

PLANNING TIPS: PLANNING DEPARTMENT
TERRITORIAL PLANNING & SEASHORE PLANNING COMMISSION
DEPARTMENT OF LAND MANAGEMENT
FROM: CHIEF TERRITORIAL PLANNER

"PLANNING TIPS"

I. INTRODUCTION

Many landowners, businesses, and homeowners are interested in making improvements to their property, but are unfamiliar with laws and procedures that regulate construction and development. People often fail to realize that certain construction and development activities require a local or federal permit or clearance. Such activities generally include:

1. placement or erection of any solid material or structure;
2. construction, reconstruction, demolition or alternation of the size of a private or public structure;
3. filling, grading, dredging, mining extraction of materials or removal of major vegetation;
4. discharge of any dredged material or any gaseous, liquid, solid, or thermal waste;
5. change in the density or intensity of land-use;
6. any performed in, over or adjacent to bodies of water.

The administration of such local land use laws rests primarily with the Department of Land Management. The Department provides the supporting staff for the Territorial Planning Commission (TPC) which is the decision-making body empowered to grant zone changes, conditional uses, and variances from land use laws. The TPC review process involves field inspection and evaluation of the application by the Subdivision and Development Review Committee (SDRC), which provides the technical review and recommendations to TPC for final consideration. This complete review process usually requires four to six weeks' time.

In order to initiate such a process, applications must first be filed with the Department of Land Management, Land Planning Division.

A. The following is a list of the different types of applications which are applicable to land usage:

1. Conditional Use;
2. Zone Variance;
3. Zone Change;
4. Subdivision and Waiver of Improvement Variance;
5. Seashore Clearance;
6. Agricultural and Parcelling Map Approval;
7. Tentative Subdivision Approval;
8. Final Subdivision Approval;

9. Wetland Permit;
10. Flood Hazard Permit;
11. Condominium Project;
12. Building Permit.

B. The following is a list of the different types of licenses which must be cleared in terms of zoning and utilization of land use:

1. Business License;
2. Contract License;
3. Liquor License.

II. PROCEDURES

When filing an application for land usage, the following steps are necessary: (Please refer to the appropriate request)

A. CONDITIONAL USE -- (Fee: \$7.50 TPC Publication)

1. obtain an application from the Department of Land Management, Planning Division;
2. carefully and thoroughly supply the necessary information on the application;
3. provide a letter of justification for the Conditional Use request, (that is describe specifically the nature of the conditional use requested; and, explain the compatibility of the proposed project with adjacent and neighborhood developments as they exist.)
4. provide twenty (20) copies of a plan showing: a vicinity map, lot lines and area of subject lot; location of all existing structures, proposed structures, parking and loading areas, access and traffic circulation, open space, landscaping, signs and setback distances.
5. provide twenty (20) sets of map showing all significant buildings or uses within 750' of subject lot (on an 8½" x 14" sized paper). (See Appendix B)
6. Additional information as may be required by the Chief Planner.

B. ZONE VARIANCE -- (Fee: \$15.00 + \$7.50 TPC Publication)

1. obtain an application from Department of Land Management, Planning Division;
2. carefully and thoroughly supply necessary information on application; ✓
3. provide a letter of justification for Zone Variance request: (that is, demonstrate to the Commission that)
 - a. the provision of that Title would not result in practical difficulties or unnecessary hardships inconsistent with the intent of the law; ✓
 - b. special condition that is peculiar to the land or building in question that do not apply generally to other property in the same zone; and,

- c. the granting of such a variance will not be contrary to the objective of the master plan and will not be detrimental to the public welfare or injurious to the properties or improvements in the neighborhood in which the property is located.

4. provide the following supporting information

- a. twenty (20) copies of a plan, drawn to scale, showing: dimension and shape of lot; lot size; size and location of existing building; location and dimension of proposed building or alterations;
- b. twenty (20) sets of map showing all significant land uses within 1,000 feet radius of subject lot (on an 8½" x 14" sized paper.) (See Appendix C)
- c. twenty (20) sets of map showing all significant buildings or uses within 750 feet of subject lot. On the same map, the natural or topographic peculiarities of said lot must also be shown (on 8½" x 14" sized paper.) (See Appendix A.) If this request requires a public hearing, the applicant will have to provide the names of the property owners and their addresses within the 500 feet radius.) (See Appendix D.)
- d. the document number of the most recent survey map, recorded in Land Management, showing the subject property;
- (e. additional information as may be required by the Chief Planner.)

