

CONDITIONAL USE

**TO: Executive Secretary, Guam Land Use Commission
c/o Land Planning Division, Department of Land Management
Government of Guåhan, P.O. Box 2950, Hagatna, Guåhan 96932**

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 **Guåhan Code Annotated 21 GCA, Chapter 61, Section 61303.**

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

Site Plan required: Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of existing structure(s); location and dimensions of proposed structure(s) or alterations; parking and loading areas; access and traffic circulation; open space; landscaping; signs; setback distances; and solid waste disposal area.

a. 8 ½" X 14" map, drawn to scale, showing all significant building or uses within 750 feet radius from the subject lot's boundaries. On the same map, applicant must also show any natural or topographic peculiarities of said lot.

b. 8 ½" X 14" map, drawn to scale, showing all parcels with correct lot number within 500 feet radius from the subject lot's boundaries.

ATTACHMENT: Section 61303 (Conditional Use) and Section 61303.1 (Departmental Responsibilities: Cost Allocated) is attached for your information and guidance in preparation of your Conditional Use application. For additional information, visit the Land Planning Division.

CONDITIONAL USE

5. Supporting Information. (Continuation)

- c. The most recent survey map certified and recorded in the Department of Land Management, showing the subject property.
- d. Additional information as required by the Guåhan Chief Planner:
 - 1. Include a comprehensive, ***Environmental Impact Assessment (EIA)*** or ***FONSI***.
 - 2. **In addition to providing the required number of hard copies of the Application; provide 9-copies of the Application File in Electronic Format (example: in CD format, etc.)**
- e. Provide a picture of the display sign. Section 61303(c)(1-3) requires the posting of a 4'x8' sign on the subject lot displaying the following information:
 - 1. Statement of Public Notice that an application for conditional use has been filed with the Guam Land Commission;
 - 2. The title of the application as filed, containing the name of the owner, the name of the development, the lot number and the proposed conditional use; and
 - 3. The date time and place of each public hearing and Commission meeting where public comments can be presented to the Commission. The sign shall be required to be erected and displayed with current information no less than ten (10) consecutive days prior to each scheduled public hearing or meeting.
 - 4. **IMPORTANT NOTICE TO APPLICANT(S):** Failure to meet the notice requirements as provided herein renders any approval by the Commission null and void.

6. **Filing Fees:** Fifty Dollars (\$50.00) filing fee for the first five pages, and \$.25 for any additional page, under Public Law 29-02, Chapter V, Part III (Fees and Charges Assessed by the Department of Land Management).

LURPA Fee – In accordance with P.L. 21-14, Section 11, states, in part, that the “Department of Land Management determine the names and addresses and properly serve or mail all required notices to all persons within a five hundred (500) ft radius of the proposed project who will be affected thereby. In addition, the Department shall charge the applicants with all costs incurred in carrying out the requirements...”

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

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

“I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided.”

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

(Representative, if any, and Date)

CONDITIONAL USE

**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 Accepted: _____ Accepted By: _____

Date of Notice in Newspaper(s): _____

Date of Notice to Adjacent Property Owners: _____

Date of Public Hearing: _____

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

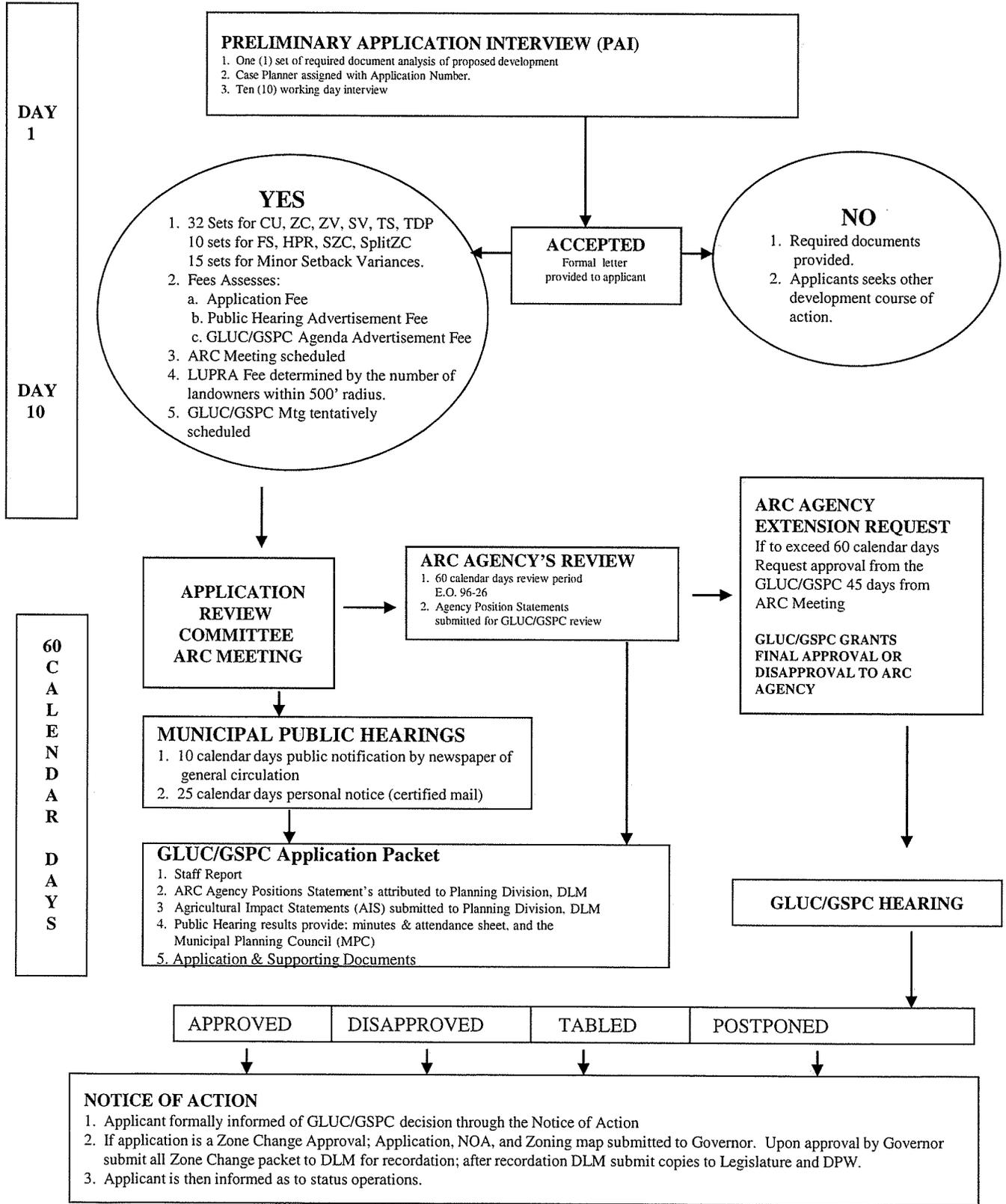
Receipt No.: _____ Application Number: _____

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

Conditions of Approval: _____

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

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



Sample for public hearing notice to the general public, requirement as per the Zoning Law.

(4 FT X 8 FT Sign Board)

PUBLIC NOTICE

**AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A
CONDITIONAL USE PERMIT:** _____

PROJECT NAME:

APPLICANT/REPRESENTATIVE:

PROJECT DESCRIPTION:

LOT/BLOCK/TRACT:

MUNICIPALITY:

PUBLIC HEARING:

**DATE:
TIME:
PLACE:**

GLUC HEARING:

**DATE:
TIME:
PLACE:**

Procedures for Placement of Mandatory Billboard for Public Notification

Effective Date: November 11, 2011

As Approved by the Office of the Guam Chief Planner

Division of Land Planning, Department of Land Management

The purpose for these following procedures is to clarify and standardize the requirement for the placement of public notice signs on the subject lots under review by the Guam Land Use Commission (GLUC) pursuant to 21GCA, Chapter 61, *Zoning Laws, Part 3, Changes of Zones, Section 61633, Hearing Dates-Notice (for Zone Change Requests)*; Article 3, Section 61303(c) *(for Conditional Use Permit Requests)*; Part 2, *Appeals & Review, Section 61619, Hearing Date-Notice (for Zone Variance Requests)*. Applicants are instructed to review the following steps and procedures and acknowledge its contents and responsibilities. (This document shall be entered as a mandatory information and part of the filed application packet)

A. SIZE DIMENSION AND SIGNAGE:

1. The Billboard shall maintain a dimension no smaller than 4 feet by 8 feet (as allowed in a standard-sized plywood board) with a **white background entirely**.
2. In that portion stating "**NOTICE TO REZONE***" shall be dominantly in English, shall use a letter font size no smaller than 12", and shall be in **red**. This portion of the sign shall take up no less than 2 feet by 8 feet and preferably on the upper half of the sign.
3. In that portion stating "**PUBLIC NOTICE**" shall be dominantly in English, shall use a letter font size no smaller than 8", and shall be in **red**.
4. In that portion stating "**AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE CHANGE**" shall be dominantly in English, shall use shall use a letter font size no smaller than 4-6", and shall be in **red**.
5. In that portion providing: **the title of the filed application; owner and name of the developer; the lot, block, and tract number of the subject lot; and the proposed change of zone, purposed variance, or proposed conditional use** regarding the application, shall be dominantly in English, shall use a letter font size no smaller than 4-6", and shall be in either **red or black**.
6. In that portion providing: **the Date and Time for each Public or GLUC Hearing** shall be dominantly in English, shall use a letter font size no smaller than 4-6", and shall be in either **red or black**.
7. **All characters and letters will be printed in legible and permanent media so as to prevent any possible degradation in material or context due to elements of nature.**

Applicant Initials _____

B. PLACEMENT AND MAINTENANCE OF SIGNAGE:

1. The applicant shall not be restricted to the placement of one billboard advertisement of public notice, but shall opt to place additional billboard as may deemed necessary to insure public notification in accordance with applicable statutes is achieved and may be applicable at the recommendation of the Guam Chief Planner.
2. The Billboard shall be erected and displayed in a visible and prominent place on the subject site no less than **5 days after the application has been filed with the Guam Land Use Commission or Guam Seashore Commission, whichever is applicable and in accordance to applicable statute.**
3. Billboards shall be erected and in placed in a location within the subject lot(s) as to avoid any hindrance to pedestrian or vehicular travel. **The billboard shall not be used for the purpose of hindering public access within a Public Right-of-Way.**
4. When facing a roadway or in an area determined as the most obvious and visually accessible, such area where the billboard will be placed shall be free of any object, natural material, or any man-made or natural structure or form that would otherwise hinder visual access to the billboard. The applicant or his authorized agent shall be responsible for maintaining said area and sign for the duration of the application's review and assessment period and no later than **one day after the GLUC/GSPC has rendered a final decision.**
5. The applicant or his authorized agent shall be responsible for updating the billboard, particularly on **public hearing or GLUC/GSPC hearing dates.**

C. OFFICIAL STAMP DATE PROOF OF PUBLIC NOTIFICATION:

In an effort to insure timely public notification of public or GLUC hearing dates, times, and venue the applicant or his authorized agent shall perform the following:

1. Upon notification of a confirmed and scheduled public or Commission hearing date, the applicant or his authorized agent shall enter such date(s) on the billboard **no later than three days after being notified or as required under statute.**
2. For the purpose of insuring proof new information has been added to the sign within the required timeline, the applicant or his authorized agent shall either:
 - a. Obtain a **digital photograph of the billboard, obviously showing the entered date(s).** The digital photograph shall then be sent to the application case planner via email or other electronic media. The date received via email or other electronic media shall serve as the **date stamp proof** in accordance with part 1a of this instruction; or
 - b. Obtain a **still photograph of the billboard, obviously showing the entered date(s).** The photograph shall then be brought to the office of the application case planner, either personally or by electronic means (i.e. electronically scanned then sent by

Applicant Initials _____

Procedures for Placement of Mandatory Billboard for Public Notification (con't)

email, facsimile, etc). The case planner shall then receive the photo(s) as the date stamp proof of the hearing date in accordance with part 12a of this instruction (in the event a facsimile is used, the case planner shall use the date received in faxed copy as **the date stamp proof**; otherwise,

- c. When personally delivering the photo(s), the applicant or his authorized agent shall submit accordingly using the following form and context for the receipt and acknowledgement of **stamp date proof**.

<p>This is to acknowledge that the <u>applicant's or authorized agent</u> has submitted proof that dates pertaining the public hearing/Commission were entered in the mandatory Public Notice Billboard pursuant to Part C2a of the <i>Procedures for Placement of Mandatory Billboard Public Notification</i>.</p> <p>DATE NOTIFIED BY CASE PLANNER: _____</p> <p>DATE ENTERED ONTO BILLBOARD BY APPLICANT: _____</p> <p>CASE PLANNER ACKNOWLEDGED: _____</p> <p>GUAM CHIEF PLANNER ACKNOWLEDGED: _____</p>
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***This document to have attached a copy of a sign sample.

I/We have been advised of my/our Case Planner of the requirements of the mandatory installation of a public notice sign as described above and that I am/we are responsible for its installation, maintenance, and updating of said sign as well meeting the requirements of all applicable statues relative to providing appropriate public notice of all applicable public meeting and/or hearing dates concerning my/our land use application as filed with the Division of Land Planning. I/ We understand that any failure to meet these requirements may prevent further processing of my/our application or revocation, thereof.

APPLICANT'S NAME (PLEASE PRINT)

SIGNATURE

DATE

21 GCA REAL PROPERTY CH. 61 ZONING LAW

§ 61303. Conditional Use.

- (a) In addition to permitted uses in each of the zones, specified uses are permitted upon approval by the Commission of the site plan including, but not limited to, disposal of sewage, access, parking, structure location and dimensions of buildings, impact of the proposed use on adjacent land uses, and accompanying covenants that may include performance standards. The Commission shall also consider such other elements as may be reasonably related to the health, safety and general welfare of the community.
- (b) Notwithstanding any prior conditional use as provided in subsection (a) of this section, any amendment to a site plan which plan was previously approved by the Commission shall be approved by the Commission in accordance with the criteria set forth in subsections (a) and (c) of this section.
- (c) In any hearing or meeting on an application for conditional use whether based on an original or amended site plan, in each of the zones, the Commission shall require the applicant to give personal written notice at least ten (10) days prior to the hearing to property owners within a radius of five hundred feet (500') or if personal notice is not possible, then written notice to the last known address of such owner at least twenty-five (25) days prior to the hearing by certified mail, return receipt requested. In addition, the commission shall require the applicant to erect a sign on the subject location, no smaller than four feet (4') by eight feet (8') in height and width, displayed to make the following information available to the general public in a reasonable manner:
 - (1) a Statement of Public Notice that an application for conditional use has been filed with the Territorial Land Use Commission;
 - (2) the title of the application as filed, containing the name of the owner, the name of the developer, the lot number, and the proposed conditional use; and
 - (3) the date, time and place of each public hearing and Commission meeting where public comments can be presented to the Commission. The sign shall be required to be erected and displayed with current information no less than ten (10) consecutive days prior to each scheduled public hearing or meeting. The Commission shall not render a decision in favor of any applicant that fails to comply with this sign requirement and any other public notice requirement that is prescribed or imposed. Failure to meet the notice requirements as provided herein renders any approval by the commission null and void.

§ 61303.1 Departmental Responsibilities: Costs Allocated.

- (a) Pursuant to § 61303 of this Article, the Department of Land Management (the *Department*) shall determine the names and addresses and properly serve or mail all required notices to all persons within the five hundred foot (500') radius of the proposed project who will be affected thereby. As provided in § 61303 of this Article, the notices shall be served not less than ten (10) calendar days before any public hearing is to be conducted. The five hundred foot (500') radius shall be measured from the exterior boundary lines of the project, and not from the center.

- (b) The Department shall charge the applicants with all costs incurred in carrying out the requirements of subsection (a) of this section, and all costs and fees so collected shall be deposited in the Department's operational funds to be expended for the Division of Planning as the Director of Land Management may determine.

COMMENT: P.L. 21-14:11(a) repeals and reenacts § 61303. Subsections (b) and (c) of P.L. 21-14:11 are **not** part of the amendment to § 61303, but, though uncodified, form an integral part of the implementation of § 61303. Therefore, the Compiler has codified P.L. 12-14:11, subsections (b) and (c) as § 61303.1 in order to provide a complete understanding of § 61303. P.L. 12-14:11(d) is an appropriation and, therefore, will remain uncodified.