an appropriate transition from one dwelling unit type to another? Yes ___ No ___
- (6) Neighborhood Commercial and Institutional Uses
- (a) A total of one acre of land, with a maximum lot coverage of 35% may be devoted to retail sales and service operations for each 300 dwelling units in the development. Have the appropriate calculations been included by the applicant and have the requirements been met? Yes ___ No ___
- (b) Where a development qualifies for one acre of sales and service use, it shall be in one contiguous parcel. Where two or more acres may be developed for such purpose, they may be spread throughout the development in tracts of not less than 25,000 square feet. Have the appropriate calculations been included by the applicant and have the requirements been met? Yes ___ No ___
- (c) No individual store or shop may exceed 3,000 square feet. Does the site plan indicate that this requirement is proposed to be met or has the applicant submitted a written statement that the requirement will be met? Yes ___ No ___

- (d) No retail facility may be built until at least 50% of the permitted dwelling units have received occupancy permits. Has the applicant submitted a statement to the effect that the applicant understands this requirement and that he (or she) will not apply for a building permit for any retail facility until 50% of the permitted dwelling units have received occupancy permits? Yes ___ No ___

- (e) For each 500 dwelling units within a proposed development, the following institutional uses may be built:

Health Care Facility	Place of Worship
Club or Lodge	Nursing Home
Home for the Elderly	

If any or all of the foregoing are proposed and shown on the site plan, have the following minimum requirements been met?

- i. Is the lot at least one acre in size? Yes ___ No ___
 - ii. Is there at least 25 feet of side yard shown on each side of the proposed building? Yes ___ No ___
 - iii. Is there no more than 35% of lot coverage shown for the proposed building? Yes ___ No ___
- (f) A golf course/country club may be built in conjunction with a Planned Unit Development. However, there are certain requirements that must be met if such a facility is proposed.
- i. The golf course must be at least nine holes in length. Does the site plan show that this requirement has been met? Yes ___ No ___
 - ii. There must be at least 10 dwelling units developed per golf hole. Does the site plan show that this requirement has been met? Yes ___ No ___

(7) Dimensional and Density Requirements for Dwelling Units

- (a) Dimensional and Density Requirements for Single Family Detached Dwellings in Planned Unit Developments: Have the following requirements been met?

	Zoning District 2	Zoning District 3	Yes ___	No ___
Minimum Lot Area	7,500 sq.ft.	4,000 sq.ft.	Yes ___	No ___
Minimum Lot Width	60 ft.	40 ft.	Yes ___	No ___
Minimum Lot Depth	80 ft.	60 ft.	Yes ___	No ___
Minimum Front Yard Setback	15 ft.	10 ft.	Yes ___	No ___
Minimum Side Yard Setback	10 ft.	5 ft.	Yes ___	No ___
Minimum Rear Yard Setback	20 ft.	10 ft.	Yes ___	No ___
Maximum Building Height	30 ft.	30 ft.	Yes ___	No ___
Maximum Lot Coverage	40%	55%	Yes ___	No ___

- (b) Dimensional and Density Requirements for Single Family Attached Dwellings in Planned Unit Developments: Have the following requirements been met?

	Zoning District 2	Zoning District 3	Yes	No
Minimum Lot Area	4,000 sq.ft.	3,000 sq.ft.	Yes	No
Minimum Pvt. Open Space Area	600 sq.ft.	400 sq.ft.	Yes	No
Minimum Dwelling Unit Width	20 ft.	15 ft.	Yes	No
Maximum Individual Lot Coverage/Unit	60%	80%	Yes	No

- (c) Dimensional and Density Requirements for Single Family Detached Dwellings in Planned Affordable Residential Developments: Have the following requirements been met?

	Zoning District 2	Zoning District 3	Yes	No
Minimum Lot Area	6,000 sq.ft.	4,000 sq.ft.	Yes	No
Minimum Lot Width	50 ft.	40 ft.	Yes	No
Minimum Lot Depth	75 ft.	60 ft.	Yes	No
Minimum Front Yard Setback	10 ft.	10 ft.	Yes	No
Minimum Side Yard Setback	10 ft.	5 ft.	Yes	No
Minimum Rear Yard Setback	10 ft.	10 ft.	Yes	No
Maximum Building Height	30 ft.	30 ft.	Yes	No
Maximum Lot Coverage	50%	60%	Yes	No

- (d) Dimensional and Density Requirements for Single Family Attached Dwellings in Planned Affordable Residential Developments: Have the following requirements been met?

	Zoning District 2	Zoning District 3	Yes	No
Minimum Lot Area	3,500 sq.ft.	2,500 sq.ft.	Yes	No
Minimum Pvt. Open Space Area	500 sq.ft.	300 sq.ft.	Yes	No
Minimum Dwelling Unit Width	20 ft.	15 ft.	Yes	No
Maximum Individual Lot Coverage/Unit	70%	85%	Yes	No

- (e) The maximum allowable density for multiple family housing in Planned Unit Developments is 20 dwelling units per acre and in Planned Affordable Residential developments is 25 dwelling units per acre. Has this requirement been met? Yes ☐ No ☐

(8) Open Space

- a. At least 15% of the gross land area of a Planned Unit Development or a Planned Affordable Residential Development shall be in permanent open space. Do the submitted plans clearly identify those lands that are to become permanent open space areas and have computations been provided to indicate that this requirement is planned to be met? Yes ☐ No ☐

- b. Other conditions regarding this open space provision are required to be met by the Zoning Code. Have calculations been provided to show that the following conditions have been met:
- * At least 25% of the gross open space area must be other than floodplain, land with slopes greater than 15% or common parking areas? Yes ☐ No ☐
 - ** At least 75% of the gross open space area must be free of structures or other improvements? Yes ☐ No ☐
 - *** No single area of less than one (1) acre in size shall be dedicated for public open space use, unless otherwise authorized by the Department of Parks and Recreation? Yes ☐ No ☐
- c. Has the Department of Parks and Recreation reviewed and approved the location, shape and use of open space areas proposed for public use? Yes ☐ No ☐
- i. Water and Sewer, if private, need certification letter from GEPA signed by the Administrator.

10. Cluster Residential Development

a. Tract Requirements

- (1) Does the plan for the proposed development indicate that the site is located in either Zoning District 2 or 3? Yes ☐ No ☐
- (2) Does the plan for the proposed development indicate that the minimum lot size requirements for the site have been met (check the Dimensional and Density Tables for Zoning Districts 2 or 3, whichever is appropriate)? Yes ☐ No ☐
- (3) Does the site plan show that no automobile access from the tract to existing public roads other than by interior streets at minimum intervals of 200 feet are proposed? Yes ☐ No ☐
- (4) Does the site plan show that no proposed dwelling unit shall have direct automobile access to a collector or arterial street proposed within the development? Yes ☐ No ☐
- (5) Does the plan show that every dwelling unit shall be connected to public water and sewer facilities? Yes ☐ No ☐
- (6) Have written statements been provided to DLM (to become part of the permanent file on the subject application) from PUAG and DPW that sufficient capacities exist within the public water and sewer systems to accommodate the proposed development? Yes ☐ No ☐
- (7) If the applicant proposes to use private potable water and sanitary sewer systems to accommodate the development, has a certification letter been provided to DLM (to become part of the permanent file on the subject application) signed by the Administrator of GEPA and stating that these private utility systems proposed have been reviewed and approved? Yes ☐ No ☐

(8) Have calculations been presented by the applicant to show that the proposed density of the development does not exceed that which is allowed in the Zoning Code? Yes ___ No ___

b. Only single family detached and attached housing (duplexes, townhouses, patio homes, or zero lot-line housing) are permitted within a cluster development. Has the site plan been checked to determine that only the acceptable housing types according to the Zoning Code are proposed to be built? Yes ___ No ___

c. Dimensional and Density Requirements for Single Family Detached Dwellings in Cluster Developments: Have the following requirements been met?

	Zoning District 2	Zoning District 3	Yes ___	No ___
Minimum Lot Area	7,000 sq.ft.	4,000 sq.ft.	Yes ___	No ___
Minimum Lot Width	70 ft.	40 ft.	Yes ___	No ___
Minimum Lot Depth	70 ft.	70 ft.	Yes ___	No ___
Minimum Front Yard Setback	15 ft.	10 ft.	Yes ___	No ___
Minimum Side Yard Setback	10 ft.	5 ft.	Yes ___	No ___
Minimum Rear Yard Setback	20 ft.	10 ft.	Yes ___	No ___
Maximum Building Height	30 ft.	30 ft.	Yes ___	No ___
Maximum Lot Coverage	40%	60%	Yes ___	No ___

d. Dimensional and Density Requirements for Single Family Attached Dwellings in Cluster Developments: Have the following requirements been met?

	Zoning District 2	Zoning District 3	Yes ___	No ___
Minimum Lot Area	4,000 sq.ft.	3,000 sq.ft.	Yes ___	No ___
Minimum Pvt. Open Space Area	600 sq.ft.	400 sq.ft.	Yes ___	No ___
Minimum Dwelling Unit Width	20 ft.	15 ft.	Yes ___	No ___
Maximum Individual Lot Coverage/Unit	60%	80%	Yes ___	No ___

e. Open Space

(1) All land not included within lots for dwelling units shall become permanent open space areas. Do the submitted plans clearly identify those lands that are to become permanent open space areas? Yes ___ No ___

(2) Have documents been prepared and submitted for review and approval that either deed these permanent open space areas to the Government of Guam, or by grant of an easement provide that it shall be set aside in perpetuity for the use of residents of the proposed development, or deed it to a homeowner's association? Yes ___ No ___

(3) Do the plans for the proposed development indicate that at least 75% of the gross open space area is free of structures or other improvements? Yes ___ No ___

(4) Has the Department of Parks and Recreation reviewed and approved the location, shape, and use of open space areas proposed for public use? Yes ___ No ___

NON-RESIDENTIAL PERFORMANCE STANDARDS CHECKLIST

If a development mixes residential and non-residential uses, refer to this Non-residential Checklist.

1. The following categories of uses are subject to these standards. Check the use that most closely approximates the activity proposed for development:

- ☐ Institutions of learning (pre-school, primary and secondary schools; special education; art or business schools; vocational/technical schools; colleges or universities)
- ☐ Government or quasi-public facilities (libraries, health care facilities, police/fire stations, sewage lift stations, water pumping stations, electrical generating plants or substations, houses of worship, community centers, government offices, court houses, post offices)
- ☐ Office uses
- ☐ Retail commercial uses (general retail, commercial recreational, automobile-oriented commercial, home or other building supply outlets, plant and landscape nurseries, shopping centers)
- ☐ Industrial uses (manufacturing, wholesaling, warehousing and distribution activities, port facilities and services, quarrying)
- ☐ Tourist facilities (hotels, bed and breakfast inns, tourist attractions, entertainment facilities)

2. For any non-residential development, a site plan shall be required, whether it is categorized as a super-major, major, or minor development (see the Super-Major and Major Permit Threshold Tables found in Chapter VIII, Section B.1.e. and Section B.1.f. of the Zoning Code).

- a. Has a site plan been submitted if one of the categories listed in 1. above has been checked? Yes ☐ No ☐
- b. Has the site plan been checked against the appropriate Checklist to determine its completeness? Yes ☐ No ☐

3. Use, Dimensional, and Intensity Requirements

- a. In what Zoning District is the proposed development located?

Zoning District 1 ☐ Zoning District 5 ☐
Zoning District 2 ☐ Zoning District 6 ☐
Zoning District 3 ☐ Zoning District 7 ☐
Zoning District 4 ☐ Zoning District 8 ☐

- b. Has the proposed use in the development been checked against the list of uses that are allowed in each Zoning District and found to be permitted in the District that it is proposed to be built? Yes ☐ No ☐
- c. Certain non-residential uses are allowed in different Zoning Districts; however, in certain districts (be especially careful in Districts 3 and 5) some uses are allowed only up to a specified level of development, as in District 3 where shopping centers may be built, but may not exceed two acres in size. Have the proposed uses and their proposed size been carefully checked against the requirements set forth in the appropriate Table of Dimensional and Density Requirements? Yes ☐ No ☐

d. Has the lot size been checked to see that it meets the minimum/maximum requirements for the use proposed in the appropriate Zoning District's Table of Dimensional and Density Requirements? Yes ___ No ___

e. Have the front, side and rear yard setback requirements been checked against the proposed buildings indicated on the site plan and found to meet the minimum criteria? Yes ___ No ___

f. Building Placement

- (1) There is no minimum required distance between adjacent buildings on the same lot, provided that when a building exceeds two stories in height, the minimum distance from an adjacent building or property line shall be increased by two feet for each story above the second. However, this does not mean that a building may be "stepped back" two feet for each of the stories above the second. This intent is not to create a "stairway" effect. Rather, the side yard requirement or the space between buildings on the same lot shall be determined by calculating the number of stories by two feet. The result shall be the required setback between the buildings or the required yard setback (this yard setback shall be added to that indicated for the appropriate use in the relevant Zoning District).

Have the appropriate calculations been made, and do the proposed buildings indicated on the site plan meet this requirement? Yes ___ No ___

- (2) Certain nonresidential development in Zoning Districts 5 and 6 may be built up to the right-of-way line (front property line). These are listed in the Tables of Dimensional and Density Requirements for Zoning Districts 5 and 6. However, no building, sign or other structure may be placed in the "sight triangle" specified in the Landscape Performance Standards (Chapter IX, Section O.) of the Zoning Code. Has this requirement been checked (if the applicant proposes to erect any structure in such a manner in District 5 or 6)? Yes ___ No ___

- (3) If a nonresidential use is proposed to be built in either Zoning District 2 or 3, it must be located on a lot that will be directly accessed to either an arterial or collector road. Has the site plan been checked to determine if the roadway that will provide the primary access to the property is either an arterial or collector road? Yes ___ No ___

- (4) If any lot in Zoning Districts 2 or 3 are proposed for nonresidential development, if it meets all of the other requirements of the Zoning Code, a landscaped buffer must be provided along all property lines (except along the roadway right-of-way) if the adjoining properties are either occupied by any type of residential use or are vacant. Has this requirement been checked and does the site plan indicate a

landscaped buffer in all required areas? Yes ___ No ___

NOTE: If a nonresidential development is proposed to be built in either Zoning Districts 2 or 3 that is immediately adjacent to an existing nonresidential use, no landscaped buffer shall be required along the common property line of the existing and proposed nonresidential developments.

- (5) This landscaped buffer shall be no less than 15 feet wide and consist of at least 3 rows of plantings installed in a staggered manner, 10 feet on center. The plant species selected shall attain a height of at least 6 feet at maturity. Has this requirement been checked on the site plan and is the plan in compliance?

Yes ___ No ___

- (6) Access driveways to any proposed nonresidential development in Zoning Districts 2, 3, 4 and 7 shall be at least 75 feet from each other, measured from centerline to centerline, when more than one access driveway is proposed on the same lot. However, where such driveways are each one-way and each are not more than 12 feet wide, the two driveways are to be considered as a single unit of access. Has this requirement been checked on the site plan and is the plan in compliance?

Yes ___ No ___

- (7) Driveways intended to serve a series of nonresidential development along a collector or arterial road shall be separated by a distance of at least 75 feet, measured from centerline to centerline. When, because of existing development, it is mathematically impossible to achieve this requirement, the applicant must attempt to secure an access easement from an adjoining nonresidential development. If this is impossible to secure (as evidenced by a written denial by all relevant adjoining property owners to the request), this requirement may be waived.

- (a) Does the plan indicate points of access that are at least 75 feet away from access driveways on adjoining nonresidential properties? Yes ___ No ___

- (b) If the answer to the preceding question is "No", has the applicant included as part of his submission letters of denial to a request for an access easement from all of the relevant adjoining property owners?

Yes ___ No ___

4. Drive-Through Facilities

- a. Approach lanes for drive-through facilities shall have the following minimum widths:

- one lane - 12 feet wide
- two or more lanes - 10 feet per lane

Has the site plan been checked as to this requirement and is the plan in compliance?

Yes ___ No ___

- b. Minimum distance for the stacking of automobiles shall be as follows:

- one drive-through window - 110 feet
- two drive-through windows - 110 feet/lane
- three drive-through windows - 95 feet/lane
- four drive-through windows - 80 feet/lane
- five or more drive-through windows - 65 feet/lane

Has the site plan been checked as to this requirement and is the plan in compliance?

Yes ___ No ___

- c. The minimum distance from any proposed drive-through window to the right-of-way shall be 65 feet where no turns are required. (This distance is to be measured from the drive-through window farthest from the main building.) Where turns are required in the exit lane, the minimum distance from any drive-through window to the beginning point of the turn shall be 34 feet. The minimum turning radius shall be 17 feet. Have these requirements been checked on the site plan and is the site plan in compliance? Yes ___ No ___
- d. The minimum distance from a drive-through window to any residential building shall be 25 feet, measured at the narrowest point between the drive-through window and the residence. Has this requirement been checked on the site plan and is the plan in compliance? Yes ___ No ___
- e. No off-site (off the subject property) alley or driveway shall be used for the circulation of customer traffic. Has this requirement been checked on the site plan and is the plan in compliance? Yes ___ No ___
- f. Entrance and stacking lanes for drive-through traffic shall not be crossed by pedestrian accessways. Has this requirement been checked on the site plan and is the plan in compliance? Yes ___ No ___

5. Mixed Use or Split Use Development

- a. Where a building containing two or more uses is proposed, every proposed use must be permitted in the Zoning District where the property is located. Have the proposed uses in the development been checked against the Table of Dimensional and Density Requirements and found to be permitted? Yes ___ No ___
- b. Where a building containing two or more uses is proposed, the minimum lot area and setbacks, and maximum lot coverage and building height for the most restrictive use proposed in the building must be met. Has this requirement been checked against the appropriate Table of Dimensional and Density Requirements? Yes ___ No ___

OFF-STREET PARKING AND LOADING STANDARDS CHECKLIST

1. General Requirements

- a. For the purpose of these standards, two hundred and forty-six (246) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisle, except that one hundred and fifty-three (153) square feet of paved or garage area, shall be deemed a parking space for one (1) vehicle. The minimum dimensions for each parking space, except for designated handicapped spaces, shall be eight and one-half (8.5) feet wide by eighteen (18) feet long. The maximum permitted dimensions for each parking space, except for designated handicapped spaces, shall be ten (10) feet wide by twenty (20) feet long. On corner or through lots, parking space may not be included within the area of any of required yards lying adjacent to either street. In no case shall any required off-street parking space be allowed to back out directly onto any right-of-way, public or private.

Has the site plan been reviewed to determine if all of the off-street parking spaces meet the minimum and maximum dimensional requirements set forth above?

Yes ___ No ___

Has the site plan also been reviewed to establish that no off-street parking space backs out directly onto any public or private right-of-way?

Yes ___ No ___

- b. The access aisles within any off-street parking area shall be a maximum of twenty-four (24) feet wide. The primary internal circulation system of an off-street parking lot, where no parking slots are provided directly off this internal roadway, shall have a maximum width of thirty (30) feet.

Has the site plan been checked to determine that the proper widths have been applied to all accessways within the off-street parking area?

Yes ___ No ___

- c. All parking spaces and access driveways shall be paved or otherwise surfaced with an all-weather surface, and shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. An all-weather surface may include paving blocks with grass planted between the blocks. No surface water from any parking area shall be permitted to drain onto adjoining property.

Have sufficient construction details been included with the site plan submission to indicate how the applicant proposes to surface the off-street parking area and how stormwater runoff is to be handled?

Yes ___ No ___

Do the construction details regarding off-street parking lot construction and stormwater runoff meet the minimum standards established by the Government of Guam contained in this Zoning Code and any other regulations?

Yes ___ No ___

- d. Required loading spaces shall not be construed as supplying off-street parking space. In case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is mentioned, and to which said not mentioned use is similar, shall apply, the determination to be made by the Department of Land Management.

Does the site plan clearly indicate that no required off-street parking space(s) overlap onto any required off-street loading area?

Yes ___ No ___

2. Location of Off-Street Parking and Loading Areas

- a. The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve. However, if the required off-street parking spaces cannot be provided, in whole or in part, on the same lot on which the principal building is located, such required off-street parking may be located on another lot or parcel of land within one thousand (1,000) feet of the premises to be served, provided:

- (1) The owner of such parking area enters into a written agreement with the Department of Land Management providing that the land comprising the parking area shall never be disposed of, nor the use changed, except in conjunction with the sale of the building which the parking area serves, so long as the facility is required, and
- (2) The owner agrees to bear the expense of recording the agreement and agrees that said agreement shall bind his heirs, successors, and assigns.

Does the site plan indicate that all of the required off-street parking and loading spaces have been accommodated on the same lot where the principal use that they are intended to serve is located? Yes ___ No ___

If not, does the site plan indicate another lot within 1,000 feet of the premises to be served where any or all of the required off-street parking and/or loading spaces are to be accommodated? Yes ___ No ___

3. Limitations on Vehicular Storage

Except as otherwise provided in this Section, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire.

Has the applicant submitted written statements that provide that none of the off-street parking shall be used for the storage or repair of vehicles, nor for the display of any vehicles for sale or for hire? Yes ___ No ___

4. Determination of Seating Capacity at Places of Assembly

In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities.

Have computations been presented on any site plan for a place of assembly to indicate how the number of off-street parking spaces was derived? Yes ___ No ___

5. Collective Off-Street Parking Provisions

Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also that the requirements

set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking.

Have computations been presented as part of a site plan submission where two or more uses are proposed to take place to indicate how the off-street parking requirements were derived?

Yes ___ No ___

6. Joint-Use Parking Requirements

- a. **Places of Public Assembly:** Parking spaces already provided to meet off-street parking requirements of stores, office buildings and industrial establishments, lying within five hundred (500) feet of the place of public assembly as measured along lines of public access, and that are not normally in use between the hours of 6:00 P.M. and midnight and are made available for other parking, may be used to meet not more than fifty (50) percent of the total requirements of parking spaces.

Has a calculation been made and presented with the site plan to verify that not more than 50 percent of the required off-street parking will be accommodated at the pre-existing off-street parking facility?

Yes ___ No ___

Does either the site plan or location plan show the exact location of the pre-existing off-street parking facility together with scaled distances to show that it is located within 500 feet of the place of public assembly?

