

**Government of Guam
Biennial Budget
Fiscal Years 2016
Agency Narrative**

FUNCTION: **Land and Housing and Natural Resources**

AGENCY: **Department of Land Management – Planning Division**

MISSION STATEMENT:

1. The Division of Land Planning is the technical and administrative staff to the Guam Land Use Commission, Guam Seashore Protection Commission, Guam Natural Resource Board and the Application Review Committee, by regulating and administering eighteen (18) mandates inherent in Title 21, GCA (Real Property), and as issued through legislation. Currently, the eighteen (18) mandates are as follows:
 - ◆ **Chapter 60** (*Land Management Planning/Territorial now known as Guam Land Use Commission*)
 - ◆ **Chapter 60** (*Land Management, Street Naming*)
 - ◆ **Chapter 60** (*Natural Resource Utilization*)
 - ◆ **Chapter 61** (*Zoning Law of Guam*)
 - ◆ **Chapter 62** (*Subdivision Law of Guam*)
 - ◆ **Chapter 63** (*Guam Territorial (Now Guam Land) Use/Seashore Protection Act of 1974, Wetlands & Flood Plains Mediation*)
 - ◆ **Chapter 69** (*Improvement District Law*)
 - ◆ **Chapter 45** (*Horizontal Property Act*)
 - ◆ **Chapter 47** (*Time Share Ownership Act*)
 - ◆ **Executive Order 78-20** (*Flood Hazard Area of Particular Concern*)
 - ◆ **Executive Order 90-13** (*Protection of Wetlands*)
 - ◆ **Executive Order 96-26** (*Application Review Committee*) *Twelve (12) member agency committee.*
 - ◆ **Public Law 12-126 and 20-151 and Executive Order 89-09** (*Historical Preservation*)
 - ◆ **Public Law 21-82:4 as amended by Public Law 21-144:8** (*Summary Zone Change Program*)
 - ◆ **Public Law 25-131** (*Split Zone Change Program*)
 - ◆ **Public Law 21-14 Section 11** (*Land Use Property Research Administration*)
 - ◆ **Public Law 27-91** (*Minor Setback Variances*)
 - ◆ **Public Law 28-126** (*Map Certification Process*)

2. To review past and present land use developments, trends and implement those into meaningful and sustainable development for the community of Guam.

GOALS AND OBJECTIVES:

1. To support the Guam Land Use Commission in ensuring for the orderly growth of Guam by channeling past, present and future development into meaningful and integrated directions for the protection and enhancement of the quality of life on Guam.
2. To encourage the most appropriate use of land and to provide for the orderly growth and harmonious development of Guam.
3. To assure adequate provisions of community utilities and facilities such as water, schools, parks and other public requirements in accordance with the mandates to insure adequate traffic circulation through coordinated street, road and highway systems.
4. To permit the conveyance of land by accurate legal description.
5. To assist and provide methods of cooperation among landowners for the construction, reconstruction, financing, maintenance and operation of public facilities pursuant to 21 GCA, Chapter 69, Improvement District Law.
6. To ensure that the procedures for the sale or lease of condominium and time-sharing management are in accordance with Chapters 45 & 47, 21, GCA and to monitor and regulate the condominium and time-sharing management development regimes.
7. To protect the seashore reserve by studying the seashore to determine the ecological planning principles and assumptions needed to ensure conservation of its resources; to ensure that any development which occurs in the seashore reserve during the study and planning period will be consistent with the objectives of the Guam Seashore Protection Act, 21 GCA, and Chapter 63.
8. To review and provide alternatives and recommendations on proposed legislation affecting land use, land administration and subdivision as an integral part as a primary member; as an ad-hoc member; or as a Senior Land use Planner on the legislative review committee (LRC) process at the Governor's level.
9. To be active participants as a committee, task force such as the Water Planning Committee, Tourist Attraction Fund, The Guam Aquarium Committee, etc.
10. To review and approve permit applications such Business, Building Construction Permits, Contractor's License, Liquor License, Clearing and Grading Permits, Temporary Workers Housing Permit, Child Care Facilities, Conditional Use Permits, and Wetland Permits.

