

Guidebook to
**Development Requirements
on Guam**



**Guam Coastal Management Program
Bureau of Planning
Government of Guam**

Guidebook to Development Requirements on Guam

**Guam Coastal Management Program
Bureau of Planning
Government of Guam
1986**

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PURPOSE

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

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

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

DIRECTORY OF GOVERNMENT AGENCIES

Administrator

Guam Environmental Protection Agency
Government of Guam
15-6101 Mariner Ave., Tiyan
Barrigada, Guam 96913

Telephone: 472-8863/475-1658/9
Fax: 477-9402

U.S. Dept. Of Agriculture

Rural Development
494 West Route 8
Barrigada, Guam 96913

Telephone: 735-2102
Fax: 735-2108

Building Official, Department of Public Works

Building Permits and Inspections
542 N. Marine Drive
Tamuning, Guam 96931

Telephone: 646-3260
Fax: 646-3749

Director

Bureau of Planning
Government of Guam
P.O. Box 2950
Agana, Guam 96932

Telephone: 472-4201-3
Fax: 477-1812

Director

Department of Land Management
One-Stop Bldg., Anigua
P.O. Box 2950
Agana, Guam 96932

Telephone: 475-5252/5278
Fax: 477-0883

Executive Secretary

Territorial Land Use Commission
Department of Land Management
One-Stop Bldg., Anigua
P.O. Box 2950
Agana, Guam 96932

Telephone: 475-5252/5278
Fax: 477-0883

Guam Operations Office, US ACOE

115 San Ramon Street, Room 302

Telephone: 472-8091
Fax: 349-5354

Director

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

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

Territorial Land Use Commission and Application Review Committee

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

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

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

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

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

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

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

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

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

LAND USE ZONING

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

Private properties on Guam are divided into eight zones:

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

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

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

"A" - Rural Zone Permitted Uses

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

"R-1" - One-Family Dwelling Zone Permitted Uses

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

"R-2" - Multiple-Family Dwelling Zone Permitted Uses

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

"C" - Commercial Zone Permitted Uses

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

"P" - Automobile Parking Zone Permitted Uses

1. Public or commercial parking areas and garages.
2. Public access to adjoining parking areas.
3. Loading and unloading of automobiles or trucks, but not to preclude the use of portions of required parking spaces.
4. Service vehicle storage, after commercial business hours.

5. Utilities and public facilities.
6. Accessory uses and structures for the above.

"M-1" - Light Industrial Zone Permitted Uses

1. Any use permitted with or without condition in the commercial zone.
2. The manufacturing, compounding, processing or treating of such products as drugs, cosmetics, and food products (not including fish and meat products nor the rendering of fats and oils).
3. The manufacturing, compounding, assembling or treating of articles or merchandise from previously prepared materials.
4. Automobile repair shops including painting, body and fender work, and rebuilding; truck and tractor repairing; and tire retreading.
5. Bottling and packaging plants.
6. Ceramic products manufacturing.
7. Laundries and cleaning and dyeing establishments.
8. Machine shops and sheetmetal shops.
9. Warehouses and cold storage plants.
10. Lumber yards, building material salesyard, contractor's equipment storage yards, and the like.
11. Other uses which, in the judgement of the Commission as evidenced by resolution in writing, are similar to those listed herein.
12. Uses customarily accessory to any of the above listed uses and accessory buildings.

"M-2" - Heavy Industrial Zone Permitted Uses

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

"H" - Resort Hotel Zone Permitted Uses

Permitted Uses.

1. Cultural and recreational facilities, hotels, restaurants, tourism related shops, and offices, dwellings, parks marinas, zoos, amusement activities and supportive services.

2. Permitted Accessory uses and structures. Uses and structures which are customarily accessory and clearly complementary to permitted principal uses and structures shall be permitted. Service stations shall be permitted only within, and as accessory to parking garages containing two hundred fifty (250) or more parking spaces.

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

For additional information, contact the Executive Secretary, Territorial Planning Commission.

CONDITIONAL USE

In addition to permitted uses in each of the eight land use zones, conditional uses may be allowed by the TLUC. An application for proposed conditional use (see Conditional Use form) must be submitted in 29 copies and requires a description of the proposed conditional use; a map depicting all existing structures and uses on the subject property; a map depicting all significant buildings and uses within 750 feet of the subject property's boundary; and a written statement explaining the compatibility of the proposed conditional use with neighboring developments. (Conditional Use fee omitted/deleted. See Sect. 61660, 21 GCA).

The conditional uses for each zone are as follows.

"A" - Rural Zone Conditional Uses

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

"R-1" - Single-Family Dwelling Zone Conditional Uses

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

"R-2" - Multiple-Family Dwelling Zone Conditional Uses

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

"C" - Commercial Zone Conditional Uses

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

"P" - Parking Zone Conditional Uses
(There are no conditional uses in this zone).

"M-1" - Light Industrial Zone Conditional Uses

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

"M-2" - Heavy Industrial Zone Conditional Uses

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

"H" - Resort Hotel Zone
(There are no conditional uses in this zone).

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

For more information, contact the Executive Secretary's Territorial Land Use Commission.

CONDITIONAL USE

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

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

1. Information on Applicant:

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

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

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

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

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

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____

Site Plan: _____

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

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

- a. Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing structure(s); location and dimensions of proposed structure(s) or alterations; parking and loading areas; access and traffic circulation; open space; landscaping; signs; setback distances; and solid waste disposal area.
- b. 8 1/2" X 14" map, drawn to scale, showing all significant building or uses within 750 feet radius from the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of said lot.
- c. 8 1/2" X 14" map, drawn to scale, showing all parcels with correct lot number within 500 feet radius from the subject lot's boundaries.
- d. The most recent survey map, certified and recorded in the Department of Land Management, showing the subject property.
- e. Additional information as required by the Territorial Planner which may include a comprehensive *Environmental Impact Assessment (EIA)* or *FONSI*.

CONDITIONAL USE	
6.	Application Fee: No fee required for Conditional Use Application.
7.	It is understood that if the <u>Conditional Use</u> is approved by the Territorial Land Use Commission described in this application, along with stipulations, it shall be adhered to without modification.
8.	Required Signatures: All legal owner(s)/lessee(s) of designated parcel shall sign form with name(s) typed or handwritten, signed and dated: <i>I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.</i> (Owner(s) or Lessee(s) and Date) (Representative, if any, and Date)
THIS FORM <u>SHALL NOT</u> BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.	
----- FOR OFFICIAL USE ONLY	
Date Filed: _____ Accepted By: _____	
Date of Notice in Newspaper(s): _____	
Date of Notice to Adjacent Property Owners: _____	
Date of Public Hearing: _____	
Filing Fee(s) Paid: Yes ☐ No ☐ Check ☐ Cash ☐ Other ☐ _____	
Receipt No.: _____ Application Number: _____	
Date of TLUC Action: _____ Conditions: Yes ☐ No ☐ (See Below)	
Conditions of Approval: _____	

TLUC Resolution No.: _____ Date of Notice of Action: _____	
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CHANGE OF ZONE