Yes ___ No ___

Has the applicant submitted a letter from the owner, operator or tenants of the pre-existing off-street parking facility to verify that said facility is not normally used between 6:00 p.m. and midnight?

Yes ___ No ___

- b. **Mixed Use Developments:** In the case of mixed uses (such as shopping centers), the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as specified above for joint use.

Have calculations been included with the site plan submission for any mixed use development that clearly show how the required number of parking spaces, individually and collectively, were derived?

Yes ___ No ___

7. Off-Street Parking Requirements for Retail Trade, Personal Service, and Business Service Establishments and Offices, Hotels, Night Clubs, and Health Clubs in Zoning Districts 5 and 6.

To promote more compact urban settlements in Guam, especially in Agana and the villages in the southern portion of the island, the Territorial Government is encouraging the development of activity nodes that require less of a reliance on the private automobile. To that end, as can be seen in the Tables of Dimensional and Density Requirements for Zoning Districts 5 and 6, front and side yard setbacks are not required for retail trade, personal service, and business service establishments and offices, night clubs, and health clubs. In furtherance of this goal, the off-street parking requirements for these categories of uses, as well as hotels, may be reduced by fifty (50) percent when they are proposed to be located in Zoning Districts 5 and 6.

Where any site plan has been submitted and shows that 50% of the normally required off-street parking is proposed to be provided, has it been verified that the lots proposed for development are located in either Zoning District 5 or 6? Yes ___ No ___

8. Development and Maintenance of Off-Street Parking Areas: For every parcel of land hereafter used, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:

- a. **Minimum Distances and Setbacks:** No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care. If not on the same lot with a principal structure, the parking area shall not be located within the front yard or side street yard required for such structure.

Have all dimensions regarding off-street parking areas been checked to verify compliance with the above requirements? Yes ___ No ___

- b. **Bumper Guard and/or Bollard Requirements:** There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two (2) feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.

Have construction details been provided as part of the site plan submission that verify compliance with the above requirements? Yes ___ No ___

- c. **Lighting:** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.

If lighted off-street parking areas are proposed to be built, has a notation been provided on the site plan stating that all such lighting will be positioned so as to reflect the light away from any residential area? Yes ___ No ___

- d. **Entrance, Exit, and Maneuvering Space:** Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum pavement width of twenty-two (22) feet. This requirement shall not apply to single family detached residences. The left turn radius on the side of the driveway exposed to entry or exit by left-turning vehicles shall be a minimum of seventeen (17) feet. Maneuvering areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single family detached dwelling units.

Has the site plan been checked to determine if all of the above requirements have been met? Yes ___ No ___

- e. **Other Design Requirements**

- (1) Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.

- (2) Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.
- (3) The parking spaces shall be appropriately demarcated with painted lines or other markings.
- (4) Handicapped parking spaces shall be provided in all required off-street parking areas, in sufficient numbers and adequately posted to be in conformance with all appropriate federal and Territorial laws.

Does the site plan and the off-street parking plan described below indicate that all of the above requirements have been met? Yes ☐ No ☐

9. **Plan Requirement:** A plan shall be submitted to the Department of Land Management with every development permit application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking space, other spaces in excess of the requirements, access aisles, driveways, vehicle turn-around or backup areas, areas designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge.

Has such a plan been submitted, covering all of the items listed in the above paragraph? Yes ☐ No ☐

10. **Minimum Required Off-Street Parking Spaces:** The minimum number of required off-street parking spaces shall be determined from the following Table. Requirements for any use not specifically mentioned shall be the same as the use most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half (1/2) shall be interpreted as one (1) off-street parking space.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement
RESIDENTIAL DEVELOPMENT	
Single Family Dwelling Units	2 Spaces per dwelling unit
Two-Family Dwelling Units	2 Spaces per dwelling unit, except that one bedroom units shall require 1 Space per unit, plus 1 guest parking space for each 2 dwelling units
Attached Housing	2 Spaces per dwelling unit, except that one bedroom units shall require 1 space per unit, plus 1 guest parking space per each 2 dwelling units

Multi-Family Dwelling Units	1 space per one bedroom unit, or 2 Spaces for each two to four bedroom unit, plus 1 guest parking space per each 2 dwelling units 3 spaces for each five bedroom or larger unit, plus 1 guest parking for each 2 dwelling units
Group Homes	3 spaces for each 5 beds, except for uses exclusively serving children under 16 years of age, in which case 1 space for every 3 beds shall be required
Rooming and Boarding Houses	1 Space per Bedroom
Construction Worker Housing Project (Barracks Housing)	1 space for each 5 beds
Hotels and Similar Uses Providing Overnight Accommodation (more than 100 rooms)	1 space for each 3 rooms available for rent, plus 1 space for each two employees, plus space to accommodate 75% of the rated capacity of all banquet/meeting rooms (1 space for every 100 square feet of floor area of banquet/meeting rooms), plus 50% of the required parking for restaurants (if any are provided), as determined by the measurement criteria for restaurants in this Table, plus space to accommodate 75% of the rated capacity of discos (15 square feet per occupant), plus 1 designated taxi parking space for every 20 rooms, plus designated rental car storage space, as per written agreements with rental car agencies (in the event that there is not written agreement between a proposed hotel with at least 100 rooms and a car rental agency at the time an application is submitted for approval, the applicant shall indicate on the plans 10 car rental spaces for each 100 rooms).
Hotels and Similar Uses Providing Overnight Accommodation (100 rooms or less)	1 space for each room available for rent plus 1 space for each 2 employees
RETAIL COMMERCIAL ESTABLISHMENTS	
Convenience Stores	1 Space per 150 square feet of Gross Floor Area
Grocery Stores/Super Market Drug Store/General Merchandise	1 Space per 150 square feet of Gross Floor Area.
Other Retail Sales Establishments	1 Space per 400 square feet of Gross Floor Area.
Eating and Drinking Places (no Drive-In or Fast Food)	1 Space per 200 square feet of Gross Floor Area
Drive In or Fast Food Restaurant	1 Space per 400 square feet of Gross Floor Area
Auto Service Station	1 Space per 200 square feet of Gross Floor Area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces.

TABLE OF OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement
Auto Repair/Maintenance/Tire Replacement	1 Space per 200 square feet of Gross Floor Area
Auto Sales	1 Space per 200 square feet of Gross Floor Area
BUSINESS/PROFESSIONAL OFFICES/BANKS	1 space per 400 square feet of Gross Floor Area, plus 3 spaces for every 4 employees
EDUCATIONAL FACILITIES	
Pre-Schools/Day Care	1 Space per Classroom, plus 1 space for each 10 students (based on the rated capacity of the facility)
Elementary and Middle Schools	1.75 Spaces per Classroom, plus 1 space for each 8 students (based on the rated capacity of the facility)
Secondary Schools	5 Spaces per Classroom, plus 1 space for each 5 students (based on the rated capacity of the facility)
Business/Trade/Vocational/Non-Residential Colleges	1 Space per 200 square feet of Schools Gross Floor Area
PUBLIC AND INSTITUTIONAL FACILITIES	
Hospitals/Health Care Facilities	1 Space per Bed, or 1 Space per 250 square feet of Gross Floor Area, whichever is greater
Nursing Care Institutions/Intermediate Care for the Infirm	1 Space for every 2 Beds, plus 3 spaces for each 4 employees
Penal/Correctional Facilities	1 Space for every 2 employees, plus 1 space for every 5 inmates, based on the rated capacity of the facility
Post Offices	1 Space per 50 square feet of Gross Floor Area
Government Offices/Court	1 Space per 250 square feet of Gross Floor Area
Public Safety Facilities	1 Space per 200 square feet of Gross Floor Area
Houses of Worship	1 Space for every 4 seats
Libraries	1 Space per 500 square feet of Gross Floor Area

TABLE OF OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement
RECREATIONAL FACILITIES	
Neighborhood Parks and Recreational Areas	1 space per 5,000 square feet of Land Area, plus 1 bus parking space for any facility over 2 acres that contains active recreation elements including public swimming pools, ballfields, basketball courts and play equipment
Golf Courses	4 spaces per hole, plus 1 space for each 2 employees, plus 2 bus parking spaces per 18 holes.
Docks for Day-Tour Boats	1 space for every 4-boat passenger spaces, plus 2 tour bus parking spaces
Marina	2 spaces per boat berth
Boat Ramps	20 spaces per boat ramp lane*
Cockfighting Arenas	1 space for every 2 seats
Sports Stadiums	1 space for every 3 seats, plus 10 bus parking spaces
*Each off-street parking space at a Boat Ramp shall be a minimum of eight and one-half (8.5) feet wide by forty (40) feet long to accommodate a motor vehicle and its boat trailer.	
OTHER FACILITIES/ DEVELOPMENT	
Veterinarians/Kennels/Animal Hospitals	1 Space per 300 square feet of Gross Floor Area
Doctors' and Dentists' Offices	5 spaces for each practitioner
Sanitary Landfill	1 Space for every 2 employees on maximum shift
Dry Cleaners/Laundromat	1 Space per 200 square feet of Gross Floor Area
Manufacturing/Assembling/ Fabrication Operation	1 Space for every 2 employees on maximum shift, or 1 Space per 400 square feet of Gross Floor Area, whichever is greater
Agricultural Operations	1 Space for every two employees on maximum shift
Greenhouse/Nursery Operations	1 Space per 1,000 square feet of lot area used for storage, display, or sales, plus 1 Space per 400 square feet of Gross Floor Area
Warehousing/Storage/Wholesale	1 Space for every 2 employees on maximum shift, but not less than 1 space per 2,000 square feet of Gross Floor Area

TABLE OF OFF-STREET PARKING REQUIREMENTS

Use	Parking Requirement
Zoological Parks/Aquariums	3 spaces for each large animal display area, plus 1 space for each 100 square feet of building space, wherein the building is devoted to displaying animals and/or fish species in a collection manner such as an aquarium, bird house, etc.

Has the required number of parking spaces been established from the submitted site plan and the use to which the land is proposed to be put and, on both the site plan and the required off-street parking plan, are the required number of off-street parking spaces shown (and have the calculations been presented to show how the correct number of spaces was determined by the applicant)? Yes ☐ No ☐

11. Off-Street Loading Space Requirements

- a. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least twelve (12) by fifty (50) feet with a fifteen (15) foot height clearance, and shall be provided for each twenty thousand (20,000) square feet of gross floor area, except that:

- (1) No spaces are required for structures with less than two thousand (2,000) square feet of gross floor area;
- (2) One (1) space is required for structures with more than two thousand (2,000) but less than twenty thousand (20,000) square feet of gross floor area.
- (3) Additional off-street loading spaces shall be provided at a rate of one (1) space for each additional twenty thousand (20,000) square feet or increment thereof.

Has the site plan been checked to determine how many off-street loading spaces are required and that a sufficient number have been provided? Yes ☐ No ☐

- b. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.

Has the site plan been checked to establish that the off-street loading areas have been designed to be in compliance with the above paragraph? Yes ☐ No ☐

RECREATIONAL AND OPEN SPACE STANDARDS CHECKLIST

1. When computing the areas to be set aside as recreational areas in residential developments including single family or duplex subdivisions, attached housing developments, multi-family apartment developments (either rentals or condominiums) and barracks housing for construction workers, did the developers meet the requirement of 275 square feet per person expected to reside in that development (as determined in accordance with Subsection 2 of this section)? Yes ___ No ___

2. For purposes of these Standards, one-bedroom dwelling units shall be deemed to house an average of 2.5 persons, two-bedroom units 4.0 persons, three-bedroom units 5.0 persons, and units with four or more bedrooms 6.0 persons. In residential subdivisions that are not approved as architecturally integrated developments (i.e., attached housing or multi-family apartment developments), each lot that is large enough for only a single or two-family dwelling unit shall be deemed to house an average of 6.0 persons.

When computing the size of the recreational areas, did the development determine the number of occupants by using the average subscribed above? Yes ___ No ___

3. It is recognized that recreation areas must be of a certain minimum size to be usable and that such areas will not serve the intended purpose unless properly maintained. Therefore, residential developments that are small enough so that the amount of required recreation space does not exceed 2,000 square feet are exempt from the provisions of these Standards. However, as used in the foregoing sentence, the term "development" refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or stages. In addition, subdivided residential developments of 10 dwelling units or less in single ownership at the time of application for approval shall also be exempt from the provisions of these Standards.

Is the development exempted from the provisions of the recreational and open space standards? Yes ___ No ___

4. The purpose of the recreation areas is to provide adequate recreational facilities to serve the residents of the development. Each new development shall provide, at a minimum, facilities from the following list. The number of facilities that must be provided from this list shall be based on the number of dwelling units that are to be built in the development. The scale that follows this facilities list indicates the minimum number of facilities which must be provided.

- a. Baseball field to Senior League requirements.
- b. Softball field to Amateur Softball Association of America requirements.
- c. Multi-purpose court to Department of Parks and Recreation requirements.
- d. Playground area, consisting of 4 pieces of playground equipment including swings, slide, and climber.
- e. Picnic area, consisting of at least 5 picnic tables with benches, 5 barbecues, and 5 secured in-place trash containers. This picnic area shall have shaded trees.

- f. A minimum of two lighted tennis courts to United States Lawn Tennis Association requirements.
- g. A swimming pool area, with a minimum of an 800 square foot pool, a 3,200 square foot deck area, and a 4-foot high fence around it.
- h. A natural area at least three acres in size untouched by grading, clearing, or has had the vegetation removed in any manner.
- i. A one-quarter (1/4) mile running track to National Collegiate Athletic Association requirements.
- j. Two (2) lighted volleyball courts to United States Volleyball Association requirements.
- k. A beach of at least one-hundred and fifty (150) lineal feet.
- l. A fishing pier at least fifty (50) feet in length to Department of Agriculture requirements.
- m. A lighted soccer field to National Collegiate Athletic Association requirements.
- n. Two (2) lighted handball courts to United States handball Association requirements.
- o. Hiking, jogging, and/or biking trails, at least one (1) miles in length to Department of Parks and Recreation requirements.
- p. Exercise Course to Department of Parks and Recreation requirements.
- q. Campground of at least five (5) tent pads, five (5) barbecues, five (5) bench and table combinations, and five (5) trash cans. The area shall have shade trees.
- r. Historical sites.
- s. The number of required recreational facilities, as enumerated above, shall be dependent on the total number of dwelling units approved for the residential project. Approval of the selection of facilities must be obtained from the Department of Parks and Recreation. The following table indicates the number of required recreational facilities relative to the size of the residential project.

<i>Number of Approve</i>	<i>dM i n i m u m</i>
<i>Dwelling Units in Project</i>	<i>Required Recreational Facilities</i>
20 - 50	1
51 - 100	2
101 - 150	3
151 - 200	4
201 - 250	5
251 - 300	6
301 - 350	7
351 - 400	8
401 - 450	9
more than 450	10

- t. Notwithstanding the above table, certain facilities shall be mandatory when the number of dwelling units reaches specified levels in residential developments. In these developments, the mandatory facilities may be counted toward the required recreational provisions enumerated in Paragraphs a. through r. above.

The following table indicates those facilities that are mandatory for the various types of residential developments and at what dwelling unit provision level they must be included.

<i>Recreational Facility</i>	<i>Minimum Dwelling Unit Provision Level at which Facility Becomes Mandatory</i>
Baseball or Softball Field	250 (Single-Family, Duplex or combination of Single-Family and Duplex Projects only)
Tennis Courts (2)	300 (All Residential Developments)
Multi-Purpose Court	50 (All Residential Developments)
Swimming Pool	400 (All Residential Developments)

If the residential development was to provide mandatory recreational facilities as indicated by the table above, did the development include the facilities in the plans?

Yes ___ No ___

5. Each development shall satisfy its recreation area requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development. However, unless it appears that less than 5 percent of the residents of any development are likely to be children under 12, and can be demonstrated through a study prepared by an authorized representative of the developer to show that the proposed project will be marketed to age groups unlikely to generate many children, then at least 15 percent of the recreation area must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for adult supervision).

If the developers could not demonstrate through a study prepared by their authorized representative that less than 5 percent of the residents of the proposed project are likely to be children under 12 years of age, did the developers set aside an area of at least 15 percent of the recreation area for the construction of "tot lots"?

Yes ___ No ___

- a. The total acreage of required recreation facilities shall be divided into areas of not less than 2,000 square feet nor more than 100,000 square feet.

Is the total acreage of required recreation facilities divided into areas of not less than 2,000 square feet, nor more than 100,000 square feet?

Yes ___ No ___

- b. Recreation areas shall be landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences. At a minimum, all recreation areas except those designated by the Department of Parks and Recreation not to be necessary, shall have continuous landscaped buffers around their perimeters at least 10 feet wide. The plant material selected to be planted within these buffer areas shall be such that they will provide

a continuous vegetative screen and shall reach a minimum height of 6 feet at maturity. All new vegetative material shall be guaranteed for a period of at least 6 months after installation and approved by the Department of Agriculture, Office of the Chief of Forestry.

Did the developers meet all the landscaping requirements prescribed above?

Yes ☐ No ☐

- c. Each recreation area shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhoods it is designed to serve. Therefore, no recreation area shall be located more than 2,000 feet from the dwelling unit it is intended to serve. This distance shall be measured along the walkways and streets within the development, using the shortest route possible.

Are all recreation areas located within 2,000 feet from the dwelling units they are intended to serve?

Yes ☐ No ☐

- d. Each recreation area shall be constructed on land that is relatively flat, dry, and capable of serving the purpose intended by these Standards. However, this is not to say that steeply sloped areas and/or floodplains may not be used in the development of these recreation areas. Steeply sloped lands (in excess of 15 percent) may be appropriate for natural recreation areas, if they are properly treated and developed. Floodplains are entirely appropriate to be used for baseball, softball, or football fields. However, permanent structures should be kept to a minimum in floodplains.

Have the developers taken into account considerations of the physical features of the land when siting each recreation area?

Yes ☐ No ☐

6. Every residential development shall be developed so that at least 5 percent of the total area of the development is retained permanently as usable open space.

7. For purposes of these Standards, usable open space means an area that:

- a. Is not encumbered with any substantial structure;
- b. Is not devoted to use as a roadway, parking area, or sidewalk;
- c. Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities;
- d. Does not include any golf course;
- e. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation; and
- f. Is practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to Subsection 11. below.

Using the definitions of an usable open space dictated above, is at least 5 percent of the total area of the development retained permanently as usable open space? Yes ___ No ___

8. Subdivided residential developments of less than ten (10) dwelling units are exempt from the requirements of these Standards, unless the Department of Land Management agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made.

Is the residential development exempted from requirement of these Standards?

Yes ___ No ___

9. Are the recreation facilities and usable open space provided by the developer under the control of the association or similar organization? below?

Yes ___ No ___

10. Are the developers aware that the person or entity identified in Subsection 9. above as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same?

Yes ___ No ___

11. Has the homeowners' association or similar legal entity responsible for the maintenance and control of common areas, including recreational facilities and open space, been established in the following manner?

Yes ___ No ___

- a. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- b. The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities; and
- c. The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

ENVIRONMENTAL PROTECTION CHECKLIST

1. Is the location of the proposed development in areas that do not also include mangrove mudflats, coral reef or pose a threat to them? Yes ☐ No ☐
2. If road construction is proposed across an isolated wetland, will the developer limit road size to that which is necessary to allow for reasonable development of the site, and does the design employ culverts and pilings as required by the Department of Public Works? Yes ☐ No ☐
3. Do the plans indicate that vegetated buffers, swales, vegetated watercourses, wetlands, underground drains, catch basins, ponds, porous pavements and similar systems for the detention, retention, treatment, and percolation of runoff be used to prevent the discharge of runoff directly into open waters? Yes ☐ No ☐
4. Will vegetated buffer strips be created and/or retained as required in Chapter IV of the Guam Erosion and Sedimentation Control Manual to prevent erosion, trap the sediment in overland runoff, provide access to the waterbody, and allow for periodic flooding without damage to buildings, roads or other structures? Yes ☐ No ☐
5. Has the applicant made necessary arrangements to prevent the filling, dredging or grading of any wetlands, and if authorized to do so by the Guam Environmental Protection Agency, has said applicant provided a letter to that effect? Yes ☐ No ☐
6. Do all plans for parking lots include ponding basins, sand filter or other similar facilities to remove oil and sediment from runoff? Yes ☐ No ☐
7. Are all detention and retention areas designed so that their shorelines are sinuous rather than straight, and so that the length of shoreline is maximized, thus offering more space for the growth of littoral vegetation? Yes ☐ No ☐
8. Are all banks of detention and retention areas sloped at a gentle grade into the water as a safeguard against personal injury, to encourage the growth of littoral vegetation, and to allow the alternate flooding and exposure of areas along the shore? Yes ☐ No ☐
9. Are appropriate measures planned and will the necessary steps be taken to prevent the overload and damage of existing wetlands in those cases where wetlands are proposed to be used for storing and purifying water? Yes ☐ No ☐
10. Will the development address possible erosion issues through the appropriate use of techniques to stabilize and revegetate the area? Yes ☐ No ☐
11. Will the applicant refrain from using wetlands and other natural water bodies as sediment traps during development? Yes ☐ No ☐
12. Does the developer understand that any filling or dumping of material into existing wetlands is strictly prohibited unless otherwise approved by the Guam Environmental Protection Agency (a copy of the letter must be attached)? Yes ☐ No ☐
13. Will the developer refrain from increasing in any manner the potential for flooding of property within or adjacent to any wetland area? Yes ☐ No ☐

14. Has there been a careful review of the "Official Wetlands Map", (1983 National Wetland Inventory) and has a clear understanding of the projects proximity to Wetland APC's been established? Yes ☐ No ☐

15. The Rules for Interpretation of Wetland Boundaries:

- a. The boundaries of a wetland APC shall ordinarily be determined by the applicant through the performance of a field survey applying the wetland definition.
- b. Wetland APC delineations shall be performed in accordance with procedures specified in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
- c. Evidence documenting the results of the boundary survey may be required by the Guam Environmental Protection Agency.