11. To assist in the development of a land use development permit tracking system that collects information, data, and development permits (building permits, inspection reports, occupancy permits, business licenses, etc.) on all land parcels for the purpose of ensuring that such permits and licenses comply with the eighteen (18) legal mandates of the Division.
12. To chair and obtain the official position statements of the Application Review Committee's conditions, comments, and recommendations for final Guam Land Use/Seashore Protection Commission action and Guam Natural Resource Board per Executive Order 96-26.
13. Public Law 27-91 serves as an Act to add subsection 61616(I) and section 61526 to Chapter 61 of Title 21 of the Guam Code Annotated, to establish guidelines allowing the Director of the Department of Land Management limited discretionary authority in approving minor setback variances for residential uses and to provide an exception for nonconforming buildings and nonconforming use of land.
14. Public Law 28-126 – Amendment to impose additional safeguards on Subdivision Approvals to Title 21 GCA, Division 2, Chapter 62, the Guam Subdivision Law; and, in conjunction, to Implement the Map Certification Procedures as cited in the DLM's Guidelines- Certification Process of March 6, 2007, DLM, Subdivision Section pursuant to The Land Use Commission passed Resolution No. 2007-02 responding to the requirements of P.L. 28-126, to provide recommendations relative to the Guam Subdivision Law; and Resolution No. 2007-003 relative to Map Certification Process.
15. That the Land Use Property Administration Section comply with Public Law 21-14, Section 11, in ensuring accuracy of property ownership research in determining the names and addresses for public notice; to timely serve or mail all required notices to all persons within hundred (500) feet radius of the proposed project who will be affected thereby; and to ensure that all applicable fees and costs incurred are accurately assessed in carrying out such requirements

IMPACT STATEMENT:

The Land Planning Division is responsible for the administration, facilitation and regulation of the Zoning Law, inclusive of the Summary Zone Change and Split Zone Change, Minor Setback Variances, the Subdivision Law and Map Certification Process, Horizontal Property Regime, Time Share Ownership, the Guam Seashore Protection Act, Wetland and Flood Hazard Areas of Particular Concern, Code Development/Enforcement and Historic Preservation, and property and ownership research, hereinafter referred to as “MANDATES”, inclusive of any rules and code development enforcement regulations adjudicated.

To implement these MANDATES and adhere to the most fundamental requirements of prescribed law, the Division remains in dire need of:

1. Creating resource staffing and technology enhancement via professional desktop systems, updating existing geographical & land information system and government wide network; and professional work and skills enhancement through professional and technical training process to include training on the latest trend or innovations of land use planning and administrative professional training programs to which may be made available conferences and workshops.
2. Assist in the development of the Official Zoning Map of Guam (Chapter 61, 21 GCA), in coordination with the Bureau of Statistics and Plans (BSP).
3. In coordination with DPW, Develop & implement a Commission approved Street Naming Plan (Section 60406, Chapter 60, 21 GCA). Plan has been drafted – follow up action is to provide copy of plan to Mayor’s Council for comments, then present final plan to the GLUC for approval.
4. Assist in the development of a Guam Seashore Reserve Plan (Chapter 63, 21 GCA), in coordination with Bureau of Statistic and Plans (BSP).
5. Provide technical and administrative support pursuant to Article 4, Chapter 60, 21 GCA, (Planning).
6. Assist BSP in providing public awareness of land use and development through an education program on an ongoing basis.
7. To scan and automate ARC, GLUC/GSPC and other land use and land development working files and applications.
8. Assist in the development and implementation of a Permit Tracking System program for project applications/developments that will incorporate the Building Permit Process and the land development review process.
9. To monitor and ensure that developers comply with all conditions imposed by ARC, GLUC/GSPC, when applicable.
10. To ensure that all Horizontal Property Regime/Timeshare Ownership Programs are in accordance with Chapters 45 & 47, 21, GCA; and to develop an HPR/TSO guidelines and rules and regulations.
11. To implement the guidelines as published on March 6, 2007 relative to the Map Certification Process, pursuant to P.L. 28-126, Section 1(a).
12. To resurrect the draft “Land Subdivision Act” as initially submitted to the Guam Legislature; and, if necessary, provide updates until enactment of said act into legislation by the Guam Legislature.