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

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

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

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

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

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

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

ZONE CHANGE	
TO: Executive Secretary, Territorial Land Use Commission c/o Land Planning Division, Department of Land Management Government of Guam, Agana, Guam Mariana Islands 96910	
The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a <i>Zone Change</i> .	
1. Information on Applicant: Name of Applicant: _____ U.S. Citizen: ☐ Yes ☐ No Mailing Address: _____ Telephone No.: Business _____ Home: _____	
2. Location, Description and Ownership: Subdivision Name: _____ Lot(s): _____ Block: _____ Tract: _____ Lot Area: Acres _____ Square Meters _____ Square Feet _____ Village: _____ Municipality: _____ Registered Owner: _____ Certificate of Title No.: _____ Recorded Document No. _____	
3. Current and Proposed Land Use: Current Use: _____ Zoned: _____ Proposed Use: _____ Proposed Zone: _____ Master Plan Designation: _____	
4. Attached a one page typed, brief and concise justification (letter format explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with <i>Guam Code Annotated 21 GCA, Chapter 61, Section 61630</i> .	
5. Support Information. The following supporting information shall be attached to this application: a. 8 1/2" X 14" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries. b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain: (1) Lot number for every parcel(s); (2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference; (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces; (4) The nearest location of all public utilities to the subject lot; (5) All natural or topographic peculiarities. c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number. d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.	
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ZONE CHANGE	
5. Supporting Information (Continuation): A detailed As-Built Plan of the lot shall include the following: (1) Total number and types of building; (2) Parcel size in square meters/feet; (3) Layouts of utilities and drainage; (4) Proposed lot coverage of building(s) and accessories in square meters/feet; (5) Approximate gross and net densities allowed on parcel; (6) Feasibility study; (7) Topography; (8) Existing earth faults and sinkholes; (9) Water courses and lens; (10) Reservation, conservation and historic places; (11) Total percentage of open spaces exclusive of parking stalls and other man-man features; (12) Percentage of building footprint (PD only); and (13) Compatibility to surrounding uses (PD only). e. If leased, lease agreement (the assignment of lease and the covenant). f. An initial comprehensive <i>Environmental Impact Assessment (EIA)</i> in accordance with Executive Order 90-10. g. Additional information as required by the Territorial Planner.	
6. Application Fee: In accordance with <i>Guam Code Annotated 21 GCA, Chapter 61, Section 61660</i> .	
7. Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated: <i>I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.</i> _____ (Owner(s) or Lessee(s) and Date) _____ (Representative, if any, and Date)	
THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.	
----- FOR OFFICIAL USE ONLY Date Filed: _____ Accepted By: _____ Date of Notice in Newspaper(s): _____ Date of Notice to Adjacent Property Owners: _____ Date of Public Hearing: _____ Filing Fee(s) Paid (\$10.00): Yes ☐ No ☐ Check ☐ Cash ☐ Other ☐ _____ Receipt No.: _____ Application Number: _____ Date of TLUC Action: _____ Conditions: Yes ☐ No ☐ (See Below) Conditions of Approval: _____ _____ _____ TLUC Resolution No.: _____ Date of Notice of Action: _____	
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ZONE VARIANCE

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

- a) Strict application of the Zoning Law (without the requested variance) would create practical difficulties and unnecessary hardships.
- b) Exceptional circumstances prevail at the subject property.
- c) Such variance would not be materially detrimental to the public welfare or to the neighboring properties.

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

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

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

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

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

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

ZONE VARIANCE	
TO: Executive Secretary, Territorial Land Use Commission c/o Land Planning Division, Department of Land Management Government of Guam, Agana, Guam Mariana Islands 96910	
The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a <i>Zone Variance</i> .	
1. Information on Applicant: Name of Applicant: _____ U.S. Citizen: ☐ Yes ☐ No Mailing Address: _____ Telephone No.: Business _____ Home: _____	
2. Location, Description and Ownership: Subdivision Name: _____ Lot(s): _____ Block: _____ Tract: _____ Lot Area: Acres _____ Square Meters _____ Square Feet _____ Village: _____ Municipality: _____ Registered Owner: _____ Certificate of Title No.: _____ Recorded Document No. _____	
3. Current and Proposed Land Use: Current Use: _____ Zoned: _____ Proposed Use: _____ Proposed Zone: _____ Master Plan Designation: _____	
4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with <i>Guam Code Annotated 21 GCA, Chapter 61, Section 61617</i>. a. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law; b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone; c. That the granting of Variance(s) will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located; d. That granting of such Variance(s) will not be contrary to the objectives of any part of the " <i>Guam Master Plan</i> " adopted by the Commission or Legislature; and e. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed and that such building shall not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammelled use of the beach and its natural beauty.	
5. Support Information. The following supporting information shall be attached to this application: a. Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing buildings; locations and dimensions of proposed buildings or alterations;	
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ZONE VARIANCE

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

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

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

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

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

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$15.00): Yes ☐ No ☐ Check ☐ Cash ☐ Other ☐ _____

Receipt No.: _____ Application Number: _____

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

Conditions of Approval: _____

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

SUBDIVISION VARIANCE

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

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

1. Information on Applicant:

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

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

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

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

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

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____ Proposed Zone: _____

Master Plan Designation: _____

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

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

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

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

SUBDIVISION VARIANCE	
5.	Support Information: (Continuation) e. The most recent survey map document number, recorded in the Department of Land Management, showing the subject property. f. An initial comprehensive <i>Environmental Impact Access (EIA)</i> as required by the Territorial Planner. g. Additional information as required by the Territorial Planner.
6.	Applicant Fee: In accordance with <i>Title XVIII, Chapter 15, Section 17650</i> .
7.	Required Signatures: All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated: <i>I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that twenty-nine (29) sets of the above listed required information is provided.</i> _____ <i>(Owner(s) or Lessee(s) and Date)</i> _____ <i>(Representative, if any, and Date)</i>
THIS FORM <u>SHALL NOT</u> BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.	
FOR OFFICIAL USE ONLY	
Date Filed: _____ Accepted By: _____	
Date of Notice in Newspaper(s): _____	
Date of Notice to Adjacent Property Owners: _____	
Date of Public Hearing: _____	
Filing Fee(s) Paid (\$15.00): Yes ☐ No ☐ Check ☐ Cash ☐ Other ☐ _____	
Receipt No.: _____ Application Number: _____	
Date of TLUC Action: _____ Conditions: Yes ☐ No ☐ (See Below)	
Conditions of Approval: _____ _____ _____	
TLUC Resolution No.: _____ Date of Notice of Action: _____	

SEASHORE RESERVE PERMIT and GUAM TERRITORIAL SEASHORE PROTECTION COMMISSION

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

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

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

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

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

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

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

- flooding areas
- historical sites

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

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

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

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

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

SEASHORE CLEARANCE	
TO: Executive Secretary, Territorial Seashore Protection Commission c/o Land Planning Division, Department of Land Management Government of Guam, Agana, Guam Mariana Islands 96910	
The Undersigned owner(s)/lessee(s) of the following described property, situated with the ten (10) meters inland from the Mean High Water Mark (MHWM) or situated seaward to the ten (10) fathom contour, do hereby request consideration for a <i>Seashore Clearance Permit</i> .	
1. Information on Applicant: Name of Applicant: _____ U.S. Citizen: ☐ Yes ☐ No Mailing Address: _____ Telephone No.: Business _____ Home: _____	
2. Location, Description and Ownership: Lot(s): _____ Block: _____ Tract: _____ Lot Area (In Square Meters & Feet): _____ Village: _____ Municipality: _____ Registered Owner: _____ Certificate of Title No.: _____ Recorded Document No. _____	
3. Current and Proposed Land Use: Current Use: _____ Zoned: _____ Proposed Use: _____ Master Plan Designation: _____	
4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of request in accordance with <i>Guam Code Annotated 21 GCA, Chapter 63, Section 63108 (a) (2)</i>. a. That the development will not have any substantial adverse environmental or ecological effect; b. That the development is consistent with the purpose and objectives of Chapter 63 Section 63102 The applicant shall have the burden of proof on all issues; c. That access to beaches, recreation and historical areas, and natural reserves is increased to the maximum extend possible by appropriate dedication; d. That there is not substantial interference with or detracton from the line of sight toward the sea from the territorial highway nearest the coast; e. That adequate and properly located public recreation areas and wildlife preserves are reserved; f. That provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon coastal reserve resources; and g. That alterations to existing land forms and vegetation, and construction of structures shall cause minimum danger of floods, landslides, erosion or siltation.	
5. If applicant has submitted to the Territorial Land Use Commission/Territorial Seashore Protection Commission other request on subject property, applicant shall list them: _____ _____ _____	
TSPC FORM Revised June 1994 Page 1 of 2	

SEASHORE CLEARANCE

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

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

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

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

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

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

Filing Fee(s) Paid (\$15.00): Yes ☐ No ☐ Check ☐ Cash ☐ Other ☐ _____

Receipt No.: _____ Application Number: _____

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

Conditions of Approval: _____

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

WETLANDS PERMIT

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

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

- The name and address of the owner or owners of record, the developer, and the person preparing the map.
- Date, north arrow and scale.
- A key map locating the development in relation to surrounding areas.
- The exact length and bearing of the exterior boundaries of the development, with data referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
- The accurate placement and outline of structures existing on the site.
- The location, names, and existing widths of adjacent street rights-of-way.
- Topography with contour intervals of two feet.
- The location and dimensions of all known existing easements and reservations.
- The location of existing utilities and drainage facilities located within or adjacent to the proposed development.
- The approximate layout and approximate dimensions of each structure, facility or use proposed within the development.
- Areas intended to be reserved for public use.

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

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

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

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

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

WETLAND PERMIT	
TO: Executive Secretary, Territorial Land Use Commission c/o Land Planning Division, Department of Land Management Government of Guam, Agana, Guam Mariana Islands 96910	
The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a <i>Wetland Permit</i> .	
1. Information on Applicant: Name of Applicant: _____ U.S. Citizen: ☐ Yes ☐ No Mailing Address: _____ Telephone No.: Business _____ Home: _____	
2. Location, Description and Ownership: Subdivision Name: _____ Lot(s): _____ Block: _____ Tract: _____ Lot Area: Acres _____ Square Meters _____ Square Feet _____ Village: _____ Municipality: _____ Registered Owner: _____ Certificate of Title No.: _____ Recorded Document No. _____	
3. Current and Proposed Land Use: Current Use: _____ Zoned: _____ Proposed Use: _____ Master Plan: _____	
4. Attach a one page typed, brief and concise justification (letter format) explaining the compatibility of the proposed project.	
5. Support Information. The following supporting information shall be attached to this application: a. The name and address of the owner(s) of record, the developer and the person preparing the map. b. Date, north arrow and scale. c. A key map locating the development in relation to surrounding areas. d. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the <i>"Guam Geodetic Triangulation Control Network"</i> or such alternative system or triangulation control as the Territorial Surveyor may direct. e. The accurate placement and outline of structures existing on the site. f. The location, names and existing widths of adjacent street right-of-way. g. Topography with contour intervals of two (2) feet. h. The location and dimensions of all known existing easements and reservations. i. The location of existing utilities and drainage facilities located within or adjacent to the proposed development. j. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development. k. Areas intended to be reserved for public use. l. Additional information as required by the Territorial Planner.	
TLUC FORM - Revised June 1994	

FLOOD HAZARD AREA PERMIT

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

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

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

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

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

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

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

SUBDIVISION OF PROPERTY

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

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

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

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

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

PARENTAL SUBDIVISION OF PROPERTY

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

The application requirements are presented in Exhibit PS-1.

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

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

HOUSING SUBDIVISION

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

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

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

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

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

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

In the event that an applicant finds that subdivision and improvement requirements cannot be met, a request for waiver may be made to the Territorial Land Use Commission through a Subdivision and Waiver Improvement Variance application, (see Subdivision Variance form). The application fee is \$10, and the application must be reviewed by both the Application Review Committee as well as the Territorial Land Use Commission. Such applications may be submitted and reviewed simultaneously with a Tentative Subdivision application.

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

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

TENTATIVE SUBDIVISION APPROVAL

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

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

1. Information on Applicant:

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

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

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

Lot Area: Acres _____ Square Meters _____ Square Feet _____

Village: _____ Municipality: _____

Registered Owner: _____

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

3. Current and Proposed Land Use:

Current Use: _____ Zoned: _____

Proposed Use: _____ Proposed Zone: _____

Master Plan Designation: _____

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

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

TENTATIVE SUBDIVISION APPROVAL

4. (Continuation):

- The location, width and direction of flow of all water courses within the subdivision area;
- 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%);
- The location and widths of all existing or proposed streets in the subdivision;
- The approximate lot layout and approximate lot dimensions of each lot;
- Areas intended for public use.

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

6. Improvement plans shall include:

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

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

8. Additional information required by the Territorial Planner.

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

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

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

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

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Filing Fee(s) Paid (\$10.00 plus \$1.00 per lot) Yes ☐ No ☐ Check ☐ Cash ☐ Other ☐ _____

Receipt No.: _____ Application Number: _____

FINAL SUBDIVISION APPROVAL

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

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

1. Information on Applicant:

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

Mailing Address: _____

Telephone No.: Business _____ Home: _____

2. Location, Description and Ownership:

Subdivision Name: _____

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

Name of Registered Surveyor: _____

Village: _____ Municipality: _____

Certificate of Title Number: _____

Recorded Document Number: _____

Existing Zoning: _____ Existing Use: _____

Average Lot Size: _____ Total Number of Lots: _____

Proposed Use(s) on Property: _____

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

a. Final Map Form:

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

FINAL SUBDIVISION APPROVAL

3. (Continuation):

b. Required Information and Accompanying Data:

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

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

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

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

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

(Representative, if any, and Date)

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

FOR OFFICIAL USE ONLY

Date Filed: _____ Accepted By: _____

Date of Notice to Adjacent Property Owners: _____

Date of Publication Notice: _____

Application Number: _____ Date of TPC Action: _____

TLUC Resolution No.: _____

CONDOMINIUM (Horizontal Property Act)

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

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

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

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

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

RESORT/HOTEL ZONE DEVELOPMENT

All development within the "H" Resort Hotel Zone must comply with regulations promulgated specifically for those zoned areas. Both the ARC and the TLUC must review a Tentative Development Plan, which shall include the following information.

(For a more detailed breakdown of information needed, see **Procedures for Development Within an "H" Zone** outline)

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

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

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

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

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

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

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

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

Procedures for Development Within an "H" Zone

- A. Before issuance of any building permit for development proposed either in; 1) in conjunction with submittal of a requested zone change to "H" or 2) in a prior approved "H" Zone, a tentative plan for such development shall be submitted to the Territorial Planner containing the following information as deemed appropriate by the Territorial Planner:
1. The name and address of the owner or owners of record, of the developer and of the person preparing the map.
 2. Date, north arrow and scale.
 3. A key map locating the development relation to surrounding areas.
 4. The exact length and bearing of the exterior boundaries of the development which data shall be referenced to the "Guam Geodetic Triangulation Control Network" or such alternative system of triangulation control as the Territorial Surveyor may direct.
 5. The accurate placement and outline of structures existing on the site.
 6. The location, names, and existing widths of adjacent street rights of way.
 7. The location and dimensions of all known existing easements and reservations.
 8. The location of existing utilities, sewers, drainage ditches, and other drainage facilities located in, or adjacent to, the proposed development.
 9. The location, width and direction of flow of all water courses within the subdivision area.
 10. Topography with contour intervals of two feet (2') where the ground slope is five percent (5%) or less or contour intervals of five feet (5') where the ground slope is more than five percent (5%).
 11. The location and widths of all existing or proposed streets in the development.
 12. The approximate layout and approximate dimensions of each structure, facility, or use proposed within the development.
 13. Areas intended to be reserved for public use.
 14. A drainage plan showing methods and facilities for collection and disposal of storm

waters. The storm drainage disposal area or channel must have a demonstrated ability to accept additional water in view of capacity of area or channel and of capacity of existing improvements confining the channel.

The tentative plan shall be prepared in sufficient detail for analysis by the Commission as to sufficiency and most suitable location. The Commission may require the submission of detailed analysis of construction conformity to law and the rules and regulations of the Commission, and to facilitate inspections.

- B. Upon certification by the Territorial Planner that such complete and accurate information as requested has been provided, such tentative plan shall be submitted to the Application Review Committee for review and recommendations.
- C. The Territorial Planning Commission shall either approve, including approval with conditions, or disapprove in whole or in part the proposed tentative development plan. Upon approval, appropriate permits for initial construction may be issued.
- D. Any proposed use or structure which has not been included in an approved tentative plan must be approved by the Commission or at its discretion, the Territorial Planner, before issuance of any building permits.
- E. A performance bond or undertaking shall be required for any development undertaken pursuant to an approved tentative plan within an "H" Zone as otherwise provided in the regulations. The amount of the bond shall be One Hundred and Ten Percent (110%) of the infrastructure costs of the project, and not less than Two Thousand Dollars (\$2,000). The entire bond or any undertaking of any portion thereof shall be forfeited as determined by the Commission or failure to comply with any applicable land use, water quality, or zoning regulation except as allowed for under prior granting of a variance or other legal exception from such requirement: including, but not limited to, erosion and grading standards, landscaping, height and setback requirements, the tentative development plan as approved by the Commission and any applicable zone regulations. The entire bond or any portion thereof shall be forfeited as is required to complete the site preparation and infrastructure features of the project should these not be completed by the developer.
- F. The Commission shall approve a maximum time period within which all of the improvements authorized in the tentative development plan shall be completed. The time period shall be no less than six months, and no more than four years. The time period shall be based on the size, character, and complexity of the authorized improvements. The Commission may, for good cause shown, grant any extension of time.

- G. Upon completion or any portion of the project in accordance with the tentative plan, the Department of Public Works shall certify to the Commission that the project has been completed in accordance with the tentative plan.
- H. Requirements or preparation of tentative development plans and posting of performance bonds as outlined in this section shall not apply to construction of single-family dwellings in that area in Tumon zoned "H" under Public Law 14-41, as amended.

SIGN PERMIT

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

Name of residence or name of permitted occupation.

Directional signs.

For sale signs.

Building names and permitted uses.

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

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

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

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

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

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

PART ONE

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

I. CODES - GENERAL CONSTRUCTION:

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

II. GENERAL INFORMATION:

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

III. ZONE DESIGNATIONS:

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

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

IV. SETBACKS AND LOT AREA REQUIREMENT:

The required setbacks to the following zones are:

Use	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Lot Width	Lot Area	Lot Area Per, Dwelling Unit
"A" Rural	15 Ft.	10 ft.	8 ft.	100 ft.	20,000 sq. ft.	10,000 sq. ft.
"R1" Single Family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	5,000 sq. ft.

"R2" Multiple Family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
"C" Commercial - - -	20 ft.	- - -	20 ft.	2,000 sq. ft.	400 sq. ft.	
"M1" Light Industrial - - -	8 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.	
"M2" Heavy Industrial	25 ft.	25 ft.	15 ft.	120 ft.	40,000 sq. ft.	1,250 sq. ft.
"H" Hotel Resort Zone - (Conditional Use, See TPC Interim Rules & Regulations dated April '9						

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

SECTION 31018 PROHIBITIONS:

1. It shall be unlawful to construct, enlarge, alter, remove or demolish, or change the occupancy of a building from one use group to another requiring greater strength, exit or sanitary provisions, or to change to a prohibited use, or to install or alter any equipment for which provision is made or the installation of which is regulated by this Title XXXII, and the Uniform Building Code without first filing an application with the Building Official in writing, and obtaining the required permit therefore except that ordinary repairs as defined in Title XXXII, Government Code of Guam which do not involve any violation of this Title shall be exempt from this provision.
2. Any person violating the provisions of Uniform Building Code and Title XXXII shall be deemed guilty of a petty misdemeanor, punishable by a fine of not less than five (\$5.00)dollars nor more than five hundred (\$500) dollars or imprisonment for not more than one (1) year, or both such fine and imprisonment.
3. Such person shall be deemed guilty of a separate offense for each day during which any violation of the provisions of Title XXXII, and Uniform Building Code, Government Code of Guam occurs.

VI. SCHEDULE OF BUILDING PERMIT FEES

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

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

1994 UNIFORM BUILDING CODE

TABLE 1 - A BUILDING PERMIT FEES

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

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

SECTION 3310 - GRADING FEES

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

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

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

TABLE A-33-A - GRADING PLAN REVIEW FEES

50 cubic yards (38.2 m3) or less	No fee
51 to 100 cubic yards (40 m3 to 76.5 m3)	\$15.00
101 to 1,000 cubic yards (77.2 m3 to 764.6 m3)	\$22.50
1,001 to 10,000 cubic yards (76500.3 m3 to 7645.5 m3)	30.00
10,001 to 100,000 cubic yards (7646.3 m3 to 76455 m3)	\$30 for the first 10,000 cubic yards (7645.5 m3), plus \$15.00 for each additional 10,000 cubic yards (7645.5 m3) or fraction thereof
100,001 to 200,000 cubic yards (76456 m3 to 152911 m3)	\$165.00 for the first 100,000 cubic yards (76455 m3), plus \$9.00 for each additional 10,000 cubic yards (7645.5 m3) or fraction thereof
200,001 cubic yards (152912 m3) or more	#255.00 for the first 200,000 cubic yards (152911 m3) plus \$4.50 for each additional 10,000 cubic yards (7645.5 m3) or fraction thereof.
Other Fees:	
Additional plan review required by changes, additions or revisions to approved plans (minimum charge - one half hour)	\$30.00 per hour*

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

TABLE A-33-B - GRADING PERMIT FEES 1

50 cubic yards (38.2 m3) or less	\$15.00
51 to 100 cubic yards (40 m3 to 76.5 m3)	\$22.50
101 to 1,000 cubic yards (77.2 m3 to 764.6 m3)	\$22.50 for the first 100 cubic yards (76.5 m3), plus \$10.50 for each additional 100 cubic yards (76.5 m3) or fraction thereof
1,001 to 10,000 cubic yards (76500.3 m3 to 7645.5 m3)	\$117.00 for the first 1000 cubic yards (764.6 m3), plus \$9.00 for each additional 1000 cubic yards (764.6 m3) or fraction thereof
10,001 to 100,000 cubic yards (7646.3 m3 to 76455 m3)	\$198.00 for the first 10,000 cubic yards (7645.5 m3), plus \$40.50 for each additional 10,000 yards (7645.5 m3), or fraction thereof
100,001 cubic yards (76456 m3) or more	\$562.50 for the first 100,000 cubic yards (76455 m3) plus \$22.50 for each additional 10,000 (7645.5 m3) or fraction thereof
Other Fees:	
1. Inspections outside of normal business hours (minimum charge - two hours)	\$30.00 per hour ²

PART TWO

PROCEDURES AND REQUIREMENTS
FOR OBTAINING A CONSTRUCTION PERMIT

P A R T T W O

PROCEDURES AND REQUIREMENTS FOR OBTAINING A CONSTRUCTION PERMIT

I. BUILDING PERMIT APPLICATION PROCESS, PROCEDURES AND REQUIREMENTS:

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

The permit application must be accompanied by at least five (5) complete sets of plans and specifications for the proposed work.

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

II. PLAN AND SPECIFICATIONS - DRAWING STANDARDS:

A. PLAN SHEET SIZES, DRAWINGS AND SPECIFICATIONS REQUIREMENTS

1. Plan Sheet Size - All plan sheets must have a minimum size of 18"x 24"" and a maximum size of 30" x 42". A set of plans must have a uniform sheet size. Variations of sheet sizes will not be accepted. Exceptions to these size requirements will be permitted only upon sufficient justification and written approval by the Building Official.
2. Drawings shall be provided with borderlines leaving a one-half inch margin at the top, bottom and right side, and a one and one-half inch margin at the left for binding. Drawings shall also contain a title block in the lower right hand corner identifying the project and the names of the owner and the person or firm responsible for the preparation of the plans. All plans, specifications and calculations shall bear the stamp and signature of professional engineer or architect licensed to practice in the Territory of Guam.
3. Specifications - (If not on plan sheets) must be on standard 8 1/2" x 11" size sheets, typed and bound, indicating the exact description of the project.

B. CIVIL REQUIREMENTS

1. Plot Plan - Plans must include a plot plan drawn to scale, completely dimensioned, and must contain the following:
 - a). Delineation of property boundaries lot number and zone designation.
 - b). Delineation of public rights-of-ways, easements access roads (if applicable).
 - c). Lot diagram indicating the size and location of the proposed construction

and all existing structures on the side and their distances from lot and street lines, the established grade and existing elevations, and final grade elevations of the site shown by contours or spot grades at reasonable intervals.

- d). Sewage Disposal Requirements - (Connection to public sewer) If sewage disposal is accomplished by connection to public sewer, the project plan must show the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Floor Plan - All spaces must be designated according to use.
2. Exterior elevations
3. Interior elevations
4. Building sections
5. Wall sections
6. Roof plan
7. Detailed drawings necessary to show adequately all architectural elements of the building, including doors, windows, & interior finish schedules, and other details necessary to substantiate all required fire-protection characteristics.

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

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

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

1. Complete mechanical and plumbing plan (floors, isometric, elevations and details)
2. Legend of symbols
3. General notes specifying design criteria for all mechanical and plumbing systems (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
4. Fixture schedule specifying materials to be used (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
5. Buildings with air-conditioning:
 - (a). Provide energy conservation with calculations according to UBC Chapter ____.Reflect the insulation required on the drawing.
6. Specifications (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
7. Design Calculations (Required only for multi-family dwelling, commercial, industrial and institutional buildings)
8. Food service equipment (if applicable - must be approved by the Department of Public Health & Social Services)

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

1. Electrical plan - to include:

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

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

III. REVIEW PROCEDURE:

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

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

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

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

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

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

Two (2) sets will be retained by the Building Permit Section
(2) sets for the owner's records

One (1) set returned to the owner for his/her licensed contractor which must be made available for inspection at the job site any time work is in progress

IV. ISSUANCE OF PERMITS:

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

V. VALIDITY

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

- A. The issuance of a building permit or approval of plans and specifications shall not be construed to be a permit for, or approval of any violation or the provisions of this law. Any building permit presuming to cancel such provisions or condone such violations shall be entirely invalid and void.
- B. The issuance of a building permit after approval of plans, specifications and attached data submitted therewith, shall not prevent the Building Official from thereafter requiring correction of any errors in said plans, specifications and data, nor from prohibiting building operations to be carried on thereunder until said correction is made.

VI. EXPIRATION OF BUILDING PERMIT

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

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

VII. APPROVED PLANS AND SPECIFICATIONS

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

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

VIII. INSPECTIONS:

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

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

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

NOTE: In accordance with Public Works regulations:

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

IX. STOP WORK ORDERS:

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

X. CERTIFICATE OF OCCUPANCY

A. Final Inspection:

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

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

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

C. Change in Use:

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

D. Certificate Issued:

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

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

E. Temporary Certificate:

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

F. Posting:

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

DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES

Division of Environmental Health Public Health Engineering Section Standard Operating Procedures Sanitary Permit Clearance

I. Definitions

1. **Building Permit** - a permit issued by the Department of Public Works to erect, construct, enlarge, relocate or demolish any building or structure.
2. **Business License** - a license issued by Revenue and Taxation to engage in the following types of businesses:
 - ▶ Wholesale: sale of tangible property or items to be resold
 - ▶ Retail: sale of tangible property or items to ultimate consumer or user
 - ▶ Service: performing or providing service for others for consideration
3. **Occupancy Permit** - a permit issued by the Department of Public Works prior to a building being occupied.