Have all procedures been followed, as outlined above, for the interpretation of wetland boundaries? Yes ☐ No ☐

Has the applicant paid any and all fees associated with the delineation of wetlands, as may be the case when either the applicant makes such a request of the Government of Guam, or when GEPA and applicant fail to establish mutually agreeable boundaries, determines it is necessary to obtain outside services? Yes ☐ No ☐

16. The following uses shall be allowed as a right within a wetland area to the extent that they are not prohibited by any other act or acts and provided they do not require structures, grading, fill, draining or dredging except as provided herein:

- a. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife;
- b. Outdoor recreational activities, including hunting, fishing, birdwatching, hiking, boating and swimming;
- c. The harvesting of products or crops, such as taro or seeds in such a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require alteration of the wetland by changing existing wetland water conditions or sources;
- d. Forestry practices limited to the thinning and harvesting of native timber in accordance with a forest management plan that incorporates best management practices as approved by the Department of Agriculture, Division of Forestry and the Division of Aquatic and Wildlife Resources;
- e. The continued cultivation of agricultural crops.
- f. Any aquaculture facilities existing at the time of passage of the Wetland Rules promulgated in October 1981;
- g. The occasional pasturing of livestock;
- h. Commercial fishing and shell fishing which are in compliance with the Department of Agriculture, Division of Aquatic and Wildlife Resources rules and regulations;

- i. Education, scientific research and nature trails as approved by the Guam Environmental Protection Agency and the Division of Aquatic and Wildlife Resources and
- j. Uses by rights that do not require a wetland permit and may involve filling, flooding, draining, dredging, ditching or excavating to the extent specifically provided below:
 - (1) Maintenance or repair of lawfully located roads, bridges or structures and of facilities used in the service of the public to provide transportation, power, water, sewer, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Agency and provided that the work is conducted using best management practices to ensure that flow and circulation patterns, and chemical and biological characteristics of the wetland are not impaired, and that any adverse effect on the aquatic environment will be minimized;
 - (2) Temporary water-level stabilization measures associated with forestry operations, provided a complete reversion to previous hydrological conditions is accomplished subsequent to completed operations;
 - (3) Limited ditching, tiling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural use;
 - (4) Limited excavating and filling necessary for the repair and maintenance of piers, walkways, observation decks, wildlife management shelters, boathouses and other similar water-related structures, provided, that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland, except as authorized by a wetland permit.

Has the list of uses above been referred to, and has it been found that the applicant's proposed use qualifies as one which does not require a permit? Yes ☐ No ☐

Will the applicant make the provisions called for in the development permit which may require that any activities in a buffer area have minimal adverse impacts on that buffer and no impact on regulated wetlands? Yes ☐ No ☐

Does the applicant certify that no part of their development is vulnerable to damage or poses a health or safety threat to the public or the wetland due to flooding of that wetland? Yes ☐ No ☐

Where residential, industrial or commercial development calls for the establishment of a ponding basin or other such storage facility within a wetland, has the agency determined that no feasible alternative site exists and that facility is dependent on location within a wetland? Yes ☐ No ☐

Will the applicant acknowledge and comply with the requirement that exotic flora and fauna be strictly prohibited from being introduced into the wetland APC? Yes ☐ No ☐

17. The Department of Land Management after according consideration to the comments of the general public, other affected landowners, Government of Guam and federal agencies with jurisdiction over the area in question, shall issue a wetland permit only if it is found that the development is determined to be in the public interest and that the applicant has demonstrated by a preponderance of the evidence that the development:

- a. Is water-dependent or requires access to the wetland as a central element of its basic function, or is not water- dependent, but has no practicable alternative. Yes ___ No ___
- b. Will result in minimum feasible alternation or impairment to the wetland's functional characteristic and its existing contour, vegetation, fish and wildlife resources and hydrological conditions; Yes ___ No ___
- c. Will not jeopardize the continued existence of species that appear on federal or local endangered, threatened, rare, sensitive or monitored species lists; That the ecosystem upon which resident endangered or threatened species depend shall not be impaired or threatened pursuant to 5 GCA, Article 2 (Endangered Species Act of Guam) and the Department of Agriculture, Division of Aquatic and Wildlife Resources rules and regulations. Yes ___ No ___
- d. Will not cause significant degradation of groundwater or surface-water quality; Yes ___ No ___
- e. Complies will all applicable local and federal laws, including those related to sediment control, pollution control and on-site wastewater disposal; Yes ___ No ___
- f. Will provide a wetland buffer area of between twenty five (25) and two hundred (200) feet between the wetland and upland activities for those portions of a development that need not be located in the wetland; Yes ___ No ___
- g. Will not damage nearby public or private property and is no threat to the health or safety of people on or off the property; Yes ___ No ___
- h. That the inability to derive reasonable economic use of that property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of this Section; and Yes ___ No ___
- i. Complies with other standards contained in this Zoning Code, including those pertaining to wetland creation and restoration as required. Yes ___ No ___

Has the applicant applying for a wetland permit provided the necessary documentation to demonstrate that the proposed development meets each of the criteria set forth above?

Yes ___ No ___

18. Procedures for Development within Wetland Areas

- a. Before issuance of any permit for development within a wetland, a sketch plan for the proposed development shall be submitted to the Guam Environmental Protection Agency, the Division of Aquatic and Wildlife Resources, the Department of Land Management and the Bureau of Planning, including a thorough description of the proposed development and the following specific information:

- (1) The name and address of the owner or owners of record, of the developer and of the person preparing the map.
- (2) Date, north arrow and scale.
- (3) A key map locating the development in relation to surrounding areas.
- (4) The accurate placement and outline of structures existing on the site.
- (5) The location, names, and existing widths of adjacent street rights-of-way.
- (6) Topography with contour intervals of two (2) feet.
- (7) The location and dimensions of all known existing easements and reservations.
- (8) The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- (9) The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
- (10) Areas intended to be reserved for public use.

- b. The sketch plan of the proposed development shall be prepared in sufficient detail so as to permit its complete analysis by the Guam Environmental Protection Agency, the Division of Aquatic and Wildlife Resources, the Department of Land Management and the Bureau of Planning. The sketch plan for any project other than a single-family dwelling unit shall include a schedule indicating the approximate dates when construction or development stages are planned to begin and be completed.

Has a sketch plan been submitted in sufficient detail and has a thorough description of the proposed development along with specific information enumerated above been provided and found to be in compliance with permit requirements? Yes ☐ No ☐

- c. Once the Guam Environmental Protection Agency, the Division of Aquatic and Wildlife Resources, the Department of Land Management and the Bureau of Planning have approved the sketch plan submitted by the applicant, a final plan may be prepared. All of the information called for in the sketch plan shall be included in the final plan; however, all of the comments that the Guam Environmental Protection Agency the Division of Aquatic and Wildlife Resources and the Department of Land Management made in their review of the sketch plan shall be incorporated into the final plan. Additionally, all proposed building structures, and facility locations shall be definitive on the final plan.

Has the final plan been submitted and found to be entirely in accordance with all of the requirements specified above? Yes ___ No ___

Does the applicant understand that they will be required to restore the natural appearance and biological character of any wetland affected by an uncompleted or stalled project as specified by the Wetland Permit? Yes ___ No ___

Has the applicant read, understands and complied fully with the provisions pertaining to performance bonds required by the Department of Land Management as described below? Yes ___ No ___

- d. A performance bond or undertaking may be required by the Department of Land Management for any development undertaken pursuant to an approved tentative plan within a wetland to be held within the Wetland Fund. The amount of the bond shall be one hundred and ten percent (110%) of the infrastructure costs of the development, 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 Department for failure to comply with any applicable wetland, water quality or zoning regulation except as allowed for under a variance or other legal exception from such requirements. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features or restoration of the development should these not be completed by the developer.

19. Has it been established that any proposed development within a wetland APC will comply with all air and water quality, erosion and sedimentation control standards and other applicable pollution standards as promulgated by the Guam Environmental Protection Agency? Yes ___ No ___

20. Will the applicant satisfy the requirements for a public hearing by giving written notice to surrounding landowners within a one thousand (1,000) foot radius, not to exceed sixty (60) calendar days form acceptance of the application? Yes ___ No ___

21. Does the applicant understand and agree to abide by the provisions that any expansion or alteration of an approved development, which exceeds fifty percent (50%) of the value of the original structure or development shall require an application for a new wetland permit from the Commission? Yes ___ No ___

22. Will the applicant allow during all phases of development access for inspection by all interested agencies or parties? Yes ___ No ___

23. Practicable Alternative Test

- a. For all permit applications, an alternative site for the proposed activity shall be considered practicable if it is available and the proposed activity can be carried out on that site after taking into consideration costs, existing technology, infrastructure and logistics, in light of overall development purposes.

b. There is no practicable alternative if the applicant demonstrates all of the following to the satisfaction of the Department.

- (1) The basic purpose of the development cannot reasonably be accomplished using one or more other sites in the general region that would avoid or result in less adverse impact on a wetland;
- (2) The basic purpose of the development cannot be accomplished by a reduction in the size, scope, configuration or density of the development as proposed or by changing the design of the development in a way that would avoid or result in fewer adverse effects on the wetland; and;
- (3) In cases where the applicant has rejected alternatives to the development as proposed due to constraints such as inadequate zoning, infrastructure or parcel size, the applicant has made reasonable attempts to remove or accommodate such constraints.

Has the applicant demonstrated through proper investigation and analysis, that the proposed development passes the Practicable Alteration test outlined above? Yes ___ No ___

24. Public Interest Test

In determining whether a proposed development in any wetland is in the public interest, the Department shall consider the following:

- a. The extent of the public need for the proposed activity;
- b. The extent and permanence of the beneficial or detrimental effects that the proposed development may have on the public and private uses for which the property is suited;
- c. The quality of the wetland that may be affected and the amount of wetland to be disturbed;
- d. The economic value of the proposed development to the general area; and
- e. The ecological value of the wetland and probable impact on public health, safety and general welfare, and wildlife.

Has the applicant demonstrated through research and analysis, that proposed development passes the Public Interest test outlined above? Yes ___ No ___

25. Wetland Restoration and Creation.

- a. As a condition of a permit issued or as an enforcement action under this Zoning Code, the Agency may require that the applicant engage in the restoration or creation of wetlands in order to offset, in whole or in part, the losses resulting from an applicant or violator's actions, including cessation of a development within a prescribed time period, if any, indicated on the approved permit.

- b. The applicant or violator may prepare or be required by the Department of Land Management to develop a wetland restoration or creation plan for review and approval. The creation or restoration of wetlands shall not be an alternative to the standards set forth in Paragraph 16. of this Section, but shall be used only to compensate for unavoidable losses.
- c. The plan should state the location, by metes and bounds description of the proposed site; ownership; size type and complete ecological assessment (flora, fauna, hydrology, wetland functions, etc.) of the wetland being restored or the area where a new wetland will be created; and the natural suitability of the proposed site for establishing the replacement wetland (i.e., water source and drainage patterns, topographic position, wildlife habitat opportunities, value of the existing area to be converted, etc.). In addition, plane view and cross-sectional, scaled drawings; topographic survey data, including slope percentage and final grade elevations; and other technical information are required in sufficient detail to explain, illustrate and provide for:
 - (1) Soil and substrate conditions; topographic elevations; grading and excavation; erosion and sediment control needed for wetland construction and long-term survival;
 - (2) Planting plans specifying plant species types, quantities, locations, size, spacing or density; source of plant materials, propagules, or seeds; timing, season, water and nutrient requirements for planting; and where appropriate, measures to protect plants from predation;
 - (3) Water quality parameters, water source, water depths, water control structures and water level maintenance practices needed to achieve the necessary ambient water conditions and hydro-cycle/hydro-period characteristics;
 - (4) Mid-course corrections and a three-year monitoring and replacement plan establishing responsibility for removal of exotic and nuisance vegetation and permanent establishment of the wetland system and all its component parts; and
 - (5) A demonstration of fiscal, administrative and technical competence of sufficient standing to successfully execute the overall development.

If the applicant is required to formulate a wetland restoration plan, have they done so completely and in full accordance with the requirements outlined above? Yes ___ No ___

VEGETATION PROTECTION STANDARDS CHECKLIST

1. Application Procedure for a Vegetation Removal Permit within Proposed Development for which a Separate Building Permit or Plan Approval is Requested

- a. As a precondition to the filing of any application for either a major or super-major development as defined by the Permit Threshold Table found in Chapter VIII., Section B.1.e. and 1. of the Zoning Code, a vegetation removal permit shall be obtained from the Department of Agriculture, Office of the Chief of Forestry.

- b. Required Inventory: Each application for a vegetation removal permit shall be accompanied by an inventory which shall consist of:

- (1) Generalized Vegetation Inventory: A generalized vegetation inventory showing the approximate location and extent of vegetation on the site. The inventory shall be based on the most current available information. The inventory may be in the form of a field survey and shall include photographs of typical areas of vegetation. The generalized vegetation inventory shall be prepared at the same scale as the proposed site development plans to clearly illustrate the relationships between the areas of vegetation and proposed site improvements.

Has the Generalized Vegetation Inventory been prepared and submitted in the manner prescribed above? Yes ☐ No ☐

- (2) Generalized Written Assessment and Evaluation: The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities which have been identified on the site. The assessment shall include an evaluation of the character and quality of the plant communities identified, including their variety, viability, and such other physical characteristics and factors as may affect their preservation. The assessment and evaluation shall be prepared by a person knowledgeable in the identification and evaluation of vegetative resources (e.g., a biologist, ecologist, horticulturist, landscape architect, landscape contractor, certified nurseryman, or other person with similar recognized skills and/or experience).

Has the Generalized Written Assessment and Evaluation been prepared by a person who, by a submission of his or her credentials, gives evidence of his or her expertise to perform this task, and have all of the points enumerated above been covered? Yes ☐ No ☐

- (3) Reasonable Additional Information: The Office of the Chief of Forestry may require that the application include such additional information as is reasonable and necessary for adequate administration of these vegetation requirements. Said request shall be made in writing.

Has any additional information been requested (a copy of the letter must be attached) and has said information been provided? Yes ☐ No ☐

- c. Preliminary Approval

- (1) Issuance for Lots with Minimal Vegetation Disruption: Where the Office of the Chief of Forestry has verified that no significant vegetation removal activity is involved in a proposed development, a preliminary approval certificate shall be issued forthwith.
 - (2) Issuance for Lots with Significant Vegetation Disruption: A decision to grant or deny a preliminary approval certificate shall be made by the Office of the Chief of Forestry within 30 working days of an applicant's submission. Preliminary approval for an applicant involving vegetation removal activity shall be granted only if the Office finds that all reasonable efforts have been undertaken in the layout and design of the proposed development to preserve existing vegetation and to otherwise enhance the aesthetic appearance of the development by the incorporation of existing vegetation in the design process. Relocation or replacement of existing vegetation may be required as a condition of the issuance of a preliminary approval certificate.
 - (3) Root-pruning: Upon the issuance of a root-pruning certificate, root-pruning of vegetation designated to be relocated may commence immediately. However, no actual removal of vegetation shall take place until issuance of a final vegetation removal permit. The issuance of a root-pruning certificate shall have no bearing upon the need to comply with other applicable agreements.
- d. Certification of Substantial Compliance: Prior to the issuance of any building permit upon property which has received a preliminary approval certificate, the Office of the Chief of Forestry shall certify that the final construction plans substantially comply with the preliminary site plan as it affects existing vegetation.

Have the final construction plans been examined and found to be in substantial compliance with the approved preliminary plans as they affect vegetation?

Yes ___ No ___

- e. Final Inspection: No occupancy permit shall be issued until the relocation or replacement of vegetation, as required by the vegetation removal permit, has been completed and final approval has been given by the Office of the Chief of Forestry.

Has there been a field check conducted to determine that all removal, relocation or replacement of vegetation has been done consistent with and as required by the vegetation removal permit?

Yes ___ No ___

2. Application Procedure for Vegetation Removal Unrelated to Building Permit Applications

- a. Applicability: Vegetation removal permits not sought in conjunction with building permits shall be obtained by making application to the Building Official prior to the removal, replacement, or relocation of vegetation from or on the following types of property:
- (1) All vacant or undeveloped sites;
 - (2) All land currently zoned for agriculture or proposed for bona fide agricultural purposes as defined in the zoning Code; and
 - (3) All developed sites. However, developed single family detached housing sites which are not part of a residential subdivision for which approval is being sought, shall be exempt from these provisions.

Have the plans been thoroughly examined to ensure that the application for which approval is being sought is for property that is either vacant or undeveloped, has a bona fide agricultural operation already in operation, or is already developed?

Yes ___ No ___

- b. Required Generalized Vegetation Inventory: Each application for a vegetation removal permit shall be accompanied by a generalized vegetation inventory which shall consist of:

- (1) Generalized Vegetation Inventory: A generalized vegetation inventory showing the approximate location and extent of vegetation on the site shall be prepared. For existing non-residential and multi-family development, the inventory may be in the form of a field survey, and shall be accompanied by photographs illustrating typical areas of vegetation. This inventory shall be prepared at a scale that clearly illustrates the relationships between the areas of vegetation and the existing site improvements.

Has the Generalized Vegetation Inventory been prepared and submitted in the manner prescribed above?

Yes ___ No ___

- (2) Generalized Written Assessment and Evaluation: The generalized vegetation inventory shall be accompanied by a brief written assessment of the plant communities which have been identified on the site. The assessment shall include an evaluation of the character and quality of the plant communities identified, including their rarity, viability, and such other physical characteristics and factors which may affect their preservation. The assessment and evaluation shall be prepared by an individual knowledgeable in the identification and evaluation of vegetative resources (e.g., a biologist, ecologist, horticulturist, landscape architect, certified nurseryman or landscape contractor).

Has the Generalized Written Assessment and Evaluation been prepared by a person who, by a submission of his or her credentials, gives evidence of his or her expertise to perform this task, and have all of the points enumerated above been covered?

Yes ___ No ___

- (3) Reasonable Additional Information: The Office of the Chief of Forestry may require that the application include such additional information as is reasonable and necessary for adequate administration of these vegetation protection requirements. Said request shall be made in writing.

Has any additional information been requested (a copy of the letter must be attached) and has said information been provided?

Yes ___ No ___

3. Site Design Standards

- a. Creative site development concepts shall be used to promote water conservation. Water needs may be reduced by providing for:

- (1) The preservation of existing plant communities;
- (2) The re-establishment of native plant communities;
- (3) Limited amounts of lawn grass areas;

- (4) The use of site specific plant materials;
- (5) The use of shade trees to reduce transpiration rates of lower story plant materials;
- (6) Site development that retains stormwater runoff on the site;
- (7) The use of pervious paving materials; and
- (8) Other environmentally sensitive site development concepts.

Has the applicant demonstrated in the submitted plans that he or she is attempting to conserve water in the proposed development? Yes ☐ No ☐

- b. Minimum open space requirements for any proposed use shall meet the standards set forth for that particular use in the Zoning Code for the zoning district in which the use is to be located.

Has the appropriate Table of Dimensional and Density Requirements been checked, and specifically the use of the land proposed in the application, to establish that the minimum open space requirements have been met? Yes ☐ No ☐

- c. Preservation of Existing Plant Communities

- (1) General: All existing plant communities shall be preserved to the extent that they can be incorporated into the required open space. Existing plant communities that are specified to remain shall be preserved in their entirety. In most cases, the preservation of existing plant communities will decrease the cost of initial site development, decrease future water and maintenance needs, and benefit the aesthetic appearance of the property.

Has the proposed development plan been checked against the Generalized Vegetation Inventory to determine if the maximum amount of existing vegetation that can be preserved is being done so? Yes ☐ No ☐

- (2) Existing Native Plant Communities Required to Remain: Where natural native plant communities exist on a site proposed for development, at least twenty-five (25) percent of the required open space shall be in the form of preserved natural plant communities.

Has the proposed development plan been checked against the Generalized Vegetation Inventory to determine if this requirement will be met? Yes ☐ No ☐

- (3) Protection of Existing Trees

- (a) Existing trees with a trunk caliper of five (5) inches or more measuring one (1) foot above the ground shall be protected with fencing and armoring during the entire construction period.
- (b) Fencing shall enclose a minimum of ten (10) square feet with tree(s) centered.

- (c) Compaction of soil from heavy equipment in perimeter of the tree drip line shall be avoided.
- (d) Dirt or other materials shall not be piled beneath the crown of existing trees.
- (e) Fires or other sources of heat shall be kept away from trees.

Does the proposed development plan contain notations to indicate that the above requirements are acknowledged and will be met? Yes ☐ No ☐

(4) Damage to Existing Trees

- (a) Any damaged roots and/or branches shall be repaired immediately.
- (b) Any exposed roots shall be covered with topsoil immediately.
- (c) Severed limbs and/or roots shall be treated with tree wound dressing.
- (d) If roots are damaged, a proportional amount of branches shall be pruned.
- (e) Injured trees shall be thoroughly watered.

Are these statements contained in the application for development to indicate that the above requirements are acknowledged and will be met? Yes ☐ No ☐

(5) Existing Trees and Paving

- (a) All existing trees to be surrounded by paving shall be pruned to prevent dehydration.

Do the submitted site plans for development include a notation to indicate that the above requirement will be met? Yes ☐ No ☐

- (b) Existing trees shall have a minimum unpaved area around the center of the trunk in accordance with the following:

<u>Tree</u>	<u>Unpaved Area</u>
Small tree with mature caliper of 4"-7"	3 foot radius
Medium tree with mature caliper of 7-1/2"-11"	4 foot radius
Large tree with mature caliper of 11-1/2"-up	5 foot radius

Do the submitted site plans either show or contain a notation to indicate that the above requirements will be met? Yes ☐ No ☐

(6) Required Management Plan:

General: For all areas of preserved plant communities greater than ten thousand (10,000) square feet in area, the owner shall submit for the approval of the Department of Agriculture, Office of the Chief of Forestry, a narrative management plan indicating the manner in which the owner will preserve these native plant communities. The narrative shall include:

- (a) Whether or not the existing vegetation is to be preserved in the existing species composition;
- (b) If applicable, the manner in which the composition of existing plant material is to be preserved (hand removal of invasion species, prescribed burning, etc.);
- (c) The schedule for the removal of exotic species;
- (d) The schedule for the removal of debris; and
- (e) Any other information that may be required by the Office of the Chief of Forestry that is reasonable and necessary to determine that the management plan meets these requirements.