C. ZONE CHANGE -- (Fees: 1) \$10.00 + \$7.50 TPC Publication;
2) \$29.40 Public Hearing Publication)

- 1. obtain an application from the Department of Land Management, Planning Division;
- 2. carefully and thoroughly supply the necessary information on the application;
- 3. provide a letter of justification demonstrating to the Commission (in detail) that such a request is of necessity and a general convenience, for the general welfare of the public.
- 4. provide twenty (20) sets of map showing the existing zoning within 1,000 feet around the outer border of the parcels requested for change. Please circle the 1,000 feet radius of subject lot. (See Appendix C.)
- 5. provide twenty (20) sets of map showing all parcels within 750 feet of the outer property lines of the subject lot (See Appendix B). Please circle the 750 feet radius of subject lot. This map must also contain:
 - (a) Lot number on every parcel.
 - (b) Identify all existing land uses on all parcels, by name as well as by use.
 - (c) Show all easements and roads within and adjacent to the property, their widths, plus conditions of surfaces.

(d) The nearest location of all public utilities to the subject lot.

(e) The document number of the most recent survey map, recorded in Land Management, showing the subject property.

6. Provide twenty (20) sets of map showing all parcels within 500 feet of the outer property line of the subject lot. Each parcel shall be identified with property lot number. (Also, see property owner(s) list).
7. Provide a detailed Master Plan of the proposed development to include the following: layouts of utilities, drainage, and waste disposal systems; topography; existing faults; sink holes; water courses; reservations; conservations; and historic places, if any.
8. Provide a list of all the property owners within 500 feet radius. The list must contain the name and mailing addresses with the tract, lot, and block numbers for every parcel within 500 feet of the exterior boundary of the requested zone change. (NOTE: All government records as well as village commissioners must be consulted for the most current information.) (See Appendix D.)
- (9. Provide any additional information as may be required by Chief Planner.)

D. SUBDIVISION & WAIVER OF IMPROVEMENT VARIANCE: (Fee: \$10.00 + \$7.50 TPC Publication)

1. obtain an application from the Department of Land Management, Planning Division;
2. carefully and thoroughly supply the necessary information on the application;
3. provide a letter of justification demonstrating to the Commission that:
 - (a) There are special circumstances or conditions affecting said property.
 - (b) The variance is necessary for the preservation and enjoyment of a substantial property right.
 - (c) The granting of the variance will not be detrimental to the public welfare or injurious to other property that surround it.
 - (d) The variance, if granted, will conform to the general plan.
4. provide the following information and supporting documents:

Twenty (20) sets of map containing the following--

 - (a) Vicinity map showing relation of project to major streets or other popular landmarks.
 - (b) Name, address and phone number of Registered Civil Engineer or Surveyor.
 - (c) The basic lot and requested divisions with boundary line distances showing all easements and lot areas.
 - (d) All parcels including easements and document numbers of adjacent properties.

- (e) Location, names and widths of adjacent streets and easements.
 - (f) Sufficient contours to determine topography of proposed lots and roads.
 - (g) Location and outlines of all existing buildings and their uses.
 - (h) Identify all existing utilities (water, power, sewer, and telephone).
 - (i) Statement of water availability and method of sewer disposal.
 - (j) Location, width and direction of flow of all water courses and the location of downstream disposal of storm water.
5. In the event public utilities are non-existing within the subject lot or the surrounding area, the following must be provided:
- (a) Method of Sewage Disposal.
 - (b) The applicant must demonstrate to the Commission in detail that this request is a public necessity or general public convenience, for the general welfare of the public.
 - (c) Twenty (20) sets of map showing all parcels within 500 feet of the outer property line of the subject lot. Each parcel shall be identified with proper lot number. (Also see property owner(s) list).
6. (NOTE:) The applicant may be required to submit a master plan on the proposed use to permit detailed analysis for compatibility of the surrounding uses.
- (7. provide additional information as may be required by the Chief Planner.)

E. SEASHORE CLEARANCE -- (Fee: \$7.50 TPC Publication)

- 1. obtain an application from the Department of Land Management, Planning Division;
- 2. carefully and thoroughly supply the necessary information of the application;
- 3. provide a letter of justification for the seashore clearance request;
- 4. provide the following supporting information: (Complete only those applicable to request.)
 - (a) Twenty (20) sets of drawing plan showing: a vicinity map, lot line and area of subject lot; location of all existing structures, proposed structures, parking and loading area, access and traffic circulation, open space, landscaping, sign and setback distance.
 - (b) Twenty (20) sets of map showing within 750 feet of the following:
 - (1) land use and zoning;
 - (2) existing sewer line septic tanks/leaching fields;
 - (3) existing water course on property (river, streams, marshes, etc.);

- (4) existing coastline along properties (must be verified by Territorial Surveyor);
 - (5) existing storm drainage (if any) showing direction of flow or show method of disposal;
 - (6) existing vegetation, type of vegetations;
 - (7) area subject to flooding (must be verified by Planning Division, Land Management); and
 - (8) existing historical site or unique features of the site.
5. provide additional information as may be required by the Chief Planner, such as:
- a. What will be the proposed method of solid waste storage and collection? _____
 - b. Does your proposed project provide additional public access to the coast? _____ If yes, please indicate on map.
 - c. Impact statement resulting from the land use change or the proposed project.

F. AGRICULTURAL AND PARCELLING MAP APPROVAL

- 1. obtain an application from the Department of Land Management, Planning Division;
- 2. carefully and thoroughly supply the necessary information on application;
- 3. provide a checkprint to be reviewed for approval by
 - (a) Survey Division, and
 - (b) Planning Division
- 4. checkprint requirements for review are as follows:
 - (a) Vicinity map showing relation of project to major streets or other popular landmarks.
 - (b) Name, address and phone number of Registered Civil Engineer or Surveyor.
 - (c) The basic lot and requested divisions with boundary line distances showing all easements and lot areas.
 - (d) All parcels including easements and document numbers of adjacent properties.
 - (e) Location, names and widths of adjacent streets and easements.
 - (f) Sufficient contours to determine topography of proposed lots and roads.
 - (g) Location and outlines of all existing buildings and their uses.
 - (h) All existing utilities (water, power, sewer and telephone) must be shown.

- (i) Statement of water availability and method of sewer disposal.
 - (j) Location, width and direction of flow of all water courses and the location of downstream disposal of storm water.
5. provide additional information as may be required by the Chief Planner.
- G. Tentative Subdivision Approval -- (Fee: \$10.00 (and \$1.00 for each lot shown on the subdivision + \$7.50 TPC Publication)
- 1. obtain an application from the Department of Land Management, Planning Division;
 - 2. carefully and thoroughly supply the necessary information on the application;
 - 3. provide the following supporting information according to Section 18300, Chapter IV of the Subdivision Law, Form of a Tentative Plan:
 - (a) Twenty (20) sets of tentative subdivision maps, subdivision improvement plans, prepared by a registered engineer or surveyor and statement of intent. All maps and plans shall be clearly and legibly drafted and to scale on a 22" x 29" sheet of paper to include:
 - (1) The tract number as issued by the Territorial Planner.
 - (2) The name and address of the owner or owners of record, of the subdivider, and of the person preparing the map.
 - (3) Date, north arrow and scale.
 - (4) A key map of locating the subdivision in relation to surrounding area.
 - (5) The exact length and bearing of the exterior boundaries of the subdivision which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
 - (6) The accurate placement and outline of structures existing on the site.
 - (7) The location names and existing widths of adjacent street rights-of-way.
 - (8) The location and dimensions of all known existing easements and reservations.
 - (9) The location of existing utilities, sewers, drainage ditches and other drainage facilities location in or adjacent to the proposed subdivision.
 - (10) The lot numbers and boundary lines of all adjacent parcels of land.
 - (11) The location, width and direction of flow of all water courses within the subdivision area.
 - (12) Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground is more than five percent (5%).
 - (13) The location and widths of all existing or proposed streets in the subdivision.

(14) The approximate lot layout and approximate lot dimensions of each lot.

(15) Areas intended for public use.

4. provide a resume of proposed improvements to be made in the subdivision, the existing zone district applicable to the property, proposed lot uses and, in the absence of zoning, the proposed setback requirement for individual lots.
5. the improvement plans provided shall include:
 - (a) Street construction plans including, but not limited to, grading, street centerline gradients and typical road cross-sections, specifying material and depths.
 - (b) Plans showing water, sewer, pipe size, routing, gradients, pressure regulations and point of origin.
 - (c) Drainage plan in full details showing the methods and facilities for collection and disposal of storm waters to include capacity of channel to accept additional water.
6. (NOTE:) The subdivider may be required to submit construction drawings or subdivision work to permit detailed analysis of construction in conformity to law and rules and regulations of the Commission and to facilitate improvement inspections.
- (7. provide additional information as may be required by the Chief Planner.)

H. FINAL SUBDIVISION APPROVAL -- (Fee: \$7.50 TPC Publication)

1. obtain an application from the Department of Land Management, Planning Division;
2. carefully and thoroughly supply the necessary information on the application;
3. provide the following supporting information:

All final tract maps submitted to the Planning Division for approval by the Territorial Planning Commission pursuant to Sections 18104, 18105, 18301 and 18403 of the Government Code of Guam shall include the following documents and fees:

- (a) Application Form for Final Subdivision Approval;
- (b) Original tracing and two (2) prints of Final Subdivision Map;
- (c) One print of the Tentative Map approved by the Territorial Planning Commission;
- (d) One set of all Improvement Plans for the Subdivision showing approval by signature of:
 - (1) Public Utility Agency of Guam
 - (2) Guam Power Authority
 - (3) Guam Environmental Protection Agency
 - (4) Department of Public Works
 - (5) (If the map includes any areas to be dedicated to the Government for "parks" or "open spaces," a letter from the Division Chief for Parks, Department of Commerce must be included stating that agency's willingness to accept maintenance responsibility for all such areas.)

(e) One of the following concerning Subdivision Improvements:

- (1) If the required improvements have been completed and accepted by Public Works this must be stated in a letter signed by the Director of Public Works.
- (2) If a bond has been posted to cover the costs of improvements; the appropriate forms signed by the Director of Public Works and the Attorney General shall be submitted.

✓ (f) Wherever applicable, the original and two copies of the following written documents for recording with the map;

- (1) Any deed restrictions or covenants
- (2) Homeowner's Association By-Laws
- (3) Appropriate instruments for the dedication of any and all lands and improvements within the subdivision to the government of Guam.
- (4) Appropriate instruments for the designation of any and all easements, for utilities or other purposes, within the subdivision.

(g) Appropriate recording fees to include costs of recording the map and supporting documents in the Department of Land Management.

(NOTE:) No application for Territorial Planning Commission approval of a final subdivision map will be accepted by the Department of Land Management unless it includes all the applicable maps, documents, bonds and fees as listed above.

4. provide Final Map Form as follows:

- (a) The final map shall be clearly and legibly drawn in opaque black ink or good quality tracing paper or cloth acceptable to the Territorial Planner. Signatures shall be in opaque black ink. The size of each sheet shall be twenty-two by twenty-nine (22" x 29"). A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of 1".
- (b) If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.
- ✓ (c) Sheet numbers. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each sheet, and its relation each adjoining sheet shall be clearly shown. ^{^+0}
- (d) Border. The exterior boundary of the land included within the subdivision shall be indicated by a blue-colored border. The map shall show the definite location of the subdivision and particularly its relation to surrounding surveys.

5. additional required information and Accompanying data:

- (a) Areas subject to inundation by water. The boundaries of any areas within the proposed subdivision which are subject to usual inundation by water must be shown.
- (b) The map shall contain the tract number in letters no less than one-half ($\frac{1}{2}$ ") in height, north directional point, map scale, and date of final survey.

6. provide additional information as may be required by the Chief Planner.

I. WETLAND PERMIT -- (Fee: \$7.50 TPC Publication)

1. obtain an application from the Department of Land Management, Planning Division;
2. carefully and thoroughly supply the necessary information on the application;
3. provide a cover letter for the application explaining your request;
4. provide the following supporting information:
 - a. The name and address of the owner or owners of record, of the developer, and of the person preparing the map.
 - b. Date, north arrow, and scale.
 - c. A key map locating the development in relation to surrounding areas.
 - d. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
 - e. The accurate placement and outline of structures existing on the site.
 - f. The location, names, and existing widths of adjacent street right-of-way.
 - g. Topography with contour intervals of two feet.
 - h. The location and dimensions of all known existing easements and reservations.
 - i. The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
 - j. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
 - k. Areas intended to be reserved for public use.
- (5. provide additional information as may be required by the Chief Planner.)

J. FLOOD HAZARD PERMIT -- (Fee: \$7.50 TPC Publication)

(Refer to: I. Wetland Permit)

K. CONDOMINIUM--(Fee: \$7.50 Publication)

1. obtain a Horizontal Property Regimes (Condominium) questionnaire from the Department of Land Management, Planning Division;
2. carefully and thoroughly supply the necessary information on the questionnaire;
3. submit complete package of condominium project to the Territorial Planning Commission (TPC) for further review.

L. BUILDING PERMIT

1. submit plot plan to the Department of Land Management, Planning Division;
2. clear land usage in terms of zoning.

III. LICENSE CLEARANCE

When clearing a license in terms of appropriate land usage, the following steps are necessary: (Please refer to the appropriate request)

A. BUSINESS LICENSE--

1. carefully and thoroughly supply the necessary information on the application (i.e. Lot No., Block No., Municipality);
2. submit application to the Department of Land Management, Planning Division;
3. obtain a zoning clearance (i.e. stamp of approval and signature of Planner--depending on the allowed activities.)

B. CONTRACT LICENSE--

1. carefully and thoroughly supply the necessary information on the application (such as location of office, heavy equipment and barracks);
2. submit application to the Department of Land Management, Planning Division;
3. obtain a zoning clearance (i.e. stamp of approval and signature of Planner).

C. LIQUOR LICENSE--

1. carefully and thoroughly supply the necessary information on the application;
2. submit application to the Department of Land Management, Planning Division for land usage approval;
3. pick up application the following working day (NOTE: this process requires one day due to the requirement of the Director's signature on the NOTICE OF APPLICATION for liquor license.)

Henry H. Quon
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Dept. of Land Mgmt.