RECRUITMENT AND TRAINING OF QUALIFIED PERSONNEL: The primary goal of the Department is to protect, maintain, manage, make available or deliver all land related products or services. Within the Department, the Division of Land Planning exists and is charged with overseeing eighteen (18) legal mandates with additional responsibility in providing technical and administrative support to the GLUC/GSPC, ARC and Director, DLM, as well as to the general public, performance at 1-Stop Building Permit, DPW and provide Liaison to DPW Right-of-Way on right-of-way land certification.

With the closing of FY2014, the Division has nine (9) funded personnel and out of the nine (9), the current manning strength of the Division is at seven (7) personnel. Of these, four (4) are planners with the active responsibility of overseeing the eighteen (18) legal mandates and other land use related tasks of the Division; two (2) are administrative staffs and one (1) detailed land agent. One (1) Planner III has been detailed to the Director's Office; two (2) Land Agents are detailed to the CLTC Office and one (1) CLTC Land Agent detailed back to Planning Division. With only one (1) assigned personnel in the LUPRA Section and with numerous land use application being submitted to the Division for review, the section has been backlogged since the 1st quarter of FY2011.

Beginning FY 2012 to FY 2014, Two Hundred Twenty-Eight (228) Land Use Applications had been received for a preliminary review, with twelve (12) not accepted and 93% accepted as meeting all zoning and administrative requirements for completeness and to include field inspections; Six Hundred Fifty-Two (652) Zoning Compliance, Zoning Certification and Legal Non-Conforming requests have been received and processed and to include field inspections; processed and reviewed Nine Hundred Two (902) check-prints and Six Hundred Ninety-Two (692) final tracings land survey maps (comprised of private and Government (DOE, CLTC, etc) surveys; processed and reviewed Twelve Thousand Eight Hundred Twenty-Five (12,825) numerous building permits, clearing and grading permits, business licenses and other permits as applicable (Temporary Workers Housing both new and renewals, conditional use permits, wetland permits, Army Corps of Engineer (ACOE) permit application, etc.); researched Four Thousand Four Hundred Eighty-Eight (4,488) property owners within 500' radius for notification on land use public hearings and with Three Thousand Seven Hundred Twenty-Five (3,725) certified letters issued/processed for the Sixty-Seven (67) scheduled public meetings conducted in the various municipalities; Provided Customer Service to Seventeen Thousand Four Hundred Fifty (17,450) of the general public seeking consultation, informational, request for documents, map request, appointments and out of that Twelve Thousand Eight Hundred Twenty-Five (12,825) clearances, permits and business licenses were processed.

At its peak and ideal manning strength in the mid 1990's, the Division was authorized and funded for twenty-four (24) positions and during that time, all positions were filled. From the mid 1990's to the preparation of this FY2016 Budget, the number of authorized positions remained the same with one less (23) and the number of filled position decreased by five (5) due to promotion, retirement and resignation. The following table shows the comparative % breakdown of the Division's manpower strength and operating percentages:

PLANNER POSITIONS			
	A	B	C
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING (B/ A)
Mid 1990	15	15	100 %
FY2007	15	6	40 %
Details (2)		4 (see Note 1)	26 %
FY2008	15	6	40 %
Details (2)		4 (see Note 1)	26 %
FY2009	14	6	43 %
Details (2)	4 (see Note 1)	28 %	
FY2010	15	6	40 %
Details (2)	4 (see Note 1)	28 %	
FY2011	15	6	40 %
Details (2)	4 (See Note 1)	28 %	
FY2012-2014	14	5	36 %
Details (1)	4 (See Note 1)	29 %	