Has the applicant submitted a management plan covering all of the points enumerated above? (If any other information is required as indicated in item (e) above, a copy of the letter calling for the additional information must be included with this submission.) Yes ___ No ___

4. Landscape Design Standards

The following standards shall be considered the minimum requirements for the installation of all plant materials.

a. Minimum Tree and Shrub Planting or Preservation Requirements

- (1) General: Trees shall not be placed so as to interfere with site drainage, or where they shall require frequent pruning to avoid interference with overhead power and utility lines. Unless otherwise provided, a minimum number of trees shall be planted or preserved on each site as follows:

- (a) Single Family Residential Lots: One tree shall be planted or preserved for every 5,000 square feet of area or fraction thereof of a single family lot. Trees larger than the minimum size may be credited as indicated in Table 2 below. A minimum of 50 percent of all required trees shall be shade trees. If only one tree is required, it shall be a shade tree. (In Guam, a shade tree is defined as being a woody plant that grows to a minimum height at maturity of 15 feet, and is not a member of the palm family.

If the applicant has indicated on his site plan submittal that the intended development is for single family homes, has he met the above requirements?

Yes ___ No ___

- (b) **Multi-Family Residential or Non-Residential Lots:** One (1) tree shall be planted or preserved for every 2,000 square feet of lot area of either a multi-family residential or non-residential lot, or fraction thereof. Trees larger than the minimum size may be credited as indicated on Table 2 below. A minimum of fifty (50) percent of all required trees shall be shade trees.

If the applicant has indicated on his site plan submittal that the intended development is for either multi-family residential or is non-residential, has he met the above requirements? Yes ___ No ___

(2) **Allocation of Trees to Satisfy Minimum Planting Requirements**

- (a) **Where Trees May Be Credited:** Trees required to be planted or preserved may be used to satisfy the following requirements, including:
- i. Interior of parking or other vehicular use areas;
 - ii. Perimeter of parking or other vehicular use areas; and
 - iii. Perimeter buffers in multi-family residential or non-residential areas.

Has the site plan been checked to establish that the areas where new trees are proposed to be planted or where they are proposed to be preserved are located in the areas indicated above? Yes ___ No ___

(b) **Allocation of Trees to Sub-Areas Within a Site Development**

- i. **General:** In this minimum tree planting requirement, it is the intent to require that a canopy of trees be developed throughout any given site development. This Section establishes a formula for allocating a certain number of trees to each sub-area in a site development. Existing plant communities to be preserved are to be excluded when calculating tree planting requirements. Site development plans must indicate the minimum number of trees to be planted in any given sub-area. The actual number of trees to be planted or preserved will be established on individual site development plan(s).
- ii. **Allocation Formula:** The minimum number of trees to be planted or preserved within a site shall be determined by applying the formula established in Section 4.a.(1) above. The minimum number of trees to be planted in a sub-area or phase shall be proportional to the total number of trees to be planted in the overall site development. This proportion shall be determined by calculating the percent of the sub-area or phase as part of the total site proposed for development.

Has the site plan been checked to determine if these requirements have been met? Yes ___ No ___

b. **Standards for Landscape Materials**

- (1) **Tree Planting Standards:** At the time of planting, trees shall be a minimum of seven feet in height and shall have a minimum caliper of one and one-half (1-1/2) inches measured from a height of six feet above the ground after installation.

Does the site plan contain a notation that the above tree planting standards are to be met? Yes ☐ No ☐

- (2) **Tree Species Mix:** When more than ten trees are required to be planted, a mix of species shall be provided. The number of species to be planted shall vary according to the total number of trees required. The minimum number of species to be planted is indicated in the table following. Species shall be planted in proportion to the required mix. This species mix shall not apply to areas of vegetation required to be preserved.

Table 1: Required Species Mix for New Site Development

Required Number of Trees Minimum Number of Species

11 - 20	2
21 - 30	3
31 - 40	4
41 or more	5

Has the site plan been checked to determine first, if the total number of trees required are included, and second, if the tree species mix requirement, as shown in Table 1 above, has been met? Yes ☐ No ☐

- (3) **Shrub Planting Standards:** Shrubs required to be planted in accordance with these standards shall be a minimum of 24 inches in height from the top of the root collar at the time of planting, and spaced 18 to 36 inches on center. Spacing of individual plants shall depend on the type of shrubs that are to be installed. Exceptions and/or substitutions from this requirement may be approved by the Office of the Chief of Forestry to promote the use of slow growing or native plant material.

Have landscape construction drawings been included as part of the site plan submission that indicate that this requirement will be met or, alternatively, is there a notation on the site plan specifying these shrub planting standards? Yes ☐ No ☐

- (4) **Use of Larger Tree Sizes:** Credits for the use of trees larger than the minimum required size will be as indicated in the following table. Fractional measurements shall be attributed to the next lowest category.

Table 2: Calculation of Tree Size Credits in New Site Development

<u>Crown of Spread of Proposed Trees</u>	<u>and</u>	<u>Height of Proposed Trees</u>	<u>=</u>	<u>Number of Tree Credits</u>
14 or more feet	and	25 feet or more		4
10 - 13 feet	and	17 - 24 feet		3
6 - 9 feet	and	11 - 16 feet		2
less than 6 feet	and	10 feet or less		1

If such credits are requested, has the applicant submitted a list of the trees proposed to be placed together with a statement from the source of these trees (i.e., landscape nursery, etc.) as to their height and spread at maturity; or has the applicant shown in the Generalized Vegetation Inventory called for in 1.b.(1) above that trees with such heights and/or crowns and in such locations as to meet all other site plan requirements already exist at the site? Yes ☐ No ☐

- c. **Use of Native Plant Materials:** Trees and other vegetation shall be planted in soil and climatic conditions which are appropriate for their growth habits and characteristics. Plants used in landscape design pursuant to these guidelines shall, to the greatest extent possible, be:

- (1) Appropriate to the conditions in which they are to be planted;
- (2) Have non-invasive growth habits; and
- (3) Encourage low maintenance high quality design.

Has a statement been provided by a biologist, ecologist, horticulturist, landscape architect, landscape contractor, certified nurseryman, or other person with similar recognized skills and/or experience to ensure that the trees and other vegetation proposed to be used will meet the criteria set forth above? Yes ☐ No ☐

- d. **Replacement Requirements:** Vegetation which is required to be planted or preserved shall be replaced with equivalent vegetation if it is not living within one (1) year of the issuance of an Occupancy Permit. Retained trees for which credit was awarded which die within one (1) year from the date of issuance of an Occupancy Permit shall be replaced by the required number of living trees.

Does the application include a statement that a survey shall be conducted one year following the issuance of the Occupancy Permit to determine if any vegetation has died and, if so, that it shall forthwith be replaced by new, healthy plant? Yes ☐ No ☐

5. Required Landscape Plan

Prior to the issuance of any building permit for any development (other than a single or two-family home on its own lot) a landscape plan shall be prepared by the applicant and submitted to the Department of Land Management who shall, in turn, forward it to the Department of Agriculture, Office of the Chief of Forestry, for review and approval.

This landscape plan shall:

- a. Be drawn to a scale of 1 inch equal to 100 feet and shall include dimensions and distances;
- b. Delineate existing and proposed parking spaces and all other vehicular use areas;
- c. Designate by name and location all plant material to be installed or preserved in accordance with these Standards;
- d. Identify and describe all other landscape material and elements proposed to be used;
- e. Show all landscape features, including areas of vegetation to be preserved in relationship to all existing or proposed buildings and/or any other improvements to the site;
- f. Include a tabular summary clearly indicating the relevant statistical information necessary for the Office of the Chief of Forestry to determine compliance with these Standards. This information shall include gross acreage, square footage of vegetation preservation areas, the number and species of trees to be planted and/or preserved, square footage of paved areas, and such other information as the Office of the Chief of Forestry may require. (If additional information has been specifically requested by the Office, a copy of the letter shall be attached to the landscape plan.)

Has a landscape plan been submitted and does it contain, at a minimum, all of the information called for above? Yes ___ No ___

SIGN STANDARDS CHECKLIST

1. Does the applicant propose as part of the development or redevelopment, the use of signs which qualify under the exemption status and which will adhere to the applicable requirements below?
 - a. Changing of the copy of an existing sign or performing maintenance to an existing sign, provided that no structural changes are made. Yes ☐ No ☐
 - b. Temporary, non-illuminated real estate signs which are no more than three (3) square feet in area, and whose purpose is to advertise the sale or rental of premises upon which the sign is located. Yes ☐ No ☐
 - c. Temporary non-illuminated signs erected in connection with new construction activity, when such signs do not exceed sixteen (16) square feet in area, are displayed only during the period that actual construction is being done, and are located only at the actual construction site. The sign may identify the architect, engineers, contractors, and other firms involved in the construction project, but not any advertisement of any product used in the construction activity. Yes ☐ No ☐
 - d. Private or commercial name plate identification signs, or combination name plate and street identification signs, or trespass signs when such signs do not exceed two (2) square feet. Yes ☐ No ☐
 - e. Signs for events of an island-wide nature as may be authorized by the Legislature or the Governor. Such signs shall be removed within forty-eight (48) hours after the conclusion of the event. Yes ☐ No ☐
2. Enforcement: It shall be unlawful to erect, place, construct, reconstruct, alter, maintain, or move any sign except as provided herein.
 - a. Maintenance: Every sign including, but not limited to, those signs for which permits or for those for which no permits are required, shall be maintained in a safe, presentable, and good structural condition at all times. This shall require the replacement of defective parts, painting, repainting, cleaning, and other necessary actions to maintain these signs in a satisfactory condition. The owner of any property on which a sign is located and those responsible for the maintenance of the sign shall be equally responsible for the keeping of the sign and its immediate environs in a clean, safe, and sanitary condition, free from noxious or offensive substances, rubbish, and flammable materials.

Does the applicant acknowledge and agree to adhere to the maintenance requirements as specified above. (A letter signed by the applicant stating that he or she will adhere to these requirements will serve this purpose.) Yes ☐ No ☐

Does the applicant agree to refrain from allowing dangerous and defective signs to be placed or maintained on their property? (A letter signed by the applicant stating that he or she will abide by this requirement will serve this purpose.) Yes ☐ No ☐
 - b. Application for Permit: Has the permit application been completed and found to include at a minimum the information itemized below:

- (1) An application for a sign permit made by the owner of the property or his authorized agent, except for political signs. Yes ___ No ___
- (2) A legal description of the property where the sign is proposed to be located; the name, address, and telephone number of the owner or his authorized agent; the name, address, and telephone number of the sign installer/erector. Yes ___ No ___
- (3) The type of sign surface area, and value of the sign proposed. Yes ___ No ___
- (4) The signature of the applicant; a drawing to scale showing the design and location of the sign, and an indication as to the material to be used to construct the sign. Yes ___ No ___
- (5) Its color, and how it is proposed to be affixed to the property; its translation, if not in English or Chamorro. Yes ___ No ___
- (6) Has any additional information been requested (a copy of the letter must be attached) and has said information been provided? Yes ___ No ___
- c. Statement of Authorization: Any application for a sign permit which is signed by an individual other than the property owner shall be accompanied by a notarized statement of authorization consenting to the sign placement by the owner of record, or if the property or building upon which the sign to be located is leased, a copy of the executed lease shall accompany the publication form. In the event that the building or property is leased and the application form is signed by an individual other than the lessor of record, the application shall be accompanied by a notarized statement of authorization signed by the lessor consenting to the sign placement and a copy of the executed lease.
- (1) Have all the necessary documents mentioned above been submitted and has it been established that the applicant is either the owner of the property or one who is authorized to make decisions regarding sign placement on a particular property? Yes ___ No ___
- (2) Has the applicant presented the appropriate plans and specifications drawn to scale and submitted such details in triplicate? Yes ___ No ___
- d. Do these plans and specifications, at a minimum, contain the following information:
- (1) Sign dimensions? Yes ___ No ___
- (2) Lot frontage on all public rights-of-ways? Yes ___ No ___
- (3) Maximum and minimum height of the sign, as measured from the finished ground floor grade? Yes ___ No ___
- (4) The location of the sign in relation to property lines, public rights-of-way, easements, buildings, and any other existing signs on the property? Yes ___ No ___

- (5) Dimensions of the sign's supporting members? Yes ___ No ___
- (6) For illuminated signs, the type, placement, intensity, and proposed hours of operation? Yes ___ No ___
- (7) All construction and electrical specifications, if any, of the proposed sign? Yes ___ No ___
- e. Are there any existing signs on the property where the proposed sign will be located? Yes ___ No ___
- (1) If so, has the applicant made available the number, type, location and surface area of such signs? Yes ___ No ___

3. Structural Requirements and Sign Detail

- a. Compliance with Other Codes: All signs hereafter erected shall comply with all applicable provisions of all other codes as related to structural design.

Has the applicant submitted a letter to the effect that he or she shall comply with the provisions of all other relevant codes? Yes ___ No ___

- b. Other Specifications

- (1) Any sign erected, displayed or maintained pursuant to these Performance Standards that contains a message in a language other than Chamorro or English shall include an accurate translation in the Chamorro or English language which shall be printed on the sign in Roman alphabet characters. The Chamorro Language Commission shall assist in the translating and shall provide a written approval to the Building Official's Office for existing and new signs. The Chamorro or English translation must predominate the sign.
- (2) No sign shall be erected or installed so as to obstruct any fire escape, required exits, or window or door opening intended as a means of egress from a building.
- (3) No sign shall be erected or installed that interferes with any opening required for ventilation.
- (4) No sign shall be erected or installed that creates a potentially unsafe situation because of its proximity to electrical conductors.
- (5) Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for potable water, wastewater, gas, fuel, electricity, or communications equipment or lines. The placement of any sign shall not interfere with any stormwater drainage facility or channel.
- (6) No visible angle or other supporting frame structure for the support of projecting, roof, and/or canopy signs are allowed except for structures designed to be an integral part of the sign.

Does the application for a sign permit contain the necessary plans, specifications and information that would establish substantial compliance of said application with the standards set forth above? Yes ___ No ___

Does the applicant agree to comply with the regulations which prohibit the use of signs with moving parts, animated signs and, except in the case of non-profit and Government of Guam sponsored activities, banners and pennants? Yes ___ No ___

4. Churches, Public and Quasi-Public Institutions: Identification signs for churches and public and quasi-public institutions shall not exceed a surface area of sixteen (16) square feet. Such signs may only be non-illuminated, internally illuminated, or indirectly illuminated.

Does the applicant's permit application adhere to the requirements stated in the section above pertaining to churches, public and quasi-public institutions? Yes ___ No ___

5. Combination Signs: The thickness between the principal facades of any combination (or double-faced) sign shall not exceed twenty-two (22) inches when such sign is of solid construction. Combination signs shall be prohibited for all residential uses.

Do the plans that have been submitted as part of the application show that, if a combination (double-faced) sign is proposed, the above requirements will be met? Yes ___ No ___

6. Directional Signs: Directional signs may be located in any Zoning District; however, they shall be located entirely on the property for which they are providing directional information. Such signs shall not exceed three (3) square feet in area, and shall be installed so that the top of the sign is not more than three (3) feet above the ground. A maximum of fifteen (15) square feet of directional sign area shall be permitted per business. Directional signs shall include only directional information (i.e., one-way routes, location of parking, location of delivery areas, etc.), and not provide any commercial information or the advertising of any product or business.

Are the standards contained in the directional sign sections of the zoning code agreed to by the application as evidenced in plan, specifications and information submitted? Yes ___ No ___

7. Electrical Signs:

- a. All electrical signs shall be constructed of incombustible material.
- b. All electrical wiring, connections, and apparatus pertaining to the installation and/or any maintenance of any electrical sign must be installed by or done by an electrician licensed by the Government of Guam.
- c. Any person engaged in the business of construction, erecting, or maintaining electrical signs shall employ at least one (1) person who is an electrician licensed by the Government of Guam.

8. Ground Signs: Ground signs shall have a minimum ten (10) foot setback from any property line adjacent to a public right of way, unless the bottom of said ground sign is at least ten (10) feet above grade. No portion of any such sign shall project into a public right of way.

9. Identification of Signs: All signs requiring a permit shall have a permanent weatherproof identification plate affixed to the exterior of the sign structure such that it may be readily seen when the sign is installed, and shall indicate:

- a. The name of the fabricator of the sign.
- b. The name of the erector of the sign.
- c. The sign permit number.
- d. The date of erection or installation of the sign.

Is the application in full accordance with provisions for electrical signs, ground signs and identification signs as stipulated above? Yes ___ No ___

10. Has the permit application and all relevant material been reviewed and found to be in compliance with the standards pertaining to illumination, as enumerated below? Yes ___ No ___

- a. The types of illuminated signs that are allowed under the terms of these regulations include, but are not limited to:
 - (1) Reflective signs, where the sign itself is neither lighted internally nor has an external source of light specifically directed at it. This type of sign depends on the general lighting of the area for its illumination.
 - (2) Internally illuminated signs, where the sign message areas is constructed of any translucent material and has internal lighting.
 - (3) Signs which are illuminated by spotlights, with the lighting specifically directed to the wording on the sign.
- b. The light from any illuminated sign shall be so shaded and shielded that the light intensity or brightness will not be objectionable to surrounding properties.
- c. All external illumination shall be directed downward and shielded so that only the sign for which the lighting is intended to be highlighted shall be accomplished.
- d. Neither the direct nor reflective light shall create a traffic hazard to operators of motor vehicles.
- e. No sign shall have blinking, flashing, or fluttering lights or other illumination devices which has a changing light intensity, brightness, color, or direction. Strobe lights are not permitted.
- f. No searchlights may be used for advertising purposes.
- g. Property sale, lease, rental, and construction project signs shall not be illuminated.
- h. No colored lights shall be permitted at any location or in any manner that could create confusion with or be construed to be traffic control devices.
- i. All illuminated signs shall be turned off no later than 11:00 pm unless the business remains open after that hour. All illuminated signs must be turned off between the time of closing and the time of reopening if the business is open after 11:00 pm.

Has a letter been submitted by the applicant stating that he or shee agrees to abide by the requirments of a. thorught i. above? Yes ___ No ___

11. Are the following landscaping standards acknowledged by the applicant and does the permit application reflect consistency with the standards below?

- a. A landscaped area shall be provided and maintained in a neat and orderly manner at the base of every ground sign, in addition to any other required landscape standards.
- b. Said landscaped area shall contain a minimum of one (1) square foot for each square foot of sign surface area.

Has the applicant shown on his or her plans that, if a ground sign is proposed to be erected, the above conditions will be met? Yes ___ No ___

12. The locations of all signs for which a permit is being applied must be in conformance with the locational requirements listed below. Has the applicant shown, either on the plans that have been submitted or in a letter accompnaying the applicant, that:

- a. No sign shall be attached to a gutter, drainpipe, or fire escape, nor shall any sign be installed that impedes access to a roof? Yes ___ No ___
- b. No sign shall be installed in any location where, by reason of its position, it will obstruct the view of any authorized traffic signal, sign, or other traffic control device? Yes ___ No ___
- c. No sign, except for political signs, shall be attached to any tree or utility pole? Yes ___ No ___
- d. All signs, except for political signs, shall pertain to a permitted use on the property upon which they are installed? Yes ___ No ___
- e. No business, office, or industrial use shall have more than two (2) signs per public right of way frontage? Yes ___ No ___

13. Sign Dimensions

- a. Construction or Development Signs: One (1) sign shall be permitted on any construction or development site. The maximum sign size shall not exceed sixty-four (64) square feet. Development or construction signs shall be approved for installation on any site by the Building Official's Office only after a site plan for the development of that site has been approved by the Department of Land Management.

If applicable, have the standards set forth above for construction and development signs been satisfied? Yes ___ No ___

- b. **Ground Signs and/or Pole Signs:** The maximum surface area for a ground sign shall not exceed sixty-four (64) square feet per side, for a total of one hundred and twenty-eight (128) square feet maximum, and shall have a maximum height of twenty (20) feet as measured from the ground to the highest point of the sign. In addition to the general dimensional requirements stated above for pole and/or ground signs, the following standards shall apply:

<i>Structure Width</i>	<i>Maximum Sign Area</i>
Twenty-Five (25) feet or less	Thirty-two (32) square feet per side.
More than twenty-five (25) feet but less than fifty (50) feet per side.	Forty-eight (48) square feet
Fifty (50) feet or more	Sixty-four (64) square feet per side.

- Has the applicant complied with the conditions pertaining to ground signs and/or pole signs, if applicable? Yes ☐ No ☐
- c. If the applicant is seeking a permit to erect a low profile sign, has said applicant adhered to these standards? Yes ☐ No ☐
- d. The leading edge of the sign, including landscaping, shall not project into the right of way of any street and shall be located in landscaped areas with all edges of the sign enclosed to prevent people walking into the sign or its parts. Has the applicant shown on his or her plans that his condition will be met? Yes ☐ No ☐
- e. The height to the bottom of the sign panel shall be less than nine (9) feet. Has the applicant shown on his or her submitted plans that this condition will be met? Yes ☐ No ☐
- f. A maximum height of fifteen (15) feet from the ground shall be allowed. Does the submitted plans show that this requirement will be met? Yes ☐ No ☐
- g. **Projecting Signs:** A projecting sign may be erected or installed subject to the following:
- (1) The sign shall not extend more than four (4) feet beyond the surface of the building to which it is attached.
 - (2) **Surface Area Limitations:**

<i>Building Height (stories)</i>	<i>Surface Area Limits</i>
1	12 Square Feet
2	24 Square Feet
3	36 Square Feet
4	48 Square Feet
5	60 Square Feet
6 and over	100 Square Feet

(3) There shall be a clearance of at least nine (9) feet between the ground and the bottom of the sign and no sign shall overhang into a vertical projection of a public right of way.

- h. Any business located on a corner lot may have one (1) projecting sign on the corner of the building, or one (1) projecting sign on each wall forming the corner of the building.
- i. No business shall have a projecting sign and a wall sign on the same street frontage.
- j. No business shall have more than one (1) projecting sign on each street that it faces.

If the applicant is proposing to erect a sign, determined to be a projecting sign, then has he or she demonstrated through the submitted plans that the above requirements will be met?

Yes ___ No ___

14. Shopping Center Signs: One (1) ground sign shall be permitted with a maximum surface area limited to one hundred (100) square feet per side, for a total of two hundred (200) square feet. Maximum height limitations shall be thirty (30) feet, measured from the ground to the highest point of the sign. There shall be a clearance of at least nine (9) feet between the ground and the sign surface area.

Does the application for a permit to erect a shopping center sign meet the above criteria?

Yes ___ No ___

15. Wall Signs: The permitted area of signs, unless otherwise specified herein, is dependent on the dimensions of the structure's frontage. Wall signs shall be permitted on the side of a building designated as its front facade, when such a building is on a corner lot. The total combined wall sign area permitted for all such signs shall not exceed one (1) square foot of sign area for each lineal foot of the smallest lot frontage. For the purpose of determining a sign's area, the total area is that within the smallest parallelogram, triangle, circle or semi-circle, or combinations thereof which will completely enclose the perimeter of the overall sign, including the border, if any, but excluding the structural supports.

Does the application for a permit to erect a wall sign meet the requirements set forth above?

Yes ___ No ___

16. Political Signs: It is the intention of the Legislature that information concerning elections and candidates be readily available to the general public through road signs on Government property. Therefore, notwithstanding any other provision of law:

- a. Candidates for public office or other persons having an interest in an election may place political signs, including posters and banners, advocating voting for or against candidates, or other matters to be considered by the electorate, on Government property upon payment of a single one thousand dollar (\$1,000.00) deposit to the Department of Public Works to insure that the signs are removed within two (2) weeks after the election, subject to the following restrictions:

- (1) Wooden or metal freestanding signs may not be posted within eight (8) feet of the paved traveled portion of the roadway or in such a manner that they impede drivers' visibility of other traffic.
 - (2) Signs shall not be nailed to trees on Government property.
 - (3) Signs may not block any sidewalk, road, or driveway.
 - (4) No building permits shall be required for temporary political campaign signs, other than the one thousand dollar (\$1,000.00) deposit stipulated in this Section.
 - (5) Nothing in this Section shall be construed as authorizing the posting of campaign material of any kind on or in any Government building.
 - (6) No wooden or metal freestanding sign may be posted at any intersection if it will in any way impede visibility of drivers and traffic.
 - (7) No sign may be posted in any traffic median strip.
 - (8) If signs are not removed within two (2) weeks after the day of any general or special election, the single one thousand dollar (\$1,000.00) deposit shall be forfeited as liquidated damages for removal of the signs.
 - (9) The Department of Public Works may require each candidate or person or group posting freestanding signs on Government property to provide a list of the approximate location of all signs.
- b. Candidates for public office or other persons having an interest in an election may place political signs that are limited to paper or cloth posters advocating voting for or against candidates, or other matters to be considered by the electorate, on Guam Power Authority power poles or on Guam Telephone Authority poles, subject to the following restrictions and conditions:
- (1) No campaign material of any kind may be posted on or in any buildings belonging to the Guam Power Authority or the Guam Telephone Authority.
 - (2) No banner or advertisement may be strung on any of the Authorities' poles.
 - (3) No sign or other advertising element may be attached to any pole of the Authorities that will create a hindrance to that pole's accessibility for line repair maintenance work.
 - (4) Small-sized paper, plastic or cloth signs or posters, not to exceed eighteen inches (18") by twenty-four inches (24"), may be stapled, taped or glued to the Authorities' poles, provided that the person placing the sign shall remove the same no later than two (2) weeks following the election. Under no circumstances, however, may roofing tacks or nails of any size be used in attaching the signs or posters to the Authorities' poles.

- c. No building permit shall be required for political signs on private property; provided, that the person erecting the sign has the permission of the private property owner first; and further provided, that all such signs shall be removed within two (2) weeks after the election.
- d. Political signs may not be erected pursuant to this Section earlier than one hundred eighty (180) days before any special, general, or primary election.

Has the applicant submitted all required documents, fees, plans and other information necessary to acquire a permit to erect political signs? Yes ☐ No ☐

Does the applicant acknowledge and agree to the time limitations and conditions, in writing, set forth for installation and removal of political signs? Yes ☐ No ☐

17. Real Estate and Project Development Signs

- a. Real estate signs may be erected or installed without a permit as temporary signs and all such signs shall be removed within two (2) weeks after a sale on said property has been consummated. No more than one (1) real estate sign may be displayed per street frontage on a property and each of these signs shall contain no more than three (3) square feet. The maximum surface area for any real estate sign shall be as enumerated below. For each of the following signs, a permit shall be required prior to their installation or erection.

(1) Residential development containing more than two (2) and fewer than eight (8) dwelling units: sixteen (16) square feet.

(2) Residential development containing more than eight (8) dwelling units: thirty-two (32) square feet.

(3) Non-residential development less than one (1) acre in size: sixteen (16) square feet.

(4) Non-residential development more than one (1) acre in size: thirty-two (32) square feet.

- b. Construction project signs shall not exceed a total surface area of thirty-two (32) square feet and shall be installed so that the top of the sign is no more than ten (10) feet above ground level, and shall require a sign permit to be issued prior to installation or erection.
- c. Subdivision sale signs shall be located within the subdivision or development for which they are intended to serve. The total surface area of any such sign shall not exceed thirty-two (32) square feet. Subdivision sale signs shall be maintained in a good state of repair and removed from the premises when one (1) year has expired from the date of issuance of the latest building permit.

Has the applicant seeking a permit to erect a real estate or project development sign or signs complied with the standards and provisions set forth above, either in writing or as evidenced in his or her submitted plans?? Yes ☐ No ☐

18. Does the applicant intending to erect a temporary sign meet the following criteria?

- a. Special signs advertising public entertainment and/or special events (fairs, carnivals, fiestas, etc.) shall be permitted for up to fourteen (14) days prior to the date that the entertainment or special event commences and shall be removed within three (3) days of the event's conclusion. Yes ___ No ___
- b. No more than three (3) permits for a temporary sign shall be allowed per building or structure during any four (4) month period, no matter how many businesses exist within the building or structure. Yes ___ No ___
- c. No temporary sign shall be installed within the public right of way or any required landscaped area. Yes ___ No ___
- d. The total sign surface area shall not exceed sixty (60) square feet. Yes ___ No ___
19. Is the applicant for a sign permit able to indicate that their sign will not constitute a traffic hazard as defined below? Yes ___ No ___
- a. No sign shall hereinafter be erected, installed, operated, used, or maintained which:
- (1) Due to its position, shape, color, format, or illumination, obstructs the view of or may be confused with an official traffic sign, signal, or device.
 - (2) Contains display lights resembling the flashing lights customarily associated with emergency situations, such as those used by police, fire, ambulance, or any other emergency vehicle.
 - (3) Uses in a manner which may confuse motor vehicle operators, the words "stop," "warning," "turn," or similar words implying the existence of danger or the need to stop or maneuver.
 - (4) Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, or other thoroughfare.
 - (5) Obstructs visibility at street intersections for motorists.

HISTORIC AND CULTURAL CONSERVATION CHECKLIST

1. To properly complete an historic preservation review, the applicant must prepare and submit to the Historic Resources Division the following elements:

- a. A description of the proposed project;
- b. An identification of any historic properties that may be affected by the proposed action; and
- c. An assessment of the affects of the proposed action on the historic properties.

Has the applicant submitted to the Historic Resources Division a report that addresses these three elements? Yes ___ No ___

2. Did the preservation review process proceed through the steps of consultation and decision? Yes ___ No ___

- a. Consultation regarding project alternatives and identification needs? Yes ___ No ___
- b. Identification of historic properties and evaluation? Yes ___ No ___
- c. Determination of effects? Yes ___ No ___
- d. Consultation to produce a preservation/mitigation plan? Yes ___ No ___
- e. Implementation with approved preservation mitigation plan? Yes ___ No ___

3. Did the applicant provide all the necessary documents listed below to provide sufficient information to reasonably support the determination to be made for the appropriate below?

- a. No Historic Properties. The required documentation is:

- (1) A description of the project or activity sufficiently detailed to determine an area of potential effect;
- (2) A description of the area of potential effect; and
- (3) A description of how the presence or absence of historic properties in the area of potential effect was assessed.

Did the applicant provide sufficient documentation to support a finding of "No Historic Properties"? Yes ___ No ___

- b. No Effect and No Adverse Effect. The required documentation is:

- (1) A description of the undertaking sufficient to determine an area of potential effect, and to determine the potential effects of the undertaking on historic properties likely to be contained in that area;
- (2) A description of the historic properties in the area of potential effect, with adequate detail to assess the potential effects of the project as described;

- (3) When the project meets the criteria of "Effect" but not the criteria of "Adverse Effect", documentation should also explicitly include a description and justification of how and why the criteria of "Adverse Effect" have been found not to apply to the circumstances of the undertaking; and
- (4) Where there is more than one historic property known or likely to occur and the effects of the undertaking are different for the properties, the documentation should explicitly list the findings for each property.

Did the applicant provide the required documentation to support a finding of "No Effect" or No adverse Effect"? Yes ☐ No ☐

c. Adverse Effect with Mitigation. The required documentation is:

- (1) A description of the undertaking sufficient to determine the area of potential effects, and to determine the effects on each historic property known or found likely to occur within the area of potential effects;
- (2) A description of the historic properties known or likely to occur in the area of potential effects, with sufficient detail to reasonably determine the scope of the adverse effects, if any, on the historic property;
- (3) Where there is more than one historic property and the effects are different, the documentation should explicitly list each historic property and the finding applicable to each; and
- (4) Measures to be instituted to avoid adverse effect, mitigate adverse effects, or to enhance and protect historic properties shall be described in detail in a Mitigation/Preservation Plan, accepted and approved by the GHPO.

Did the applicant provide the required documentation to support a finding of "Adverse Effect with Mitigation"? Yes ☐ No ☐

4. In the case of reapplication of a certificate of approval, did the applicant make substantive changes in the project description, historic property identification and evaluations, or proposed Preservation/Mitigation plans if these were part of the denied application? Yes ☐ No ☐
5. If an applicant chooses to apply for a programmatic agreement, did the proposed project meet the conditions listed below? Yes ☐ No ☐
 - a. Effects on historic properties are similar and repetitive through many phases or stages of a program;
 - b. Effects on historic properties cannot be fully determined prior to approval; and
 - c. Preservation concerns are being coordinated with long-term management activities.
6. Is the applicant informed of the fact that the Department of Parks & Recreation is authorized to enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof; provided that no member, employee or agent of the Department may enter any private building or structure without the express consent of the owner or occupant thereof? Yes ☐ No ☐

AGRICULTURAL LAND PROTECTION STANDARDS CHECKLIST

1. Prime Agriculture Areas

a. "PA" Prime Agriculture Overlay Districts Maps

- (1) The boundaries of the "PA" Prime Agriculture Overlay Districts shall be the same as shown and listed in the *Official Soil Survey of the Territory of Guam* and the specific areas from said Survey hereinafter described, published by the United States Department of Agriculture: Soil Conservation Service, or from a soil map superimposed upon an aerial photograph compiled and attested to by a Certified Soil Scientist. The soil characteristics, notations, and explanatory material contained in the Soil Survey are declared to be a part of these standards. Subsequent amendments and supplements to the Soil Survey shall be adopted automatically.
- (2) The "PA" Prime Agriculture Overlay Districts shall include the corresponding designated areas as identified in the *Soil Survey* as indicated below:
 - (a) 27 Guam-Saipan complex, zero to seven percent slopes (Saipan soil).
 - (b) 39 Pulantat-Kagman clays, zero to seven percent slopes (Kagman soil).
 - (c) 48 Togcha-Akina silty clays, three to seven percent slopes (Togcha soil).
 - (d) 50 Togcha-Ylig complex, three to seven percent slopes (Togcha soil).

Has the applicant submitted a map or other documentation that clearly shows that the land he or she wishes to have designated as Prime Agricultural Land lies within one of soil classifications listed above?

Yes ___ No ___

2. Creation of Agricultural Land Preservation Area

a. Has the applicant seeking the establishment of an Agricultural Land Preservation Area met the following criteria:

- (1) An owner or owners of farmland may submit a proposal to the Department of Land Management for the creation of an agricultural land preservation area. Does said area, contain at least twenty (20) acres of land if the primary activity is livestock production or five (5) acres if the primary activity is crop production and provided is located in Zoning District 2? (A smaller area may be created if the farmland proposed is adjacent to an established agricultural land preservation area.) Yes ___ No ___
- (2) Does proposal include a description of the proposed area, including its boundaries. Yes ___ No ___
- (3) Does the land to be included in an agricultural land preservation area have the written consent of the owner of the property. Yes ___ No ___

b. Does the same applicant propose to use the area being petitioned as an Agricultural Land Preservation Area in any one of the following permitted uses?

Principal Permitted Uses:

- (1) Agricultural operations as defined in the "Definitions" section of this Zoning Code. Yes ____ No ____
- (2) Residences constructed for occupation by a person engaged in farming or in a family farming operation. Yes ____ No ____
- (3) Property of any electric or telephone utility company, or any public water or sewer utility facility. Yes ____ No ____

STORMWATER MANAGEMENT STANDARDS CHECKLIST

1. Stormwater Management Permits: A stormwater management permit shall be applied for and obtained from the Guam Environmental Protection Agency prior to commencement of development or redevelopment activity on land for which a permit waiver has not been issued, or which does not qualify as an exemption.

- a. Applicability: A stormwater management permit is required for the development or redevelopment on land with more than three thousand (3,000) square feet of impervious area (roof, parking, etc. in any combination).

Does the development propose the establishment of more than 3,000 square feet of impervious surface area? Yes ___ No ___

- b. Application for Stormwater Management Permit

- (1) A stormwater management permit applicant shall submit copies of the following items which shall be prepared by a registered professional engineer. In preparing the following items, the applicant shall be guided by the "Guam Erosion and Sedimentation Control Manual" of the Guam Environmental Protection Agency.

- (a) A location map showing the location of the site with reference to such landmarks as major waterbodies, adjoining roads, estates, or subdivision boundaries.
- (b) A detailed site plan showing the location of all existing and proposed pavement and structures.
- (c) Topographic maps of the site before and after the proposed alterations.
- (d) Information regarding the types of soils and groundwater conditions existing on the site.
- (e) General vegetation maps, as required by Chapter IX, Section G., 3., 6. (2) of the Zoning Code, of the site before development and a plan showing the landscaping to be performed as part of the project.
- (f) Construction plans and specifications necessary to indicate compliance with the requirements of these Standards.
- (g) Runoff computations based on the most critical situation (rainfall duration, distribution, and antecedent soil moisture condition) and conforming to the "Guam Erosion and Sedimentation Control Manual" using rainfall data and other local information applicable to the affected area.
- (h) Storage calculations showing conformance with the requirements of these Standards.

- (i) Sufficient information for the Agency to evaluate the environmental qualities of the affected waters, and the effectiveness and acceptability of those measures proposed by the applicant for reducing adverse impacts.
- (j) Such other supporting documentation as may be appropriate, including maps, charts, graphs, tables, specifications, computations, photographs, narrative descriptions, explanations, and citations to supporting references.
- (k) Additional information necessary for determining compliance with the intent of these Standards as the Agency may require.

Have all of the items listed above been prepared by a person who, by a submission of his/her credentials, gives evidence of his/her expertise to perform this task?

Yes ___ No ___

Have copies of all of the items listed above been submitted?

Yes ___ No ___

Has any additional information been requested (a copy of the letter must be attached) and has said information been provided?

Yes ___ No ___

Do the engineering calculations accompanying the erosion and sedimentation control plans confirm that the developed or redeveloped portion of the site is able to retain on site the first inch of rainfall within 72 hours after each storm event?

Yes ___ No ___

- (2) In the event that the Agency (GEPA) concurs that on site retention is not suitable, the first inch of rainfall shall then be detained and released over a period of 24 hours to 72 hours in a manner acceptable to the Agency.

Do the alternative plans and calculations meet with Agency requirements as stated above?

Yes ___ No ___

Does the peak rate of discharge from the site after development or redevelopment comply with the Agency's requirements that such peak rate not exceed the rate from that site prior to development as computed for the 25 year and/or 100 year, 24-hour storms?

Yes ___ No ___

- (3) If the volume of runoff from a site after development or redevelopment exceeds the volume of runoff from the site prior to development during the 25-year 24-hour storm, then a period of not less than 24 hours nor greater than 72 hours will be allowed for that detained difference in volume to be released.

Do the erosion and sedimentation control calculations demonstrate compliance with the above stated requirement?

Yes ___ No ___

- (4) In such cases where the Agency determined that a proposed site consists predominantly of poorly drained soils having a permanently and naturally impaired recharge potential, a waiver may be issued. Such a waiver request must include the following:

- (a) Maps at a scale that are adequate for the Agency to determine the sites for which the waiver is being sought.
- (b) A list of the specific lots for which the waiver is being sought.
- (c) A letter reflecting the developer's determination for the need of such a waiver.

Have the above requirements for such a waiver been satisfied?

Yes ___ No ___

Will adequate measures be taken to prevent water from becoming a health hazard or from contributing to the breeding of mosquitoes? (Has a statement, in writing, been provided to indicate the measure that will be taken?)

Yes ___ No ___

Do the erosion and sedimentation control plans and calculations adequately address the following Agency requirements relating to the management of stormwater, erosion protection, and protection of the environment on and around the site to be developed or redeveloped?

Yes ___ No ___

- (5) Where possible, natural vegetation shall be used as a component of drainage design. The manipulation of the water table should not be so drastic as to endanger the existing natural vegetation that is beneficial to water quality. Has a statement, in writing been provided by the applicant that this condition will be met?

Yes ___ No ___

- (6) Runoff from higher adjacent land shall be considered and provisions for conveyance of such runoff shall be included in the drainage plan.

Yes ___ No ___

- (7) No site alteration shall cause siltation of wetlands, pollution of downstream wetlands, or reduce the natural retention or filtering capabilities of wetlands. Has a statement, in writing, been included by the applicant to indicate that this requirement will be met?

Yes ___ No ___

- (8) Stormwater runoff shall be subjected to best management practice prior to discharge into natural or artificial drainage systems. Best management practice shall mean a practice or combination of practices determined by the Agency to be the most effective, practical means of preventing or reducing the amount of siltation and pollution generated by the project. Has a statement, in writing, been included by the applicant to indicate that best management practices shall be employed?

Yes ___ No ___

- (9) All site alteration activities shall provide for such water retention and settling structures and flow attenuation devices as may be necessary to insure that the foregoing standards and requirements are met. Do the plans , as submitted, provide for the water retention and settling structures indicated above?
Yes ___ No ___
- (10) Runoff shall be treated to remove oil and floatable solids before discharge from the site in a manner approved by the Agency. Has evidence been provided, as part of the application, to indicate that the treatment of runoff as outlined above will be accomplished?
Yes ___ No ___
- (11) Erosion by wind or water shall be prevented throughout the construction process.
Yes ___ No ___
- (12) For the purpose of this Section, it is presumed that the lowering of the water table to construct detention/retention basins and to permanently protect road construction does not conflict with the stated objectives of these Standards, if all of the following are met:
- (a) The development site is not in an area known to the Government, based on data collected and interpreted by the U.S. Geological Survey, or other professional investigators, as important to recharge or to the prevention of discharge of any aquifer.
 - (b) If ditches, underdrains or similar devices are used to lower the water table, the lateral volumetric effect will be calculated, and the volume will be deducted from that allowed for retention areas.
 - (c) The high water table may be lowered to two (2) feet below the undisturbed ground in the vicinity of roads for the purpose of protecting the sub-base and base of the roadway and/or for the purpose of preventing mosquito breeding.
 - (d) The lowering of the water table has no adverse effect on wetlands as defined in this Section.
 - (e) The lowering of the water table does not increase flows to the detriment of neighboring lands.
- Have the erosion and sedimentation control plans and accompanying calculations been checked and found to be in accordance with the above stated guidelines and consistent with the subsequent stated objectives of these standards?
Yes ___ No ___

(13) **Review Procedure:** The Agency, in approving or denying a stormwater management permit application, shall consider as a minimum the following factors:

- (a) The characteristics and limitation of the soil at the proposed site with respect to percolation and infiltration.
- (b) The existing topography of the site and the extent of topographical change after development.
- (c) The existing vegetation of the site and the extent of vegetational changes after development.
- (d) The plans and specifications of structures or devices the applicant intends to employ for on-site stormwater retention or detention with filtration, erosion control and flow attenuation.
- (e) The impact the proposed project will have on the natural recharge capabilities of the site.
- (f) The impact the proposed project will have on downstream water quantity and, specifically, the potential for downstream flooding conditions.
- (g) The continuity of phased projects. (Projects that are to be developed in phases will require the submission of an overall plan for the applicant's total land holdings.)
- (h) The effectiveness of erosion control measures during construction.
- (i) Permits required by any governmental jurisdiction to be obtained prior to the issuance of a permit under this Section.
- (j) The effect the proposed water management will have upon mosquito breeding habitats.
- (k) The adequacy of easements for drainage systems in terms of both runoff conveyance and maintenance.
- (l) The method of handling upland flow which presently discharges through the site.
- (m) The maintenance entity responsible for upkeep of the system upon its completion.

Has a stormwater management permit application been submitted and does it contain, at a minimum, all of the information outlined above?

Yes ____ No ____

Has the applicant complied with all requirements set forth for the submittal of necessary information, any additional information (as evidenced by a copy of the letter) or for any amendments related to conditions or modifications that they have been requested after review and approval? Yes ___ No ___

c. Application for Review for Modification to Existing Development

(1) Any persons proposing to make any change in the size of any existing structure may submit an application for review to the Guam Environmental Protection Agency to determine the requirement for a stormwater management permit. Those applications that shall be considered by the Agency must be within the following parameters:

- (a) There shall be no change in the volume of stormwater nor shall the rate of stormwater runoff be affected;
- (b) The construction of any structure not otherwise exempt shall not exceed one thousand (1000) square feet of impervious surface on or parallel to the ground.
- (c) The development shall not consist of the construction of any new paved area;
- (d) The development shall not consist of the construction of any drainage improvements; and
- (e) The development shall not involve the alteration of the shape of land.