II. New Sanitary Permit Clearance (Building Permit Track)

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

A. Plans and Specifications Review

1. Submission of plans and specifications

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

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

2. Plan Review

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

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

3. Consultation and Acknowledgment by Owner/Contractor

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

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

4. Forwarding to Other Agencies

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

B. Occupancy Permit Clearance

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

1. Scheduling of occupancy permit inspection

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

2. Inspection by Engineering Section Personnel

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

3. Clearance of the Occupancy Permit

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

C. Sanitary Permit Issuance

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

1. Clearance of the Business License

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

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

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

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

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

4. Submission to Administration

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

III. New Sanitary Permit Clearance (Business License Track)

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

The steps for Sanitary Permit Issuance are as follows:

A. Review of Business License Application

1. Determination of the Establishment Type

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

2. Review of Permitted Activities as per Zoning

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

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

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

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

1) Application for Sanitary Permit,

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

C. Plans and Specifications Review and Scheduling of the Inspection

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

D. Job Site Inspection of the Establishment

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

E. Sanitary Permit Issuance

1. Clearance of the Business License

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

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

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

3. Submission to Administration

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

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

4) To Director for review and approval.

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

Department of the Army
CORPS OF ENGINEERS, PACIFIC OCEAN DIVISION
GUAM OPERATIONS OFFICE
238 ARCHBISHOP F. C. FLORES STREET, SUITE 905
AGANA, GUAM 96910
Tel: 472-8091, 349-5155
FAX: 349-5354

ARMY CORPS OF ENGINEERS

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

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

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

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

Applicants are expected to provide the following information:

- a) A detailed description of the proposed activity, including the purpose, use, type of structure, facilities for handling waste, and composition and quantity of dredged or fill materials.
- b) Names and addresses of adjoining property owners and others who may be affected by the proposed activity.

- c) Complete information on the project location in enough detail so that a field visit may be conducted.
- d) A list of the status of all other federal or local government permits and clearances required for the project.
- e) A simple environmental impact assessment. A more detailed EIA may be required for projects having large, potential impacts.

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

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

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

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

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

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

UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT
Barrigada Plaza, Suite 103
494 West Route 8
Barrigada, Guam 96913
Telephone: (671) 735-2102
Fax: (671) 735-2108

The **USDA Farmers Home Administration's** function of making a variety of loans and grants for decent, safe, sanitary, and affordable housing in Guam has been assumed by the **USDA's Rural Housing Service** now responsible to make them available to all rural Americans through the following Programs:

SECTION 502 RURAL HOUSING LOAN PROGRAM

OBJECTIVE

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

WHO IS ELIGIBLE

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

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

8. Adjusted annual income not exceeding the applicable LOW INCOME limits established below.

INCOME LIMIT Effective February 28, 1997 (Income Limits subject to change annually)

No. Persons	1	2	3	4	5	6	7	8
Very Low	19,300	22,050	24,800	27,550	29,750	31,950	34,150	36,350
Low Inc.	30,850	35,250	39,650	44,100	47,600	51,150	54,650	58,200
38 Year	17,450	19,900	22,400	24,900	26,900	28,900	30,900	32,850

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

ADJUSTED ANNUAL INCOME:

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

LOAN PURPOSES

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

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

SITE AND DWELLING REQUIREMENTS

1. Location - property must be located in a designated rural area. Areas considered "eligible" for consideration include, but are not limited to: Agana, Agana Heights, Agat, Asan, Barrigada, Chalan Pago - Ordot, Dededo, Inarajan, Mangilao, Merizo, Mongmong-Toto-Maite, Piti, Santa Rita, Sinajana, Talofofo, Tamuning, Umatac, Yigo, Yona.
2. Access - Must have access to public utilities and where connection costs for such utilities are reasonable.
3. Minimum Adequate Site - The site must be of a size that it cannot be subdivided into two or more adequate sites.
4. The site and plot plan are subject to approval by RD based on a site inspection of the property.
5. Site ownership - may be either fee simple or leasehold.
6. Dwelling
 - a. No size limitation nor restrictions on types of amenities except for in-ground swimming pools and income producing structures.
 - b. For existing homes, must be determined to be structurally sound, functionally adequate and in good repair.
 - c. Must be serviced by electricity and have dependable water and waste disposal system approved by local or state authorities (catchment system not allowed).
 - d. Dwelling may be detached single family homes, Townhouses and certain types of condominiums with mortgageable units.

MAXIMUM LOAN AMOUNT

1. Current loan ceiling for Guam is \$180,500. (Subject to change)
2. Maximum loan amount will be the lesser of the current Market value or selling price or loan ceiling. The amount of loan is further dependent upon the family's needs, repayment ability and cash contribution.

INTEREST RATES AND PAYMENT ASSISTANCE

1. This loan has a fixed rate of interest referred to as the note rate which is established at the loan closing. Current note rate is 7.25%. (subject to change).
2. The note rate of payment may be reduced if eligible for payment assistance. Generally, for those in the very low income and low income categories, payments may range from as low as 1% to as high as the note rate depending on the relationship between the annual adjusted income to the median income. The percent of the annual adjusted income to the median income provides the basis for determining the amount of payment.

PAYMENT ASSISTANCE REDEMPTION

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

LOAN TERMS AND CONDITIONS

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

NET FAMILY ASSETS AND DOWNPAYMENT

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

ASSUMPTION OF AN EXISTING RD LOAN

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

SECURITY REQUIRED

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

PROCESSING TIME

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

REQUIREMENTS PRIOR TO CLOSING (FOR EXISTING DWELLINGS)

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

LOAN COSTS

Borrowers (buyers) must pay for:

credit report	notary fee
down payment (if required)	mortgage preparation fee
1/2 escrow fee	title insurance
recordation fee	homeowners and typhoon insurance
property tax reporting fee	(1 yr. prepaid)
appraisal fee	prorated property taxes
Estimated cost: \$2,250 to \$2,450	

GUARANTEE RURAL HOUSING AVAILABLE

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

PARTICIPATION LOAN

Under this type of loan, both RD and the lender agree to a specific portion of the total loan request (as an example, the lender agrees to fund 30% and RD the balance of 70%). This allows the agency to leverage the limited subsidized funds available. Your loan may be conditioned to include loan participation.

APPLICATION PROCESSING

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

All applications will be serviced by the Barrigada Area Office located in Suite 103, Barrigada Plaza, 494 West Route 8, Barrigada GU 96913. Phone: (671) 735-2102

**UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT**

**504 LOANS AND GRANTS
SUMMARY SHEET**

<u>ADJUSTED INCOME LIMITS (Subject to Change)</u>							
1PERS	2PERS	3PERS	4PERS	5PERS	6PERS	7PERS	8PERS
19300	22050	24800	27550	29750	31950	34150	36350

TERMS AND CONDITIONS:

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

TYPICAL PAYMENT SCHEDULE FOR A \$20,000.00 LOAN

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

OTHER ELIGIBILITY REQUIREMENTS:

1. Must own at least 50% undivided interest in the property.
2. Subject property must be owner-occupied.
3. Liquid assets must not exceed \$5,000.00 (can be waived)
4. Lacks ability to obtain financial assistance from other non-USDA RD credit or grant sources .
5. No pre-payment penalty.
6. Loan is assumable.

EXAMPLES OF LOAN PURPOSES:

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

Contact Numbers: Barrigada Office (671)735-2102/3

**UNITED STATES DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT**

GUARANTEED HOUSING PROGRAM

Terms and Conditions:

1. **Maximum Amount:** \$180,500.00
2. **Term:** 30 years
3. **Interest Rate:** Fixed Rate - Maximum FNMA 90 day yield rate, plus 60 basis points or Published Rate for VA First Mortgage Loans with 0 discount points

4. **Purpose:**
 - Purchase a new or existing single family house
 - Purchase a condominium
 - "Take Out" financing to construct a new dwelling
 - "Take Out" financing to purchase and improve an existing dwelling
 - Legal fees, Title services, Loan closing costs

5. **Over View of Program**

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

6. **Approved Lenders:** Bank of Hawaii, Bank of Guam, First Hawaiian Bank, First Hawaiian Creditcorp, Inc., Citizens Security Bank, Guam Savings & Loan

7. **GUARANTEED HOUSING PROGRAM INCOME** Effective February 28, 1997. (Subject to Change)

No. Persons	1 pers	2 pers	3 pers	4 pers	5 pers	6 pers	7 pers	8 pers
Low Income	30,850	35,250	39,650	44,100	47,600	51,150	54,650	58,200
Moderate Income	44,400	50,700	57,050	63,400	68,450	73,550	78,600	83,700

*add 8% of 4-person limit for each person in excess of 8. ** Moderate income families is defined as 115% of the median income for the area, as adjusted.

ADJUSTED ANNUAL INCOME:

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

For more detailed information regarding these programs, please inquire from the Barrigada Area Office located in Suite 103, Barrigada Plaza, 494 West Route 8, Barrigada, GU 96913
Telephone Numbers: (671) 735-2102/3

For other USDA Loan Programs, Water & Waste Disposal/Community Programs Guaranteed Loans, Rural Technology and Cooperative Development Grants, Community Facility Loans, Business & Industry Loan Guarantee Program, please contact:

USDA, Rural Development
Hawaii State Office
Attn: RBS
Room 311, Federal Building
154 Waianuenue Avenue
Hilo, HI 96720
(808) 933-3019

USDA, Rural Development
District II Office
First Hawaiian Bank Building
Suite 303
400 Route 8
Mongmong, Guam 96927
(671) 472-7361

AIR INSTALLATION COMPATIBLE ZONES

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

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

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

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

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

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

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

For further information, contact the Director, Bureau of Planning.

GUAM COASTAL MANAGEMENT PROGRAM and FEDERAL CONSISTENCY

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

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

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

Authority: Executive Order No. 78-37.

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

GUAM ENVIRONMENTAL PROTECTION AGENCY
P.O. Box 22439
Guam Main Facility, Guam 96921
Telephone: 472-8863

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

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

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

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

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

Major Stationary Sources

- 100 - 250* tons per year of Criteria Pollutants
- 10 - 25* tons per year of Hazardous Air Pollutants

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

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

Minor Stationary Sources

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

There are six (6) Criteria Pollutants

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

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

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

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

HAZARDOUS WASTE MANAGEMENT PERMIT

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

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

Small quantity generators (less than 100 kilograms), not subject to the permit requirements, are covered by the **GEPA Hazardous Waste Management Regulations** with respect to reporting treatment, storage, transportation, disposal or management of hazardous wastes.

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

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

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

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

D. Notification of Hazardous Waste Activity

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

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

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

Other Requirements and Programs

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

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

. Hazardous Waste Importers (into the Territory of Guam) must obtain an Administrator's Consent. A complete notification must be submitted sixty (60) days before the initial shipment is intended from the point of embarkation. The importer may accept the hazardous waste only after receiving the Administrator's Consent. For more information on the notification requirements, please contact the Agency's **Solid and Hazardous Waste Management Staff**.

C. Hasso Guam is a quarterly household hazardous waste clean-up program sponsored by GEPA. Home owners are encouraged to collect household hazardous wastes, used automobile engine and transmission oils, engine coolant, batteries, brake fluid, detergents, solvents, paint, thinner, expired pesticides and other chemicals, for disposal to a registered participating Hasso Guam contractor free of charge, usually on a Saturday every three months from 8:00 a.m. to 5:00 p.m.

Individuals with questions about potential hazardous wastes and the next scheduled Hasso Guam clean-up day may contact the Agency's **Hazardous Waste Program**.

For more information contact the Administrator, Guam Environmental Protection Agency.

ENVIRONMENTAL LAND USE PERMITS

- A. **Environmental Protection Plan (EPP)**
- B. **Environmental Impact Assessment/Statement (EIA/EIS)**
- C. **Minimum Lot Size Policy**
- D. **Sand, Soil, and Aggregate Importation**
- E. **Wetland Development/Identification**

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

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

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

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

C. The Minimum Lot Size Policy. The Agency has established a land use policy setting lot size standards for areas where public sewer is not available and the property is located over the Groundwater Protection Zone. The policy is applicable to all zone designations and all lot parceling and subdivision proposals. Subdivision proposals which meet policy standards are automatically Certified by the Agency through the Department of Land Management. Following is a brief summary of the three policy standards:

- 1) In "A" (Agricultural) Zones, the minimum lot size permitted is 20,000 square feet and lot density is one (1) dwelling unit per 20,000 square feet.
- 2) In "R1" (Residential) and "R2" (Multi-Family) Zones, the minimum lot size permitted is 10,000 square feet with a maximum density of one (1) unit per 10,000 square feet if the zone designation was established prior to the adoption of this policy (December 20, 1996). The Agency will not support zones change proposals from "A" to a higher density without adequate public sewer facility.
- 3) The minimum lot size permitted outside of the Groundwater Protection Zone shall not be less than 10,000 square feet for all zone designations.

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

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

E. Wetland Development/Identification. Wetlands are protected resource areas and as such required special identification, delineation and permitting activities prior to development of the resource. Both the federal and local governments play important roles in wetland permitting and protection. All federal identification, protection, and permitting (enforcement) concerns should be referred to the U.S. Army Corps of Engineers, Guam Office. The Department of agriculture, DAWR, Department of Land Management, Bureau of Planning and GEPA are involved in local wetland protection and permitting. Field **Wetland Identification** services may be provided by the Department of Agriculture and GEPA to a limited extent in that preliminary determination and guidance is offered; however, the Agency will not make federal jurisdictional determinations or resources delineations. Farmers are encouraged to consult with the USDA Natural Resources Conservation Service for technical guidance and advice. The Official Wetland Inventory Map for Guam is available for review at most of the above-mentioned agencies as well as local regulations on wetland protection.

PESTICIDE REGULATION AND PERMITS

A. Pesticide Dealer's License

B. Pesticide Certification and Training

C. Special Permits

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

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

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

B. Pesticides Certification and Training. Certification and training programs are designed to ensure that users are competent to handle RUPs without causing danger to themselves, the public

and the environment. These programs also allow the continued use of certain chemicals that might otherwise have to be withdrawn from the market because of potential danger to humans or the environment. The University of Guam, CAL, in cooperation with GEPA, offers training workshop and administers the tests for certification.

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

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

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

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

C. Special Permits

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

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

For more information, please contact the Pesticides Program, GEPA

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

SOLID WASTE COLLECTION AND DISPOSAL PERMIT

A Solid Waste Collection and Disposal Permit is required by the Guam Environmental Protection Agency for any person who provides a regular solid waste collection service to a business, place, residence or establishment. A permit is also required for any operator or group of operators that store, collect and transport solid wastes as an activity of business. All such permits issued by GEPA are valid for 3 years and are not transferable without prior written approval of the Administrator.

All applications are reviewed within 30 days of receipt of the application.

No fee is required for these permits.

Reference: "Solid Waste Collection Regulations" and "Solid Waste Disposal Rules and Regulations," Guam Environmental Protection Agency.

Authority: "Solid Waste Management and Litter Control Act" Title 10, Chapter 5, Guam Code Annotated.

SOLID WASTE PERMITS

- A. Solid Waste Disposal Facility**
- B. Solid Waste Processing**
- C. Hardfill Disposal Facility**
- D. Hazardous Waste Exclusions**

A. Solid Waste Disposal Facility. All solid wastes, including municipal, commercial, industrial, land clearing debris, and demolition debris must be disposed of at a GEPA permitted Solid Waste Disposal Facility. Permit application must specify the facility location, mode of operation, a detailed description illustrating compliance with applicable laws and regulations and proposed closure activities.

At present there are four (4) permitted government of Guam Solid Waste Disposal Facilities located at **Ordot, Dededo, Agat and Malojloj**. The Ordot facility is the island's only public municipal solid waste landfill, while the Dededo, Agat and Malojloj facilities are transfer stations supporting intermediate collection system efforts.

Also at Malojloj is a Hardfill facility located in an old quarry pit which accepts only bulky metallic waste such as white goods, wood and demolition debris. In addition to the public facilities, the Navy and Air Force operate smaller exclusive base landfills. Most large municipal landfills will operate and continue to be regulated well in excess of 30 years.

B. Solid Waste Processing. The collection and dismantling of automobiles and similar bulk solid waste for the eventual recovery of semi-precious metals is known as a solid waste processing facility. These metals and other goods are salvaged to be sold at recycling facilities off-island. A key element in this effort will be to locate all such activities only in "M-1" (Light Industrial) zones. This will necessarily involve the Territorial Land Use Commission (TLUC) for any zone change proposals.

C. Hardfill Disposal Facilities may be permitted at various locations throughout the island given certain conditions. Hardfill sites should not be located in residential areas, flood hazard areas, wetlands, or sites where building construction is proposed. There have recent hardfills permitted in abandoned quarries. Most hardfill facilities are permitted to accept demolition debris, and similar construction waste products.

D. Hazardous Waste is not permitted (excluded) to be disposed of at solid waste disposal facilities from generators with a total hazardous waste production of 50 kilograms (100 lbs.) per month or from generators with a total production of 1 kilogram (2.2 lbs.) of acutely hazardous wastes per calendar month. All hazardous waste at these quantities are subject to separate hazardous waste disposal regulations.

For more information about solid waste rules and regulations, interested individuals may contact the Agency's Solid Waste Management Program.

WATER PERMITS

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

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

B. The National Pollution Discharge Elimination Systems (NPDES) is a federal permit for all storm water and point source pollution discharges. GEPA reviews and certifies (401 WQC) the permit for compliance with all local regulations and policies and in accordance with the Guam Water Quality Standards. USEPA coordinates, drafts and issues the permit facilities that require wastewater discharges such as sewage treatment plants, electrical power generation plants, industrial processing facilities, storm water outfalls, aquaculture facilities, aquariums, and similar operations must be permitted under this permit system. Guidance as to requirements for this permit may be obtained at GEPA or from USEPA, Region 9. Individuals anticipating the need to discharge wastewater to waters of the U.S. are encouraged to consult with either agency as early in the project planning schedule as possible. NPDES Permit issuance may take anywhere from one to two years.

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

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

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

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

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

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

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

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

GEPA does not charge a fee for this permit, and the review period varies with the complexity of the project. A public hearing may be required. Processing time is approximately 2 weeks without a public hearing and 4 to 8 weeks with a public hearing. Permits may be issued to public utility agencies or private parties when all methods of storm water or treated wastewater disposal have been investigated and exhausted. This permit involves the disposal of wastewater at a considerable distance below the ground surface either by gravity or mechanically applied pressure.

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

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

G. Test Boring and Dewatering Permits. Individuals conducting soil test boring and measurement activities may be required to obtain a GEPA Test Boring Permit.

Test boring activities include drilling and excavations deeper than six (6) feet deep for a number of soil and structural engineering analysis work. In addition, if the water table is encountered during excavation work for building foundations and similar construction activities, a **Dewatering Permit** may be required to control and treat water pumped from an excavation prior to final discharge. Both the test boring and Dewatering permit approvals may be a sub-component of a site clearing and grading and building permit request. For exploratory purposes the approval of these permits will be accomplished separately.

H. Well Drilling and Operating Permits. Well Drilling and Operating Permits are two separate permits, issued when a freshwater well is to be drilled and operated. The first permit authorizes development of a well, and the second permit authorizes operation once a well is complete and tested.

Separate application forms for drilling and operating permits are available from GEPA. The Drilling Application requires specific information concerning the proposed site, construction methods, and desired operation conditions. The Operating Permit Application requires actual construction plans and operating details.

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

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

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

PUMPING RATE	ANNUAL FEE
0 - 150	\$ 100
151 - 225	\$ 125
226 - 325	\$ 200
326 - 525	\$ 300
over 526	\$ 400

Government of Guam agencies are exempted from these fees.

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

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

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

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

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

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

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

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

Other Requirements and Programs

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

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

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

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

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

Wastewater Operators Examination. Successful completion of the Wastewater Operators Examination is required for individuals who work in public or private sewage/wastewater treatment facilities. Operator must have the basic knowledge and qualification to properly operate plant equipment and in particular, the ability to identify problems in the treatment process and to implement appropriate remedies as well as conduct normal maintenance procedures. The certification is critically important in order to ensure that discharges meet federal and local permit requirements. Examinations are administered by GEPA.

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

WQMPs may range in complexity from visual inspections for sedimentation and protection measure failure to laboratory or field analysis of chemical and biological effects on water quality or organisms (acute/chronic bioassay), dependent on a given water resource.

WQMPs always include procedures for reporting results and observations to GEPA and provisions for corrective actions decision making.

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

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

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

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