ADMINISTRATIVE POSITIONS			
	A	B	C
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING (B/ A)
Mid 1990	5	5	100 %
FY2007	5	2	40 %
FY2008-2011	5	3	60 %
Details (1)		2 (see Note 2)	40 %
FY2012-2014	5	2	40 %
		2 (see Note 2)	40 %

LAND AGENT POSITIONS			
	A	B	C
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING (B/ A)
Mid 1990	4	4	100%
FY2007	4	1	25%
FY2008	4	2	50%
FY2009	4	2	50%
FY 2010	4	1 (see Note 3)	25 %
FY 2011-2013	4	2	50 %
FY 2014	4	1 (see Note 3a)	25 %

OVERALL PLANNING DIVISION STAFF			
	A	B	C
YEAR	ASSIGNED STRENGTH	Actual Performing STRENGTH	% OPERATING (B/ A)
Mid 1990	24	24	100%
FY2007	24	9	37%
	Details (2)	7 (see Note 1)	29%
FY2008	24	10	41%
	Details (2)	7 (see Note 1)	29%
FY2009	24	11	45%
	Details (2)	9 (see Notes 1 & 2)	37%
FY2010	24	11	45%
	Details (3)	8 (see Note 4)	33%
FY2011	24	11	45%
	Details (3)	8 (see Note 4)	33%
FY 2013	23	8	35%
	Details (1)	7 (see Note 5)	30%
FY 2014	23	9	39%
	Details (3)	6 (see Note 5)	26%

Note 1 = (for FY's 2007 thru 2011) Indicates planners not performing duties: 1-planner IV is detailed to the Director's Office for special projects; and 1-planner IV detailed as DLM Liaison to DPW on R-O-Ws Certification

Note 2 = 1-Management Analyst IV is detailed to Director's Office

Note 3 = Vacant position

Note 3a = Two Land Agents Position (Land Agent Supervisor and Land Agent 1) detailed to CLTC; and one CLTC Land Agent Supervisor detailed to Land Planning Division.

Note 4 = 1-Planner IV on detail to DLM Director's Office; 1-Planner IV detailed to DPW; 1-Management Analyst IV on detail to DLM Director's Office; and 1-Vacancy Position

Note 5 = 1-Planner III Promotion to Chief Planner; 1-Planner IV Retired; 1-Planner III Detailed to Director's Office; 2-Land Agent Detailed to CLTC; 1-Land Agent CLTC Detailed to Planning Division

LP Narrative – 7

Undoubtedly, the Division has a need to recruit key personnel to effectively and efficiently carry out its mandates. Notwithstanding our concerns are further heightened by external force that may further impact our ability to support our mandates. As noted in various official comments regarding the anticipated military buildup, we foresee our current manpower reaching stress levels to meet its mandate of serving as a primary first tier reviewing and approving agent of all business licenses, contractor license clearance, clearing/grading permit applications, building and final occupancy permits, and various intra-agency clearance procedures inclusive of federal clearance review such as Coastal Zone Management clearances through the Bureau of Statistics & Plans. Stresses will equally affect role as the sole repository of all land information with a potential strain on manpower, materials, and equipment, to include data information software as we anticipate an increase in recordation and information storage of land-related transactions, maps on subdivision surveys and land registration with related processes thereof ; and as such, I have identified the critical positions and ask that such positions be authorized and funded at best; or authorized and unfunded, at the least, (positions funded as monies become available). Required critical positions listed:

- ◆ Planner IV (934) Subdivision Supervisor, vacant since December 1999
- ◆ Planner IV (947) HPR Section
- ◆ Planner III (942) Zoning Section, vacant since 2014 (promotion Planner IV (941)
- ◆ Planner III (945) Zoning Section, vacant since 2014 (promotion Planner IV (937)
- ◆ Planner II (933) Code Development
- ◆ Planner II (948) Zoning Section, vacant since April 2001
- ◆ Planner II (949) Subdivision Section
- ◆ Planner II (1060) Seashore Section
- ◆ Planner I (939) Zoning Section, vacant since November 1997
- ◆ Administrative Sec II (943), vacant since 2006
- ◆ Clerk Typist III (944), vacant since 2006
- ◆ Customer Service Representative (950), vacant since 1995
- ◆ Land Agent II (1064) LURPA, since December 1998
- ◆ Land Agent III (1065) LUPRA, since December 1998

These fourteen (14) critical positions are for FY 2016 and are also restated in the Division's PBB Form. Positions bold and underlined are the critical priority positions requested.