Has the application been submitted, reviewed and its purpose found to be entirely within the parameters enumerated above? Yes ___ No ___

(2) Application Requirements: The application for preliminary review shall contain sufficient information regarding the proposed improvements to adequately define the features of the project which impact the location, rate and the volume of stormwater runoff. Does the application, at a minimum, contain the following information:

- (a) Name, address and telephone number of the applicant? Yes ___ No ___
- (b) Location map, address, legal description of the proposed improvement? Yes ___ No ___
- (c) Statement expressing the scope of the proposed project. Yes ___ No ___
- (d) Schedule of proposed improvements? Yes ___ No ___
- (e) Sketch showing existing and proposed structures, paving, and drainage patterns? Yes ___ No ___

Does the application also contain a written system maintenance agreement as required for installed on site retention/detention systems?

Yes ___ No ___

(3) Does the system maintenance agreement additionally allow the Territorial Government:

(a) To have adequate ingress and egress to inspect the premises at reasonable times? Yes ___ No ___

(b) If necessary, take corrective action should the owner fail to properly maintain the system(s). Yes ___ No ___

FLOODPLAIN PROTECTION STANDARDS CHECKLIST

1. Permit Procedure: Application for a permit shall be made to the Department prior to any development activities, and shall include, but not be necessarily limited to plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing facilities; the location of the proposed development activity; proposed cuts and filling of any land area; existing and/or proposed storage of materials; existing and/or proposed stormwater drainage facilities; and the locations of all of the foregoing.

Has the permit application been found to include, at a minimum, the above information and has this information been reviewed and declared adequate?

Yes ___ No ___

2. Application Stage: Does the application provide the following:

- a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures? Yes ___ No ___
- b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed? Yes ___ No ___
- c. Certificate from a registered professional engineer or architect registered in the Territory of Guam that the nonresidential floodproofed structure will meet the floodproofing criteria contained in these Performance Standards? Yes ___ No ___
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development? Yes ___ No ___

3. Construction Stage: Has the applicant been informed of and has said applicant agreed in writing to provide a floodproofing certificate in compliance with these standards?

Yes ___ No ___

4. Variance Procedures

- a. Variances may be issued for new construction and substantial improvements to be erected on a lot one-half (1/2) acre (2,000 square meters) or less in size if it is contiguous to and surround by lots with existing structures constructed below the base flood level, provided that all items contained in Subsection C., (1) through (9) below, have been fully considered.
- b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places without regard to the procedures set forth in the remainder of this Section, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historical designation.

Does the applicant qualify for a variance as detailed above, and has the applicant met all standards specified in other sections of these Performance Standards?

Yes ___ No ___

c. Has the applicant for a variance adequately evaluated and subsequently provided findings related to the following issues:

- (1) The danger to life and property due to flooding or erosion damage?
Yes ___ No ___
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner?
Yes ___ No ___
- (3) The importance of the services provided by the proposed facility to the community?
Yes ___ No ___
- (4) The necessity of the facility's relationship to a waterfront location, in the case of a functionally dependent facility?
Yes ___ No ___
- (5) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use?
Yes ___ No ___
- (6) The relationship of the proposed use to the Land Use Plan for that area?
Yes ___ No ___
- (7) The safety of access to the property in times of flood for ordinary and emergency vehicles?
Yes ___ No ___
- (8) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site?
Yes ___ No ___
- (9) The costs of providing Governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, electrical, water systems, streets, and bridges?
Yes ___ No ___

Have all subsequent conditions and provisions pertaining to Subsection c., (1) through (9), been addressed in a manner consistent with the purposes of these standards?

Yes ___ No ___

Has the applicant for a variance satisfactorily demonstrated that the development proposed will not increase flood levels during base flood discharge?

Yes ___ No ___

d. Conditions for Variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. In the case of an historic building, a determination must be made that the variance is the minimum necessary so as not to destroy the historic character, design, and designation of the building.

- (2) Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Has the applicant satisfactorily complied with each and every condition set forth above?

Yes ___ No ___

5. Provisions for Flood Hazard Reduction

- a. General Standards: In all areas of special flood hazard the following provisions are required. Has the applicant demonstrated in his or her development plans that:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy?

Yes ___ No ___

- (2) All manufactured homes shall meet the anchoring standards of Subsection 5. d. (1) and (2) of this Section?

Yes ___ No ___

- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage?

Yes ___ No ___

- (4) New construction or substantial improvements shall be erected by methods and practices that minimize flood damage?

Yes ___ No ___

- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding?

Yes ___ No ___

- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system?

Yes ___ No ___

- (7) New and replacement sanitary sewage lines shall be designed to minimize or eliminate infiltration of flood waters into them and discharges from them into flood waters?

Yes ___ No ___

(8) On-site waste disposal systems (septic tanks) shall be located and constructed to avoid impairment to them or contamination from them during flooding?
Yes ___ No ___

(9) Any alteration, repair, reconstruction, or improvements to a structure that is in compliance with the provisions of this Section, and shall meet the requirements of "new construction" as contained in this Section?
Yes ___ No ___

Has the applicant provided the necessary plans, calculations and notations to establish substantial compliance with the General Standards itemized above?
Yes ___ No ___

b. Specific Standards: The following specific standards apply to all areas of special flood hazard where base flood elevation data have been provided.

(1) If application is for residential construction, do the appropriate plans confirm that:
(a) The lowest floor, including basement, will be built at an elevation set no lower than the base flood elevation? Yes ___ No ___

(b) Any solid wall foundation techniques used show opening sufficient to facilitate the unimpeded movements of flood waters?
Yes ___ No ___

(2) If application is proposing non-residential construction, then has the applicant demonstrated, through the appropriate submittals, that he or she has complied with the following provisions:

(a) New construction or substantial improvement of any commercial, industrial, or nonresidential structure shall have the lowest floor, including basement, elevated no lower than the level of the base flood elevation. Structures located in all areas designated a zone "A" (i.e., areas of special flood hazard) may be floodproof in lieu of being elevated, provided that all areas of the structure, together with attendant utility and sanitary facilities, below the required elevation are water-tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A professional engineer or architect registered in the Territory of Guam shall certify that these standards are satisfied. Such certification shall be provided to the Department of Public Works and the Department of Land Management.

Has the applicant enlisted the services of a professional engineer or architect who, by submission of their credentials, gives evidence of their expertise to perform the tasks listed above? Yes ___ No ___

Have the tasks been undertaken in a manner found to be adequate and in compliance with the purpose of these standards? Yes ___ No ___

c. Elevated Buildings

- (1) Has the applicant seeking approval to construct or substantially improve an elevated building, designed said building in a fashion to allow for the safe entry and exit of flood waters into and out of any enclosed areas or interior walls below the base flood elevation? Yes ☐ No ☐
- (2) Have these designs been created by a professional engineer or architect registered in the Territory of Guam, who, by a submission of their credentials, establishes that they are qualified to undertake such designs? Yes ☐ No ☐
- (3) Do the plans submitted for construction or substantial improvement of an elevated building meet the following minimum criteria:
- (a) Provide 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? Yes ☐ No ☐
- (b) The bottoms of all openings are no higher than one foot above grade? Yes ☐ No ☐
- (c) Openings may be equipped with screens, louvers, valves or other coverings or devices, provided they permit the automatic flow of floodwaters in both direction? Yes ☐ No ☐
- (d) Electrical, plumbing, and other utility connections are above the base flood elevation? Yes ☐ No ☐
- (e) Access to the enclosed area is the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator)? Yes ☐ No ☐
- (f) The interior portion of such enclosed area has not been partitioned or finished into separate rooms? Yes ☐ No ☐
- (4) Floodways: Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area, due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential, the following provisions shall apply. Has the applicant shown on his or her development plans that:
- (a) Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited, unless certification (with supporting technical data) by a professional engineer registered in the Territory of Guam is provided, demonstrating that such encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge? Yes ☐ No ☐

- (b) If no floodway is designated, then a setback of ten (10) meters from the banks of the watercourse, river, stream, ocean, bay or pond which is reserved to discharge the base flood shall be established, wherein encroachment shall be prohibited? Yes ___ No ___

Has all technical data been certified by a locally registered architect or engineer, who, by a submission of their credentials, is deemed qualified to perform this task? Yes ___ No ___

- (5) Coastal High Hazard Areas (V Zones): Located within the areas of special flood hazard are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash and, therefore, the following provisions shall apply:

Do all plans, calculations and notations submitted by the applicant proposing development or substantial redevelopment in a designated V-Zone meet, at a minimum, the following provisions:

- (a) All buildings or structures have been elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located no lower than one (1) foot above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water? Yes ___ No ___
- (b) Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action? Yes ___ No ___
- (c) All buildings or structures have been securely anchored on pilings or columns? Yes ___ No ___
- (d) All pilings and columns and the attached structures have been anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components? The anchoring and support system have been designed with wind and water loading values which equal or exceed the one hundred (100) year mean recurrence interval? Yes ___ No ___
- (e) A professional engineer or architect registered in the Territory of Guam has certified that the design, specifications and plans for construction are in compliance with the provisions contained in these Standards? Yes ___ No ___
- (f) No fill has been material used as structural support? Yes ___ No ___

- (g) Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes, provided the fill will wash out from a storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection?
Yes ___ No ___
- i. Particle composition of fill material does not have a tendency for excessive natural compaction? Yes ___ No ___
- ii. Volume and distribution of fill will not cause wave deflection to adjacent properties? Yes ___ No ___
- iii. Slope of fill will not cause wave run-up or ramping? Yes ___ No ___
- (h) Analysis and design plans involving landscaping or aesthetic fill shall be performed by an engineer or architect and/or soil scientist which by a submission of their credentials demonstrates the capability to perform such work? Yes ___ No ___
- (i) There shall be no alteration of mangrove mudflats that would increase potential flood damage? Yes ___ No ___
- (j) Lattice work or decorative screening shall be allowed below the base flood elevation, provided they are not part of the structural support of the building and are designed to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which they are to be used, and provided the following design specifications are met:
- i. No solid walls shall be allowed? Yes ___ No ___
- ii. Material shall consist of lattice or mesh screening only? Yes ___ No ___
- (k) If aesthetic lattice work or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises? Yes ___ No ___
- (l) Prior to construction, plans for any structures that will have lattice work or decorative screening must be submitted to the Commission for approval? Yes ___ No ___
- (m) Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening? Yes ___ No ___

d. Standards for Subdivision Proposals.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which is no less than three (3) acres in size.

Does the applicant seeking to develop a subdivision acknowledge and, at a minimum, comply with the standard enumerated above, as well as demonstrate in their proposal consistency with the purposes of these standards? Yes ___ No ___

e. Standards for Manufactured Homes and Manufactured Home Parks and Subdivisions

(1) Anchoring

- (a) All manufactured homes to be placed or substantially improved within any designated flood hazard zone shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least two (2) feet above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions found in Subsection (b) below.

Has the applicant adequately demonstrated on the submitted plans that the lowest floor is at least two (2) feet above the base flood elevation? Yes ___ No ___

- (b) All manufactured homes and additions to manufactured homes shall be anchored to resist flotation, collapse or lateral movement by one or more of the following methods:
 - i. By providing an anchoring system designed to withstand horizontal forces of fifteen (15) pounds per square foot and up-lift forces of nine (9) pounds per square foot; or
 - ii. By anchoring the unit with a system which is in compliance to the Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards; or
 - iii. By providing over-the-top and frame ties to ground anchors as follows:

- (A) Over-the-top ties shall be attached at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, provided that manufactured homes less than fifty (50) feet long require only one (1) additional tie per side; and
- (B) Frame ties shall be attached at each corner of the manufactured home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring only four (4) additional ties per side; and all components of the anchoring system be capable of carrying four thousand, eight hundred (4,800) pounds.

Have all the appropriate plans and design specifications been submitted and thoroughly reviewed, and subsequently been found to be in compliance with the above requirements? Yes ___ No ___

Is the applicant aware of and do they agree to provide written certification demonstrating full compliance with the above standards as they pertain to the anchoring of manufactured homes? Yes ___ No ___

- (2) **Manufactured Home Parks and Manufactured Homes:** The following standards are required for manufactured homes not placed in manufactured home parks or subdivisions; new manufactured home parks or subdivision; expansions to exiting manufactured home parks or subdivisions; and repair, reconstruction, or improvements to existing manufactured home parks or subdivisions that equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.
 - (a) Adequate surface drainage and access for a hauler shall be provided.
 - (b) All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home is at least two (2) feet above the base flood levels. If elevated on pilings:
 - i. The lots shall be large enough to permit steps.
 - ii. The pilings shall be placed in stable soil no more than ten (10) feet apart; and
 - iii. Reinforcement shall be provided for more than six (6) feet above the ground level.
 - (c) No manufactured home shall be placed in a floodway, except in an existing manufactured home park or existing manufactured home park subdivision, unless the manufactured home meets the same standards as conventional housing and other development.

- (d) No manufactured home shall be placed in a coastal high hazard area, except in an existing manufactured home park or an existing manufactured home subdivision, unless such manufactured homes meet the same building code standards as conventional housing.
- (e) Certification of compliance with these Standards is required of the developer responsible for the plan to the Department of Public Works.

Has the applicant proposing the installation of manufactured homes outside of a subdivision or park consented through design plans and notations the intention to comply fully with the above requirements? Yes ___ No ___

- e. Standards for Areas of Shallow Flooding (AO Zones): Located within the areas of special flood hazard are areas designated as shallow flooding areas (AO Zones). These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet, where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate and, therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- (2) All new construction and substantial improvements of nonresidential structures shall:
 - (a) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or
 - (b) Together with attendant utility and sanitary facilities, be completely floodproofed to or above the level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Does the applicant propose development within an area designated as a Shallow Flooding Zone? Yes ___ No ___

If so, has the applicant provided the necessary information through which a determination can be made that said development will comply with all of the above requirements? Yes ___ No ___

WELLFIELD/GROUNDWATER PROTECTION STANDARDS CHECKLIST

1. Has an accurate determination been made regarding the location of the proposed site and its proximity to different groundwater and surface water classification zones, and has the correct zone been identified? Yes ___ No ___

2. Conditions of Permitting, Planning and Zoning

- a. General Water Criteria Applicable To All Territorial Waters: All waters shall meet generally accepted aesthetic qualifications, shall be capable of supporting desirable aquatic life, and shall be free from substances, conditions or combinations thereof attributable to domestic, commercial and industrial discharges or agricultural, construction and land-use practices or other human activities that:

- (1) Cause visible floating materials, debris, oils, grease, scum, foam, or other floating matter which degrades water quality or use;
- (2) Produce visible turbidity, settle to form deposits, or otherwise adversely affect aquatic life;
- (3) Produce objectionable color, odor, or taste, directly or by chemical or biological action;
- (4) Injure or are toxic or harmful to humans, animals, plants, or aquatic life; and
- (5) Induce the growth of undesirable aquatic life:

Analytical testing methods for these criteria shall be in accordance with the most recent editions of *Standard Methods for the Examination of Water and Wastewater* (APHA, AWWA, WPCF), *Methods for Chemical Analysis of Water and Wastes* (U.S. Environmental Protection Agency), and other methods acceptable to GEPA and possessing adequate procedural precision and accuracy.

Does the proposed development ensure that waters on or in near proximity to the project are not adversely impacted and will continue to meet the generally accepted standards as spelled out above? Yes ___ No ___

- b. Does the applicant understand that all site containment, discharge and various other water quality issues will be reviewed against the specific water quality criteria, and that they must meet those criteria applicable to the water classification zone identified for the proposed development? Yes ___ No ___

- c. General Effluent Limitations: Department of Land Management, acting on the advice of the Guam Environmental Protection Agency (GEPA) reserves the right to amend or extend the following criteria as improved standard methods are developed or revisions consistent with the enhancement of water quality are justified:

- (1) All sewage shall be treated to the degree required by GEPA to achieve standards of water quality prior to being discharged to the water of the Territory. Industrial waters and other wastes shall also be treated to the degree required by GEPA.

Do the applicant's plans, calculations and other data relating to sewage treatment and discharge clearly indicate compliance with water quality standards adopted by the Guam Environmental Protection Agency? Yes ☐ No ☐

- (2) Dilution of the effluent from any source as a sole means of treatment is not acceptable as a method of treatment of wastes to meet the standards set forth in this Section. Rather, it shall be the obligation of any person discharging pollutants of any kind to the water of the Territory to provide the best pollutant removal or control consistent with technological feasibility, economic reasonableness, and sound engineering judgment. In making a determination as to what degree of treatment is the best pollutant removal or control within the meaning of this paragraph, GEPA and/or the Department of Land Managment shall consider the following:

- (a) The degree of waste reduction that can be achieved by process change, improved housekeeping and recovery of individual waste components for reuse; and
- (b) Whether individual process wastewater streams should be segregated or combined.

Has the applicant sufficiently demonstrated that various pollutant removal or control systems consistent with technological feasibility, economic reasonableness, and sound engineering judgement will be employed in the proposed project?

Yes ☐ No ☐

Has the applicant indicated, in writing, that he or she will submit the required operating reports for discharge analysis to GEPA at a frequency established by that agency?

Yes ☐ No ☐

d. Prohibited Discharges

- (1) No person shall cause or permit:

- (a) The discharge of any wastes or wastewaters regardless of volume, unless authorized by the GEPA Administrator under Section 47016 of the Water Pollution Control Act or unless subject to control or modification required by a schedule of compliance established by the GEPA Board of Directors;
- (b) The discharge of any pollutant in toxic amounts, including the substances which may accumulate to toxic amounts, during the expected life of organisms in the receiving water, which are lethal to, or which produce deleterious genetic, physiological, or behavioral effects in the organisms;
- (c) The discharge of any radiological, chemical, biological warfare agents, or radioactive wastes and contaminated radioactive materials from any facilities.
- (d) Any discharge that the Administrator of the United States Environmental Protection Agency has objected to in writing pursuant to any right to object provided by the Federal Water Pollution Control Act, as amended;

- (e) Any discharge which is in conflict with any approved Territorial plan;
- (f) Any pollutant discharge into S-1 or G-1 waters as defined in these Standards;
- (g) Any discharge of visible floating materials including scum and foam.

Has the applicant indicated, in writing, that he or she will adhere to the requirements above which strictly prohibit the discharge of toxins and other polluting substances into Territorial waters?

Yes ___ No ___

e. Land Disposal of Treated Wastewaters

- (1) Approval of land disposal of treated liquid wastewater (e.g., septic tanks) requires that;

- (a) Wastewaters shall be restricted to the premises of the disposal site;
- (b) Provision shall be made by the discharger for monitoring the quality of the effluent with the exception of single family dwelling units unless there are more than five (5) units connected to a single system, or GEPA requires it after identifying a potential hazard;
- (c) All monitoring data and reports required under a discharge permit shall be submitted to GEPA;
- (d) Land disposal shall not create a public health hazard, a nuisance condition or an air pollution problem;
- (e) These standards do not solely govern water/wastewater to be reused to produce products which may end up in the human food chain, such as crops, animal feed or animal products. GEPA will consider such reuse on a case-by-case basis using available guidelines on best available technology.

Does the applicant agree to meet the parameters enumerated above as they pertain to treated liquid wastewater (e.g., septic tanks)?

Yes ___ No ___

- (2) The evaluation for a permit for land treatment and/or disposal of wastewater(s) should include, but not necessarily be limited to, consideration of the following items:

- (a) The type of wastewater(s) proposed for disposal. (The wastewater(s) should be biologically degradable but other wastewater(s) will be considered, provided it can be shown that disposal of the wastewater(s) will not adversely affect the designated use of the waters underlying or adjacent to the disposal site).

- (b) The nature of the earth material(s) underlying the disposal site. (The applicant must provide positive assurance that the earth material(s) underlying the proposed disposal site will not allow movement of pollutants in to underlying groundwaters so as to exceed groundwater standards.)
- (c) The vegetative cover of the disposal site. (The selection of a vegetative cover should reflect the disposal season(s), the duration and frequency of disposal and the response of the vegetative cover to the wastewater. If the wastewater proves to be deleterious to vegetative cover, a higher degree to treatment or another means of disposal will be required.)

Has an adequate evaluation been submitted which analyzes the type of wastewater proposed for disposal, the geologic makeup of the surrounding area and the vegetation cover of the disposal site? Yes ☐ No ☐

Has the applicant provided the necessary plans and other information to make an accurate assessment of compliance, with the following provisions, in accordance with purpose and goals set forth for wellfield and groundwater protection? Yes ☐ No ☐

- (3) Improperly and/or inadequately treated sewage shall not be allowed to accumulate on the ground surface in such a manner that it may create a health hazard and/or a nuisance condition. Has the applicant indicated on the site plan and/or in written statements that this condition shall be met? Yes ☐ No ☐

- (4) It shall be a violation of these Standards to store, dispose of, or allow to accumulate any solid waste or other deleterious material adjacent to or in the immediate vicinity of any swamps, marshes, mangroves, streams, rivers, wetlands, or marine waters in a manner that such material will directly or indirectly enter such waters or wetlands. Such material shall include, but not be limited to sewage, sludge, trash, rubbish, garbage, oil, gasoline, chemicals, sawdust, accumulations of manure, and stockpiles of soil. Has the application indicated in a written statement that these requirements shall be met? Yes ☐ No ☐

- (5) In case of accidental spills of deleterious materials, responsible persons in charge shall immediately notify the GEPA Administrator of any such spills and make every reasonable effort to contain spilled material in such a manner that it will not pollute waters of the Territory. Has the applicant indicated in a written statement that he or she agrees to meet these requirements? Yes ☐ No ☐

- (6) Wastewater discharge to disposal wells for underground disposal shall receive, prior to discharge, treatment necessary to protect potable water resources and any adjacent marine waters or fresh surface waters. Has the applicant indicated in a written statement that this requirement shall be met? Yes ☐ No ☐

- f. **Petroleum Storage Facilities:** Any storage facility containing petroleum products or hazardous substances not directly adjacent to navigable waters and not below capacity requirements of six hundred (600) gallons shall be provided with secondary containment to protect Guam's groundwater resources from potential threat to oil or hazardous substances discharges. In case of spills, the Federal Spill Prevention Control counter measure requirements shall be observed.

Has the applicant seeking to develop a Petroleum Storage Facility properly designed a secondary containment system, and has said applicant made provisions to introduce Federal Spill Prevention Control measures in case of spills?

Yes ☐ No ☐

HILLSIDE DEVELOPMENT PERFORMANCE STANDARDS CHECKLIST

1. If the applicant is filing an application with the Department of Land Management for a permit to develop a property having slopes with a natural gradient in excess of fifteen (15) percent, is the application accompanied by appropriate site plans, grading plans, sections, and elevations?
Yes ___ No ___
2. Is the site physically suitable for the design and siting of the proposed development in which there is a minimum disturbance of sensitive areas?
Yes ___ No ___
3. Did the grading and excavation proposed take measures to avoid soil erosion, silting of lower slopes or coastal waters, slide damage, flooding, severe scarring or any other geological instability or fire hazard that would affect health, safety, and general welfare?
Yes ___ No ___
4. Did the proposed development retain the visual quality of the site, the aesthetic qualities of the area and the neighborhood characteristics by utilizing proper structural scale and character, varied architectural treatments, and native and self-sufficient vegetation?
Yes ___ No ___
5. Referring to the guidelines below, is the proposed development in conformance with the Land Use Plan and the Zoning District in which it is located?
Yes ___ No ___

a. ***GUIDELINES FOR DEVELOPMENT IN ZONING DISTRICT 2***

FINDING: THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE OF SENSITIVE AREAS.

- (1) Guideline 1: Design structures to fit into the hillside rather than altering the hillside to fit the structure.

Does the submitted site plan:

- (a) Use retaining structures as an alternative to banks of cut and fill, and design and site such structures to avoid adverse visual impact?
Yes ___ No ___
- (b) Consider "unconventional structures" that fit into the hillside, including:
 - (i) stilt houses;
 - (ii) reduced footprint design;
 - (iii) multiple "step-up" or "step-down" structures; or
 - (iv) structures with open foundations, if landscaping screens the underside area of the building?
Yes ___ No ___
- (c) Use foundation types that are compatible with existing hillside conditions?
Yes ___ No ___
- (d) Discourage standard prepared pads resulting in grading outside of the building footprint and driveway area?
Yes ___ No ___

- (2) Guideline 2: Development shall be sited on the least sensitive portion of the site to preserve the natural land forms, geological features, and vegetation.

Does the submitted site plan:

- (a) Design and locate structures so they fit into the contours of the hillside and relate to the form of the terrain? Yes ☐ No ☐
- (b) Locate development to minimize disturbance of the sensitive area? Yes ☐ No ☐
- (c) Minimize coverage by using multi-level structures? Yes ☐ No ☐
- (d) Cluster development away from natural drainageways as much as possible? Yes ☐ No ☐
- (e) Avoid disturbance of major rock outcroppings, major trees, ridge lines, natural plant formations, and known archaeological sites? Yes ☐ No ☐
- (f) Development should not overwhelm hillside vegetation to the extent that the natural character of the hillside is destroyed? Yes ☐ No ☐
- (g) When appropriate, place structure as close to the street as possible to preserve the natural terrain. In some cases, this would require development on the steep portions to preserve the drainageways, or development on the flat portions to preserve the hillsides? Yes ☐ No ☐
- (h) Avoid, whenever possible, development encroachment into slope areas of fifteen (15) percent or more? Yes ☐ No ☐

FINDING: THE GRADING AND EXCAVATION PROPOSED IN CONNECTION WITH THE DEVELOPMENT WILL NOT RESULT IN SOIL EROSION, SILTING OF LOWER SLOPES, SLIDE DAMAGE, FLOODING, SEVERE SCARRING OR ANY OTHER GEOLOGICAL INSTABILITY THAT WOULD AFFECT HEALTH, SAFETY AND GENERAL WELFARE. DISTURBED SLOPES ARE PLANTED WITH NATIVE OR SELF-SUFFICIENT VEGETATION.

- (3) Guideline 3: Limit the amount of impervious surfaces. Design and site such surfaces to support the natural system of drainage.

Does the submitted site plan:

- (a) Design drainage systems away from neighboring properties and into the existing water flow pattern? Yes ☐ No ☐
- (b) Reduce width of street improvements, reduce sidewalk requirements, use common driveways and cluster units, if open space will thereby be preserved? Yes ☐ No ☐

- (4) Guideline 4: The site should be replanted with self-sufficient trees, shrubs and groundcover that are compatible with existing surrounding vegetation.

Does the submitted site plan indicate?

- (a) All manufactured slopes shall be planted with erosion control, fire resistant, and self-sufficient plantings? Yes ___ No ___
- (b) Transitional slopes shall be planted to enhance the blending between manufactured and natural slopes? Yes ___ No ___
- (c) Landscaping plans should not require excessive irrigation? Yes ___ No ___

- (5) Guideline 5: In cases where cut and fill grading are required, the slopes shall avoid straight and unnatural slope faces?

Does the submitted site plan indicate:

- (a) All manufactured slopes shall be planted with erosion control, fire resistant, and self-sufficient plantings. Yes ___ No ___
- (b) Transitional slopes should be planted to enhance the blending between manufactured and natural slopes? Yes ___ No ___

FINDING: THE PROPOSED DEVELOPMENT RETAINS THE VISUAL QUALITY OF THE SITE, AESTHETIC QUALITIES OF THE AREA, AND THE NEIGHBORHOOD CHARACTERISTICS BY UTILIZING PROPER STRUCTURAL SCALE AND CHARACTER, VARIED ARCHITECTURAL TREATMENTS, AND APPROPRIATE PLANT MATERIAL.

- (6) Guideline 6: Employ a variation in architectural design.

Does the submitted site plan:

- (a) Design all required off-street parking space to be either under or over the structure, depending on whether the lot is uphill or downhill from the street? Yes ___ No ___
- (b) Use deck areas, either on the roof of the parking area or the house, or extending from the house to reduce the amount of grading? Yes ___ No ___
- (c) Employ zero-lot line developments where permitted if visual or open space qualities can be gained? Yes ___ No ___
- (d) Vary the treatment of rooftops to avoid the monotony of materials, forms and colors? Rooftop utilities shall be avoided, except for solar-type improvements? Yes ___ No ___

- (7) Guideline 7: Consider existing vegetation when landscaping the site.

Does the submitted site plan:

- (a) Protect existing resources from being trampled or destroyed? Yes ___ No ___

(b) Keep new landscaping compatible with existing vegetation and the scenic character of the area? Yes ___ No ___

(c) Preserve the natural landscaped vegetation on slopes adjacent to natural drainageways? Yes ___ No ___

(8) Guideline 8: Match scale and character of buildings with scale and character of terrain.

Does the submitted site plan:

(a) Keep the scale (height and bulk) of the structure compatible with the site and the neighborhood? Yes ___ No ___

(b) Irregular architectural edges shall be used to interlock structures with hillside contours and vegetation? Yes ___ No ___

(c) Discourage development patterns that form visually protruding horizontal bands or vertical bulk? Yes ___ No ___

(d) Avoid visible construction cuts and permanent scarring? Yes ___ No ___

(9) Guideline 9: Provide pedestrian walkways to visual overlook areas.

Does the submitted site plan indicate:

(a) Pathways to provide public access to natural and recreational open spaces and vistas? Yes ___ No ___

b. ***GUIDELINES FOR DEVELOPMENT IN ZONING DISTRICTS 3 THROUGH 8.***

FINDING: THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT. THE PROPOSED DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE OF SENSITIVE AREAS.

(1) Guideline 1: Roadways shall not be parallel to one another to avoid a "shelving" effect. Roadways shall follow the natural contours to avoid excessive cut and fill and emphasize the existing hillside topography, existing significant trees, major rock outcroppings, and other significant physical constraints.

Does the submitted site plan indicate:

(a) Roadways shall follow the natural contours? Yes ___ No ___

(b) Reduce roadway width to minimize cut and fill? Yes ___ No ___

(c) When feasible, sidewalks should be on one side of the street only? Yes ___ No ___

(d) Encourage culs-de-sac, loop streets and common driveways? Yes ___ No ___

(e) Route streets around trees and major rock outcroppings?

Yes ___ No ___

(2) Guideline 2: Parking should be unobtrusive and not cause additional grading.

Does the submitted site plan show that this has been achieved? Yes ___ No ___

(3) Guideline 3: Place all utilities underground.

Does the submitted site plan contain a notation to indicate that this condition has been met? Yes ___ No ___

(4) Guideline 4: Design the development to adapt to the natural hillside topography, terrain, and vistas.

Does the submitted site plan:

(a) Keep development close to the street to minimize the need for long driveways? Yes ___ No ___

(b) When feasible, orient lots toward views and vistas, at right angles to contour lines? Yes ___ No ___

(c) Allow for different lot shapes and sizes, with the prime determinant being the natural terrain? Encourage split pads in large development projects? Yes ___ No ___

(d) Allow for flag lots in areas where the available building area is limited by topography? (Flag lots should be used if the end result is the preservation of topography by minimizing grading. Fifteen (15) percent grade driveways or greater shall be discouraged.) Yes ___ No ___

(5) Guideline 5: Significant hillsides in Zoning Districts 3 through 8 are defined as those areas unique to the particular site that deserve special attention and design consideration. These significant areas that shall be given priority for preservation include: 1) native tree stands or man-made groves that have matured into unique visual environments, 2) rock outcroppings of unique character, 3) ridgelines, where they are highly visible from adjacent public areas or neighborhoods, and 4) areas that are a part of or adjacent to an open space system. While these areas may vary from site to site, project designs shall give priority to their preservation. The intent is not to stop development, but to direct it toward the least sensitive areas of the site.

Does the submitted site plan:

(a) Strive to preserve significant hillsides? (Isolated pockets of fifteen (15) percent slopes or greater would not be necessarily classified as significant.) Yes ___ No ___

(b) Encourage development on areas of the site and lot with less than a fifteen (15) percent natural grade? Yes ___ No ___

- (6) Guideline 6: Cluster development to emphasize and preserve the existing topography and conserve existing resources.

Does the submitted site plan:

- (a) Minimize coverage by using multi-story structures? Yes ___ No ___
- (b) Identify all designated open space areas for preservation? Yes ___ No ___

FINDING: THE GRADING AND EXCAVATION PROPOSED IN CONNECTION WITH THE DEVELOPMENT WILL NOT RESULT IN SOIL EROSION, SILTING OF LOWER SLOPES, SLIDE DAMAGE, FLOODING, SEVERE SCARRING OR ANY OTHER GEOLOGICAL INSTABILITY THAT WOULD AFFECT HEALTH, SAFETY AND THE GENERAL WELFARE. DISTURBED SLOPES ARE PLANTED WITH NATIVE OR SELF-SUFFICIENT VEGETATION.

- (7) Guideline 7: Identify on grading plan which slopes shall be landform graded and which shall be conventionally graded. "Landform Grading" shall mean a contour grading method which creates artificial slopes with curves and varying slope ratios on the horizontal plane designed to simulate the appearance of surrounding natural terrain. The concept of landform grading incorporates creating ravine and ridge shapes with protective drainage control systems and integrated landscaping design.

Does the submitted site plan indicate:

- (a) Slopes shall be landform graded including slopes adjacent to scenic corridors, slopes subject to public view, slopes adjacent to open space areas, and slopes internal to the project that may be significant to public view? Yes ___ No ___
- (b) Slopes internal to the project may be conventionally graded, if deemed compatible with (1) above? Yes ___ No ___

- (8) Guideline 8: On slopes where landform grading has been deemed appropriate, have the required grading plans been designed to accomplish the following:

- (a) Curved Slopes. Linear slopes are to be avoided. Instead, cut and fill slopes shall have curved configurations that reflect as closely as possible the forms and shapes of surrounding topography. The toe and the top of the slope shall be curved in a concave and convex manner, respectively. Yes ___ No ___
- (b) Transition with Natural Slopes. At the intersections of manufactured and natural slopes, abrupt angular intersections shall be avoided and contours shall be curved to blend with the natural slope. Yes ___ No ___

- (9) Guideline 9: "Step" development on existing slopes to maximize views. Utilize rooftops for private outdoor spaces.

Does the submitted site plan indicate "stepped" development (if appropriate)?
Yes ___ No ___

- (10) Guideline 10: Use retaining structures when they significantly reduce grading or can eliminate long sliver cuts or fills.

Have retaining structures (walls, etc.) been shown on the site plan (if appropriate)
Yes ___ No ___

- (11) Guideline 11: Design project to maximize public access to overlooks or open space areas.

Does the submitted site plan:

(a) Provide an easement between lots or near the end of streets or
culs-de-sac? Yes ___ No ___

(b) Designate public pathways to scenic vistas? Yes ___ No ___

LANDSCAPE PERFORMANCE STANDARDS CHECKLIST

1. Did the scaled site plan submitted for the paving permit application include dimensions and distance, and clearly delineate the existing and proposed parking spaces or other vehicular use area; access aisles and driveways; the location and size of the buildings to be served; the location, size, and description of all landscape materials; and by name and location the plant material to be installed or, if existing, to be used in accordance with the requirements herein contained? Yes ☐ No ☐
2. Did the applicant state in detail what adjustments of requirements are being requested and the reasons such adjustments are warranted? Yes ☐ No ☐
3. Did the application include supplemental data, such as sketches, surveys, and statistical information, as is deemed necessary to support the adjustment? Yes ☐ No ☐
4. Required Landscaping Adjacent to Public Rights of Way: On the site of a building providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right of way, there shall be provided landscaping between such area and such right of way, as follows:
 - a. A strip of land at least five (5) feet in width, located between the abutting right of way and the off-street parking areas or other vehicular use area, which is exposed to an abutting right of way, shall be landscaped. Such landscaping shall include one (1) tree for each fifty (50) lineal feet or fraction thereof. Such trees shall be located between the abutting right of way and off-street parking or other vehicular use area and shall be installed in a planting area of at least twenty-five (25) square feet, with one dimension being at least five (5) feet. In addition, a hedge at least two (2) feet in height shall be placed along the perimeter of such landscaped strip. The remainder of the required landscaped areas shall be planted with grass, ground cover, or other landscape treatment, excluding paving. Does the submitted site plan show that this requirement has been met? Yes ☐ No ☐
 - b. All property abutting a right of way, other than the required landscaped strip lying between the right of way and off-street parking or other vehicular use areas, shall be landscaped with, at a minimum, grass or other ground cover. Does the submitted site plan show that this requirement has been met? Yes ☐ No ☐
 - c. Necessary accessways from the public right of way through all such landscaping shall be permitted to service the parking or other vehicular use area. Such accessways, however, may not be subtracted from the lineal dimension used to determine the number of trees required. Does the submitted site plan provide the mathematical computations to show that the correct number of trees are proposed to be provided? Yes ☐ No ☐
5. Perimeter Landscaping Relating to Abutting Properties: On the site of a building or structure providing an off-street parking or other vehicular use area, where such areas will not be entirely visually screened by an intervening building or structure from any abutting property, that portion of such area not so screened shall be provided with a hedge that is determined to attain, at maturity, not greater than eight (8) feet, nor less than three and one-half (3 1/2) feet in height, to form a continuous screen between the off-street parking or other vehicular use areas and such abutting property. This landscaped barrier shall be

located between the common lot line and the off-street parking or other vehicular use area exposed to the abutting property. All plants materials shall be installed in a planting strip not less than two and one-half (2 1/2) feet in width. Does the submitted site plan show that these requirements, if applicable, have been met? Yes ☐ No ☐

Additionally, one (1) tree shall be provided for each seventy-five (75) lineal feet of landscape barrier, or fractional part thereof. Such trees shall be located between the common lot line and the off-street parking or vehicular use area. Each tree shall be installed within a twenty five (25) square foot planting area, and no dimension of this area shall be less than five (5) feet. Each such planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving, in addition to the required tree. Does the submitted site plan provide the mathematical computations and indicate the correct number of trees proposed to be planted? Yes ☐ No ☐

The provisions of this Subsection 5. shall not be required to be met in the following situations:

- a. Where a proposed parking or other vehicular use area abuts an existing hedge, wall, or other durable landscape barrier on an abutting property, said existing barrier may be used to satisfy the landscape barrier requirements of this Subsection, provided that said barrier meets all applicable standards of this Law, and protection against vehicular encroachment is provided for by hedges. Does the submitted site plan indicate that a wall, hedge, or other durable landscape barrier exists? Yes ☐ No ☐
- b. Where the abutting property is zoned or used for non-residential activities, only the tree provision with its planting areas as prescribed in this Subsection shall be required.

Has the zoning designation for abutting property(ies) been checked? Yes ☐ No ☐
Is the landscaping that is proposed consistent with the requirements for the abutting area? Yes ☐ No ☐

6. **Parking Area Interior Landscaping:** Off-street parking areas shall have at least ten (10) square feet of interior landscaping for each parking space, excluding those spaces abutting a perimeter for which landscaping is required by any other section of this Zoning Code, and excluding all parking spaces that are directly served by an aisle abutting and running parallel to such a perimeter. Additionally, other vehicular use areas shall have one (1) square foot of landscaped area for each one hundred (100) square feet of paved area or fraction thereof for the first ten thousand (10,000) square feet of paved surface, plus one (1) square foot of landscaped area for each two hundred (200) square feet or fraction thereof of paved area for all pavement surfaces over ten thousand (10,000) square feet. Where the property contains both parking and other vehicular use areas (off-street loading space, for example), the two types of areas may be separated for the purpose of determining the landscape requirements of the other vehicular use area. Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension along any one side of five (5) feet. Each separate landscaped area shall include at least one (1) tree having a clear trunk of at least five (5) feet, with the remaining area landscaped with shrubs, ground cover, or other vegetative material not to exceed three (3) feet in height. Does the submitted site plan show that the above requirements have been met? Yes ☐ No ☐

The total number of trees shall be not less than one (1) for each one hundred (100) square feet or fraction thereof of required interior landscaped area. Such landscaped areas shall be located in such a manner as to visually divide and break up the expanse of parking.

Does the submitted plan include the necessary computations to determine the correct number of interior trees to be provided and does the plan indicate an appropriate planting scheme?

Yes ___ No ___

In vehicular use areas where the strict application of this Subsection 6. would seriously limit their function, the required landscaping may be located near the perimeter of the paved area. If the applicant has requested a waiver from the interior landscaping requirements, has sufficient evidence been produced to justify the waiver? Yes ___ No ___

If the waiver has been granted, has the applicant shown the required landscaped area on the perimeter of the paved area? Yes ___ No ___

The front of a vehicle may encroach upon any interior landscaped area when said area is at least three and one-half (3-1/2) feet in depth per abutting parking space and protected by wheel stops or curbing. Two (2) feet of said landscaped area may be part of the required depth of each abutting parking space. Does the submitted site plan show, in detail, the manner in which vehicle "overhangs" will be dealt with (e.g. curbing, bumpers, etc.) to preserve the required landscaped areas? Yes ___ No ___

7. Sight Distance for Landscaping Adjacent to Public Rights of Way and Points of Access: When an accessway intersects a public right of way, or when a subject property abuts the intersection of at least two (2) public rights of way, all landscaping within the triangular areas described herein shall provide unobstructed cross-visibility at a level between three (3) and six (6) feet, provided however, that trees or palms shall have their limbs and/or foliage trimmed in such a manner that no visual impediment exists within the cross-visibility area, and further provided that any trees or palms are located in such a manner as to create no traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement. Does the site plan show in sufficient detail that the above "Sight Triangle Requirements" will be met, if applicable? Yes ___ No ___

8. Existing Plant Material: In instances where healthy plant material exists on a site prior to its development, in part or in whole, for the purpose of providing off-street parking or other vehicular use areas, the Department of Agriculture, Office of the Chief of Forestry may adjust the application of these standards to allow credit for such plant material if, in its written opinion, such an adjustment is in keeping with and will preserve the intent of these standards. If the applicant is seeking credit for existing vegetation on the site, has a letter been provided from the Office of the Chief of Forestry to indicate the appropriate adjustment to the standards? Yes ___ No ___

9. Installation: All landscaping shall be installed in a sound, professional manner by certified landscape contractors, with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable code requirements. Landscaped areas shall require protection from vehicular encroachment. Has the applicant submitted, in writing, a statement that all landscape installation shall meet the above requirements? Yes ___ No ___

10. Maintenance: The owner, tenant and/or manager or agent of any property that is required to be developed in accordance with these standards shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free from refuse and debris. Has the applicant submitted, in writing, a statement to indicate that all landscaping shall be maintained as stipulated above? Yes ___ No ___

11. Plant Material

- a. Quality: Plant materials used in conformance with the provisions of these standards shall be free of any disease at the time of planting. Has the applicant submitted a statement, in writing, that indicates his or her intent to meet this requirement?
Yes ___ No ___
- b. Trees: All plant material designated as "trees" on an approved site plan shall be species that are rated as having an average mature spread of crown of greater than ten (10) feet in the Territory of Guam. Tree species shall be a minimum of seven (7) feet measured from the top of the root collar, overall height at the time of planting. Trees of species whose roots are known to cause damage to roadways or other public works shall not be planted closer than twelve (12) feet to any roadway, water line or sewer line, unless the tree root system is completely contained within a barrier form, of which the interior containing dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6x6x6) or equivalent. A list of such tree species shall be maintained by the Department of Agriculture, Office of the Chief of Forestry for the guidance of the public. Does the submitted site plan include sufficient construction details for landscaping to show that this requirement will be met?
Yes ___ No ___
- c. Shrubs and Hedges: Shrubs shall be a minimum of two (2) feet in height when measured at the time of planting. Hedges, where required, shall be planted and maintained so as to establish a continuous, unbroken, solid visual screen within a maximum of one (1) year from the date of installation. Does the submitted site plan show that this requirement will be met?
Yes ___ No ___
- d. Vines: Vines shall be a minimum of thirty (30) inches in length at the time of installation and may be used in conjunction with fences, screens, or walls. If vines are proposed to be used, does the plan indicate that they will be a minimum of 30 inches at the time of installation?
Yes ___ No ___
- e. Ground Covers: Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within three (3) months after installation. If ground covers are planned to be used, does the plan show a planting plan that will provide reasonably complete coverage in 3 months?
Yes ___ No ___
- f. Lawn Grass: Grass areas shall be planted in species normally grown as permanent lawns in the Territory of Guam. Grass areas may be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in areas subject to erosion. If any area proposed for development is subject to erosion, does the site plan indicate that, for at least that area, solid sod shall be installed?
Yes ___ No ___

SUPPLEMENTAL REGULATIONS CHECKLIST

1. Accessory Uses

a. General limitations upon accessory uses:

- (1) Is the accessory use located upon the same lot with the principal use?
Yes ___ No ___
- (2) Is the accessory use subordinate to the principal use and is the use or activity customarily incidental to the principal use?
Yes ___ No ___
- (3) Will the accessory use materially or substantially maintain the character of activity of the principal use it serves?
Yes ___ No ___

b. Accessory Uses in Hotels and Multiple Residences: In any hotel or apartment house, limited commercial activities are permitted, subject to certain conditions. Have the following conditions met:

- (1) Are all activities, with the exception of a restaurant or snack bar, located on the ground floor area of the hotel or apartment house?
Yes ___ No ___
- (2) Are the commercial activities that will occupy the ground floor area the customary commercial activities found in hotels including, but not limited to, shops for perfume, liquor, clothes, novelty, jewelry, watches, etc. Yes ___ No ___
- (3) Are the commercial activities provided primarily for the convenience of the residences of the hotel or apartment house?
Yes ___ No ___

c. Accessory Uses in Agricultural Development

- (1) Does the housing of tenants or employees comply with the ratio of no more than one (1) employee for each acre under cultivation?
Yes ___ No ___
- (2) Is the total building area of the roadside stand established for the sale of agricultural products produced at the premises no more than six hundred (600) square feet?
Yes ___ No ___

2. Nonconforming Situations

a. Unless otherwise specifically provided in this Zoning Code, nonconforming situations that were otherwise lawful on the effective date of this Zoning Code may be continued.

Referring to the statement above, is the continuation of the nonconforming situations permissible?

Yes ___ No ___

b. When a nonconforming lot can be used in conformity with all of the requirements applicable to the intended use, except that the lot is smaller than the required minimums set forth in the dimensional and density requirements for each Zoning District, then the lot may be used as proposed just as if it were conforming. Does the nonconforming lot conform in all other respects, except for the dimensional and density requirements set forth for the Zoning District in which it is located?

Yes ___ No ___

- c. Does the nonconforming lot fulfill the following criteria so that the deviations from the applicable setback requirements may be granted:
- (1) The property cannot reasonably be developed for the use proposed without such deviations? Yes ☐ No ☐
 - (2) These deviations are necessitated by the size or shape of the nonconforming lot? Yes ☐ No ☐
 - (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety? Yes ☐ No ☐
 - (4) Compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements? (Financial hardship does not constitute grounds for finding that compliance is not reasonably possible.) Yes ☐ No ☐

- d. Is the nonconforming lot rendered undeveloped due to the fact that it has no substantial structures upon it? Yes ☐ No ☐

If the undeveloped nonconforming lot adjoins and has continuous frontage with one (1) or more other undeveloped lots under the same ownership, is the majority of the lots located within 500 feet on either side of the street where the nonconforming lot is located nonconforming and developed? Yes ☐ No ☐

f. Extension or Enlargement of Nonconforming Situations

- (1) Has the applicant taken precautions to ensure that the physical alteration of structures or the placement of new structures on the open land will not cause:
 - (a) An increase in the total amount of space devoted to a nonconforming use? Yes ☐ No ☐
 - (b) A greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, density requirements, or other requirements such as parking requirements? Yes ☐ No ☐
- (2) Does the nonconforming use apply only to the original building that was designed or was arranged to accommodate such use? Yes ☐ No ☐
- (3) If the applicant wishes to expand the boundaries of the lot where the nonconforming use of open land involves the removal of natural materials from the lot, was 10% or more of the earth products been removed on the effective date of this Zoning Code? Yes ☐ No ☐
- (4) Do changes to the nonconforming use parallel to the increase in the volume, intensity, or frequency of the use of property where the nonconforming situation exists, or the changes in the equipment or processes used at a location where the nonconforming situations exists amount only to changes in the degree of activity rather than changes in kind? Yes ☐ No ☐

- (5) Did the applicant show that the enlargement or replacement of a structure used for single-family detached residential purposes which is maintained as a nonconforming use will not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements? Yes ___ No ___

- (6) Whenever: (i) there exists a lot with one or more structures on it, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the off-street parking or loading requirements of this Zoning Code that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for off-street parking or loading, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable off-street parking and loading requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite off-street parking if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such off-street satellite parking is available within five hundred (500) feet of the site said satellite parking area is intended to serve, measured from property line to property line. If such off-street satellite parking is not reasonably available at the time the permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

Will the proposed use be regarded as resulting in a permissible extension or enlargement of a nonconforming situation in which a satellite off-street parking will be required? Yes ___ No ___

g. Repair, Maintenance, and Construction

- (1) If any proposed major renovation of the property is estimated to cost more than twenty-five (25) percent of the appraised valuation of the structure, did the applicant obtain a permit issued pursuant to this Zoning Code? Yes ___ No ___
- (2) If any damaged structure is not used for single-family detached residential purposes, and the estimated costs of the repair or the replacement of a damaged structure on a lot where a nonconforming situation exists exceed twenty-five percent of the appraised valuation of the damaged structure, then did the applicant apply for a permit pursuant to this Zoning Code? Yes ___ No ___
- (3) For purposes of Subsections g. (1) and g. (2) above:
- (a) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.
 - (b) The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsections g. (1) or g. (2) by doing such work incrementally.

- (c) The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.
- (4) The Zoning Official (with the written concurrence of the Building Official) shall issue a permit authorized by this Section if it finds that, in completing the renovation, repair or replacement work:
 - (a) No violation of Subsection g. (2) above will occur;
 - (b) The permittee will comply to the extent reasonably possible with all provisions of this Zoning Code applicable to the existing use (except that the permittee shall not lose his right to continue a nonconforming use); and
 - (c) Compliance with a requirement of this Zoning Code is not reasonably possible if it cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. (Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible). Did the Zoning Official find (a), (b), and (c) above? Yes ___ No ___

h. Change in Use of Property Where a Nonconforming Situation Exists

- (1) Is the proposed change in the use of property (where a nonconforming situation exists) in accordance with Subsections h. (2) through h. (4) below so that an amendment in accordance with the Zoning Code can be made?
Yes ___ No ___
- (2) If the intended change in use is to a principal use that is permissible in the Zoning District where the lot is located, and all of the other requirements of the Zoning Code applicable to that use can be complied with, did the applicant request permission to make change in the same manner as permission to make the initial use of a vacant lot?
Yes ___ No ___

THE PROPERTY MAY NOT REVERT TO ITS NONCONFORMING STATUS ONCE CONFORMITY WITH THIS ZONING CODE IS ACHIEVED.

- (3) If the intended change in use is to a principal use that is permissible in the Zoning District where the property is located, but all of the requirements of this Zoning Code applicable to that use cannot reasonably be complied with, then the change is permissible if the Department of Land Management approves an application authorizing the change. A permit may be issued if the Zoning Official finds, in addition to any other findings that may be required by this Zoning Code, that:
 - (a) The intended change will not result in a violation of Subsection 2.g. of this Section; and

- (b) All of the applicable requirements of this Zoning Code will be reasonably complied with. Compliance with a requirement of this Zoning Code is not reasonably possible if it cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And, in no case may an applicant be given permission pursuant to this Subsection to construct a building or add to an existing building if additional nonconformities would thereby be created.

Did the Zoning Official make the above findings?

Yes ___ No ___

- (4) If the intended change in use is to another use that is also nonconforming, then the change is permissible if the Department of Land Management approves an application authorizing the change. The Zoning Official may issue the permit if it finds, in addition to other findings that may be required by this Zoning Code, that:

- (a) The use requested is one that is permissible in some other Zoning District;
- (b) All of the conditions applicable to the permit authorized in Subsection h. (3) of this Section are satisfied; and
- (c) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

Did the Zoning Official make the above findings in addition to other findings that may be required by this Zoning Code?

Yes ___ No ___

i. Abandonment and Discontinuance of Nonconforming Situations

- (1) If the applicant is applying for a permit to resume a nonconforming use after it has been (i) discontinued for a consecutive period of one-hundred and eighty (180) calendar days, or (ii) discontinued for a period of time without a present intention of resuming that activity, then does the Department of Land Management find that eliminating the particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on permanent foundation)?

Yes ___ No ___

- (2) According to the terms below, is the applicant allow to continue the nonconforming use after a consecutive period of 180 days of discontinued use?

Yes ___ No ___

For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this Section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for one-hundred and eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter, so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

- (3) Did the one-hundred eighty (180) day period for the purposes of this Section begin to run on the effective date of this Zoning Code if the structure or operation made nonconforming by this Zoning Code is vacant or discontinued at the effective date of this Zoning Code? Yes ☐ No ☐

j. Completion of Nonconforming Projects

- (1) If the client wishes to complete their nonconforming project in accordance with the terms of their permits which are validly issued and remain unrevoked and unexpired when this Zoning Code is in effect, did the construction begin at least one-hundred eighty (180) days before the effective date of this Zoning Code, or did the developer complete at least ten (10) percent in terms of cost of the project? Yes ☐ No ☐

If a development is designed to be completed in stages, this Subsection shall apply only to the particular phase under construction.

- (2) Except as provided in Subsection j. (1) above, all work on any nonconforming project shall cease on the effective date of this Zoning Code, and all permits previously issued for work on nonconforming projects may begin or may be continued only pursuant to a permit issued in accordance with this Section by the Zoning Official for the type of development proposed. The Department of Land Management shall order the issuance of such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on the Zoning Code as it existed before the effective date of this Zoning Code and, thereby, would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the Commission shall be guided by the following, as well as other relevant considerations:
- (a) All expenditures made to obtain or pursuant to a validly issued and unrevoked development permit shall be considered as evidence of reasonable reliance on the Zoning Code that existed before this Zoning Code became effective.
- (b) Except as provided in Subsection j. (2)(a) above, no expenditures made more than one-hundred and eighty (180) days before the effective date of this Zoning Code may be considered as evidence of reasonable reliance on the law that existed before this Zoning Code became effective.

- (c) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditure to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.
- (d) To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.
- (e) An expenditure shall be considered substantial if it is equal to ten (10) percent or more of the total estimated cost of the proposed project (excluding land acquisition).
- (f) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the Zoning Code affecting the proposed development site could not be attributed to him.
- (g) Even though a person had actual knowledge of a proposed change in the Zoning Code affecting a development site, the Department of Land Management may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of this Zoning Code. The Department may find that the developer did not proceed in an attempt to undermine the Zoning Code if it determines that: (i) at the time the expenditures were made, either there was considerable doubt about whether any Zoning Code would ultimately be passed, or it was not clear that the proposed Zoning Code would prohibit the intended development, and (ii) the developer had legitimate business reasons for making expenditures.

Based on the above considerations (a) to (g), did the applicant in good faith make substantial expenditures or incurred substantial binding obligations or otherwise change his position in some substantial way in reasonable reliance on the Zoning Code? Yes ___ No ___

- (3) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under Subsection j. (2). The Department of Land Management shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:
 - (a) Whether any plans prepared or approved regarding uncompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.
 - (b) Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

- (c) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or such a scale, in anticipation of connection to or interrelationship with approved but uncompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but uncompleted phases are constructed in conformity with existing regulations.

Considering the above factors, would the developer be subject to undue deprivation if not allowed to complete phases or segments of a nonconforming project? Yes ☐ No ☐

- (4) The Department of Land Management shall not consider any application for the permit authorized by Subsection j. (2) above that is submitted more than sixty (60) working days after the effective date of this Zoning Code. The Department may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one (1) year.

Was the application for the permit authorized by Subsection j.(2) submitted no more than sixty (60) working days after the effective date of this Zoning Code? Yes ☐ No ☐

- (5) Were copies of this Section sent by Department of Land Management by certified mail no less than fifteen (15) days before the effective date of this Zoning Code to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development? Yes ☐ No ☐
- (6) Was an expedited procedure for hearing applications for permits under this section established so that applicants could be heard before the effective date of this Zoning Code? Yes ☐ No ☐

MAJOR PERMIT SUBMISSION CHECKLIST

1. Has application been checked against Major Permit Threshold Table found in Chapter VIII, Section B.1.e. of the Zoning Code to determine if it is for a major or minor permit?
Yes ___ No ___
2. Has documentation been provided to satisfactorily prove the applicant's ownership or interest in the property being considered for development?
Yes ___ No ___
3. Has the applicant provided a letter from the Department of Revenue and Taxation or other evidence to show that all real estate property taxes owed to the Government of Guam have been paid?
Yes ___ No ___
4. Completeness Determination
 - a. Have seven (7) copies of a *site plan* for the proposed activity been submitted (one of which is a mylar reproducible site plan)?
Yes ___ No ___
 - b. If the *site plan* for the entire property cannot be accommodated on one (1) sheet, has each sheet been numbered and has a key map showing how each numbered sheet relates to each other been provided?
Yes ___ No ___
 - c. Does the *site plan* contain the following information:
 - (1) Shows the proposed development plan of the property at a scale of one (1) inch equals one hundred (100) feet and a north arrow?
Yes ___ No ___
 - (2) Indicates the name, local address and local telephone number of the engineer, architect or land surveyor registered in Guam (including seal) who prepared the plan?
Yes ___ No ___
 - (3) Shows existing and proposed topographic contour lines at an interval not greater than ten (10) feet?
Yes ___ No ___
 - (4) Shows all boundary lines and dimensions, including all platted lot lines within the property?
Yes ___ No ___
 - (5) Shows the location and dimensions of all existing and proposed buildings, including their height in stories and feet, and including the total square footage of ground area coverage of all buildings?
Yes ___ No ___
 - (6) Shows the location and dimensions of all existing and proposed driveways; front, side and rear yard setback dimensions; and, where required, relationship of yard setback dimensions to the height of any building or structure?
Yes ___ No ___
 - (7) Shows the location and dimensions of all parking stalls, access aisles, and a calculation of the number of spaces available, total area of all parking areas and driveways (including the percent of lot coverage of these areas)?
Yes ___ No ___
 - (8) Shows the location and dimensions, including height clearances, where appropriate, of all off-street loading areas?
Yes ___ No ___

- (9) Shows the location, designation and a calculation of the total usable open space, including the use of any paved areas (nor parking or loading areas) as distinguished from grassed or other landscaped areas? Yes ___ No ___
- (10) Shows the location and height of any existing or proposed fences or walls (including retaining walls), or screen plantings (buffers), and the type of building materials or plantings proposed to be used? Yes ___ No ___
- (11) Shows the proposed surface stormwater drainage treatment? Yes ___ No ___
- (12) Shows the location of all utility and access easements or other rights-of-way on the property? Yes ___ No ___
- (13) Shows the location and designation of any outside open storage space, if appropriate, to the application? Yes ___ No ___

NOTE: These are the minimum requirements for the submission of a *site plan* as part of a major permit application. It may be necessary to submit additional plans and/or information as required by the various Performance Standards contained in the Zoning Code.

- d. Have seven (7) copies of a *location map* at a scale of one (1) inch equals two hundred (200) feet been submitted? Yes ___ No ___
- e. Does the *location map* show, at a minimum, the following information:
- (1) The uses of all property within five hundred (500) feet of the subject property? Yes ___ No ___
- (2) All streets, alleys, or other public rights-of-way, public parks, all lots and lot lines, drainage ways, waterways, and easements within one thousand (1,000) feet? Yes ___ No ___
- (3) All structures and the principal use of each structure, including the type of residential (single family, multi-family, etc.), commercial (convenience store, restaurant, gas station, etc.), industrial, public (government), or other use within one thousand (1,000) feet? Yes ___ No ___
- (4) All off-street parking and loading areas and their access/egress points, as may be relevant to the application, within one thousand (1,000) feet? Yes ___ No ___
- f. Environmental Impact Statement: Every application for a major permit shall be accompanied by an Environmental Impact Statement (EIS). Does the EIS include the following:
- (1) A statement as to the purpose of the proposed project? Yes ___ No ___
- (2) The environmental effects of the proposed project, including the environmental effects of malfunctions or accidents that may occur in connection with the project and any cumulative environmental effects that are likely to result from the proposed project in combination with related projects? Yes ___ No ___

- (3) The significance of the effects stated in (2) above? Yes ___ No ___
- (4) Measures that are technically and economically feasible and which would mitigate any significant adverse environmental effects of the proposed project? Yes ___ No ___
- (5) The need for and the requirements of any follow-up program in respect to the proposed project? Yes ___ No ___
- (6) The short-term or long-term capacity for regeneration of renewable resources that are likely to be significantly affected by the proposed project? Yes ___ No ___
- (7) Alternative means of carrying out the project that are technically and economically feasible and the environmental effect of such alternative means? Yes ___ No ___
- (8) Any other matter that either the Department of Land Management or the Guam Environmental Protection Agency has indicated to the applicant by letter or memorandum (a copy of which must be included) must be addressed in the EIS? Yes ___ No ___

g. Trust Lands or Other Submerged or Filled Lands: Any application for a permit that includes the proposed development or occupancy of trust lands or other submerged or filled lands shall be deemed a major permit. All of the requirements set forth in items a. through f. shall be required for any application to develop or occupy trust lands or other submerged or filled lands. Additionally, does the application for development of trust lands or other submerged or filled lands include the following (as required by the Zoning Code):

- (1) A complete and exact written description of the proposed site, including charts, maps, photographs, topographic charts, submerged land contours, and/or subsurface profiles that reflect the particular areas of impact on the site? Yes ___ No ___
- (2) A complete and exact written description of the proposed occupancy or development, specifying the anticipated construction start and completion dates and defining the proposed construction methods (including the details of supervisory and control procedures and the credentials of the personnel that will be responsible for this function)? Yes ___ No ___
- (3) A written statement of alternatives to the proposed development action, if any? Yes ___ No ___

MINOR PERMIT SUBMISSION CHECKLIST

1. Has application been checked against Major Permit Threshold Table found in Chapter VIII, Section B.1.e. of the Zoning Code to determine if it is for a super-major, major or minor permit? Yes ☐ No ☐
2. Has documentation been provided to satisfactorily prove the applicant's ownership or interest in the property being considered for development? Yes ☐ No ☐
3. Has the applicant provided a letter from the Department of Revenue and Taxation or other evidence to show that all real estate property taxes owed to the Government of Guam have been paid? Yes ☐ No ☐
4. Completeness Determination
 - a. Have five (5) copies of a *site plan* for the proposed activity been submitted (one of which is a mylar reproducible site plan)? Yes ☐ No ☐
 - b. Does this *site plan* contain the following information:
 - (1) Shows the proposed development plan of the property at a scale of one (1) inch equals one hundred (100) feet and a north arrow? Yes ☐ No ☐
 - (2) Indicates the name, local address and local telephone number of the engineer, architect or land surveyor registered in Guam (including seal) who prepared the plan? Yes ☐ No ☐
 - (3) Shows existing and proposed topographic contour lines at an interval not greater than ten (10) feet? Yes ☐ No ☐
 - (4) Shows all boundary lines and dimensions, including all platted lot lines within the property? Yes ☐ No ☐
 - (5) Shows the location and dimensions of all existing and proposed buildings, including their height in stories and feet, and including the total square footage of ground area coverage of all buildings? Yes ☐ No ☐
 - (6) Shows the location and dimensions of all existing and proposed driveways; front, side and rear yard setback dimensions; and, where required, relationship of yard setback dimensions to the height of any building or structure? Yes ☐ No ☐
 - (7) Shows the location and dimensions of all parking stalls, access aisles, access ways to public roads, and a calculation of the number of spaces available, total area of all parking areas and driveways (including the percent of lot coverage of these areas)? Yes ☐ No ☐
 - (8) Shows the location and dimensions, including height clearances, where appropriate, of all off-street loading areas? Yes ☐ No ☐
 - (9) Shows the location, designation and a calculation of the total usable open space, including the use of any paved areas (not parking or loading areas) as distinguished from grassed or other landscaped areas? Yes ☐ No ☐

- (10) Shows the location and height of any existing or proposed fences or walls (including retaining walls), or screen plantings (buffers), and the type of building materials or plantings proposed to be used? Yes ___ No ___
- (11) Shows the proposed surface stormwater drainage treatment? Yes ___ No ___
- (12) Shows the location of all utility and access easements and rights-of-way on the property? Yes ___ No ___
- (13) Shows the location and designation of any outside open storage space, if appropriate, to the application? Yes ___ No ___

NOTE: These are the minimum requirements for the submission of a *site plan* as part of a minor permit application. It may be necessary to submit additional plans and/or information as required by the various Performance Standards contained in the Zoning Code.

- c. Have five (5) copies of a *location map* at a scale of one (1) inch equals two hundred (200) feet been submitted? Yes ___ No ___
- d. Does the *location map* show, at a minimum, the following information:
- (1) The uses of all property within five hundred (500) feet of the subject property? Yes ___ No ___
- (2) All streets, alleys, or other public rights-of-way, public parks, all lots and lot lines, drainage ways, waterways, and easements within five hundred (500) feet of the subject property? Yes ___ No ___
- (3) All structures and the principal use of each structure, including the type of residential (single family, multi-family, etc.), commercial (convenience store, restaurant, gas station, etc.), industrial, public (government), or other use within five hundred (500) feet of the subject property? Yes ___ No ___
- (4) All off-street parking and loading areas and their access/egress points, as may be relevant to the application, within five hundred (500) feet of the subject property? Yes ___ No ___

NOTE: All applications for minor permits must contain, at a minimum, the preceding information on their *site plans* and *location maps*. The applicant, however, may request (in writing) a waiver of any of these requirements to the Zoning Official. The Zoning Official shall respond (in writing) to any written request for a waiver from any of the above requirements. Such written requests and responses shall become part of the permanent file for any minor permit application.