AGENCY BUDGET PLAN:

1. Administer the Zoning Law in coordination with the Building Official through the planning, permitting, & post-construction phases of land use development process.
2. Assist BSP in updating the Zoning Map and in the finalization of the Central and Northern Land Use Plan.
3. Provide for the orderly growth and harmonious development of the island through compliance with the Subdivision Law.

4. Develop and ensure approval of Site Development that includes a Landscaping Plan and Map Review Process rules and regulations complementing the Subdivision Law; and process maps efficiently and effectively according to Subdivision Law & Subdivision Rules & Regulations as well as the Map Processing Guidelines, per Public Law 28-126, Section (a) of DLM Map Processing Procedures.
5. Review and provide recommendation to proposed legislation on land use as part of the Legislative Review Committee; and when requested, provide statistical analysis on land use development to technical end-users for policy guidance.
6. Provide effective and efficient technical and administrative support to Commission the GLUC/GSPC and ARC; Ensure statutory requirements are met for all land use applications; provide a continuing education and professional development program for Commission members, such as yearly American Planning Association (APA) Conferences, and other land use seminars/symposiums.
7. Ensure compliance to Wetland Rules and Regulations and monitor activities on designated or un-surveyed wetlands areas of particular concern on flood hazard areas (APC); and GIS overlays of in these APCs, land use activities that are within or require compliance, especially, to the National Flood Insurance Program.
8. Research and verify the legal lot description and legal property owners within 500' radius of proposed development; prepare notifications; and serve such notification to landowners within the 500' radius boundary within the prescribed notification time period
9. Review proposed condominium documents for compliance to all applicable provisions of Chapter 45, the Horizontal Property Act; and maintain and monitor the Horizontal Property Regime to include Time-Share Ownership as specified in Chapter 47, 21 GCA.
10. Provide a method of cooperation among landowners in obtaining construction or reconstruction of public facilities; provide a method of financing such construction, reconstruction, maintenance, and operation; and cooperate and work with the Department of Public Works to facilitate improvement districts.
11. Provide an approved Street Naming Plan.
12. Administer the following programs:
 - a. Summary Zone Change Program per P.L. 21-82:4 as amended by P.L. 21-144:8.
 - b. Split Zone Change Program per P.L. 25-131.
 - c. Map Certification Process as per P.L. 28-126.
 - d. Minor Setback Variance application process as per P.L. 27-91.
13. Provide personnel to assist DPW in the Certification of all Right-Of-Ways and in the Development of DPW's "Asset Management Program" database.

14. Provide personnel to assist DPW in the development of the Government Property Assessment System (GPAS).
15. Assist in the development of an electronic data base management (land information system) with DLM GIS/LIS Division.
16. Provide personal to assist Computer Aided Mass Appraisal System (CAMAS).
17. Develop DLM's Map Processing Fee Schedule
18. Continue to providing land use planning assistance to both the CLTC and GALC within DLM

Overall, the Division has a need to recruit key personnel to effectively and efficiently carry out its mandates; and as such, I have identified the **14-critical positions** and ask that such positions be authorized and funded at best; or authorized at the least (positions funded) as monies become available. As a note, 90% of the Division's Staff are eligible for retirement, leaving recruitment as a **must**. In addition to the recruitment of additional technical and professional staff, the Division will require modernization and replacement of its equipment, computers and software upgrades to include the latest GIS software at a cost of approximately \$150,000.

GOVERNOR'S RECOMMENDATION: