

GUAM LAND USE COMMISSION
Department of Land Management

RESOLUTION 2009 - 01

*Establishing a Policy for the Approval of
Workforce Housing Facilities for Temporary Workers*

WHEREAS, the Department of Defense of the United States Government has indicated its intentions to significantly expand military activity on Guam and pursue a construction program which is anticipated to create a need for an extraordinary number of foreign construction and support workers; and

WHEREAS, these workers will require new housing facilities and related infrastructure;
and

WHEREAS, in 1993 the Guam Land Use Commission ("GLUC") has previously implemented guidelines for the development of workforce housing, including barracks-type facilities, on Guam; and

WHEREAS, the GLUC recognizes that the planned military build-up establishes the need to further define the manner and conditions under which such workforce facilities can be approved; and

WHEREAS, Title 21 of the Guam Code Annotated, Chapter 61 Zoning law, Article 3, creates appropriate zones and 21 GCA §61309(a)(11) allows "Other uses which in the judgment of the Commission, as evidenced by a resolution in writing, are similar to those listed herein [for the M1 Zone]";

NOW, THEREFORE BE IT RESOLVED that, for purposes of establishing a clear policy for the approval of temporary workforce housing, the GLUC hereby adopts the following Policy:

1. The term "Temporary Workforce Housing" shall include any structure, either existing or proposed, intended to be occupied for the residential housing of six (6) or more employees within a single residential unit, apartment, house or barrack.

2. The GLUC shall liberally interpret the term "Temporary Workforce Housing" in order to ensure the protection of the public's interests, safety and welfare.


3. Temporary Workforce Housing is hereby established as an approved conditional use under the M1 Light Industrial Zone pursuant to 21 GCA §61309 and the GLUC shall not approve any workforce housing development in any zoning area other than an M1 Zone.

4. Applications for the development of Temporary Workforce Housing shall come before the GLUC as a "Conditional Use" subject to the review process of the Agency Review Committee and shall be subject to specific conditions of approval as established by the GLUC.

5. In addition to other conditions imposed by the GLUC, all Temporary Workforce Housing conditional approvals shall include the following minimum conditions:

- A. Unless specifically limited, approvals shall be for an initial term of TWENTY-FOUR (24) Months and, thereafter shall be renewed annually. Renewals shall be on forms issued by the Chief Planner and subject to inspection by the Chief Planner and a public hearing before the GLUC.
- B. The project must be served by an adequate sanitary sewer system.
- C. The project must have adequate fire flow indicated by a minimum six inch diameter water line or other minimum water service conditions imposed by the Guam Waterworks Authority.
- D. The Project must comply with all health and safety regulations of the Government of Guam and the U.S. OSHA regulations, as applicable.
- E. Each approved project shall include a substantial perimeter fence which shall be at least of "chain link" quality and a minimum six feet in height and be subject to a complete landscape plan.
- F. The Project must include a development plan indicating specific design parameters for sleeping, toilet and shower facilities, laundry services, food services, security, medical care, transportation services and recreation areas.

6. This Resolution was passed by a majority of the Members of the Guam Land Use Commission at its regular meeting held on the 26th day of MARCH, 2009.



JAY D. LATHER, Chairperson



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ACCEPTED
12/28/93

GUIDELINES FOR HOUSING FACILITIES
FOR TEMPORARY WORKERS (HFTW)

1. HFTW are to be allowed by TLUC in "M-1" Zones for an indefinite period however, the initial term will be for two years, and thereafter must be renewed annually by the applicant upon completion of an annual inspection by the Territorial Planner or his designated representative insuring continued compliance with TLUC conditions as well as the continued adherence to the applicable rules, regulations and laws, of the appropriate Permitting Agencies' Occupational Safety and Health Administration (OSHA) inspection.
2. a. HFTW are to be allowed as a Conditional Use in an "A" (Rural) or "C" (Commercial) Zone on a case-by-case basis based on the specific area and surrounding uses of the land with the following requirements/restrictions:
 - i. The yard setbacks will adhere to the minimum of 15' front; 10' rear and 8' side, except in cases where the subject lot abuts residential uses in which case the setbacks will be doubled for front, rear and side yards;
 - ii. Maximum number of occupants in the "A" & "C" Zones for all new HFTW shall not exceed 15 people. This restriction shall not apply to existing HFTW that have been approved by the TLUC prior to December 31, 1993;
 - iii. Minimum lot size for HFTW in an "A" Zone shall be no less than 20,000 sq. ft.; the minimum lot size in "C" Zone for HFTW shall be no less than 10,000 sq. ft. In all cases, the lot perimeter shall be fenced to serve as a buffer between lots, and to provide a measure of safety and privacy for its occupants.
3. Within the "R-1" and "R-2" Zones, the following shall apply:
 - a. No existing or proposed HFTW will be allowed to exist within any R-1 Zone after adoption of these guidelines or beyond the December 31, 1993 deadline.
 - b. All proposed HFTW within an R-2 Zone will be on a case-by-case basis and will adhere to the following requirements/restrictions.

- i. Minimum lot size for HFTW within an "R-2" Zone shall be 10,000 sq. ft., however the maximum number of workers permitted to occupy said facility shall not exceed 10 workers per lot, regardless of lot size;
 - ii. The setbacks as listed in 2 a. i. shall also apply in the R-2 Zone for HFTW.
 - c. Any HFTW currently located within an "R-2" Zone that has received TLUC approval prior to December 31, 1993 but is not in compliance with these guidelines shall have one year from the date of approval of said guidelines to come into compliance.
4. On-site construction allowed for HFTW up to the completion of on-site project, and only that project regardless of zone.
 5. All HFTW must receive Permitting Agencies' approval and be in compliance with the Development Review Committee (DRC) requirements.
 6. All HFTW must comply with all government of Guam and federal rules, regulations and Laws.
 7. Before being inspected by the Department of Land Management, the HFTW shall be cleared by the DRC Member Agencies concerned.
 8. All HFTW shall pass inspection by the Territorial Planner or his designee prior to receiving final approval to insure compliance with TLUC conditions.

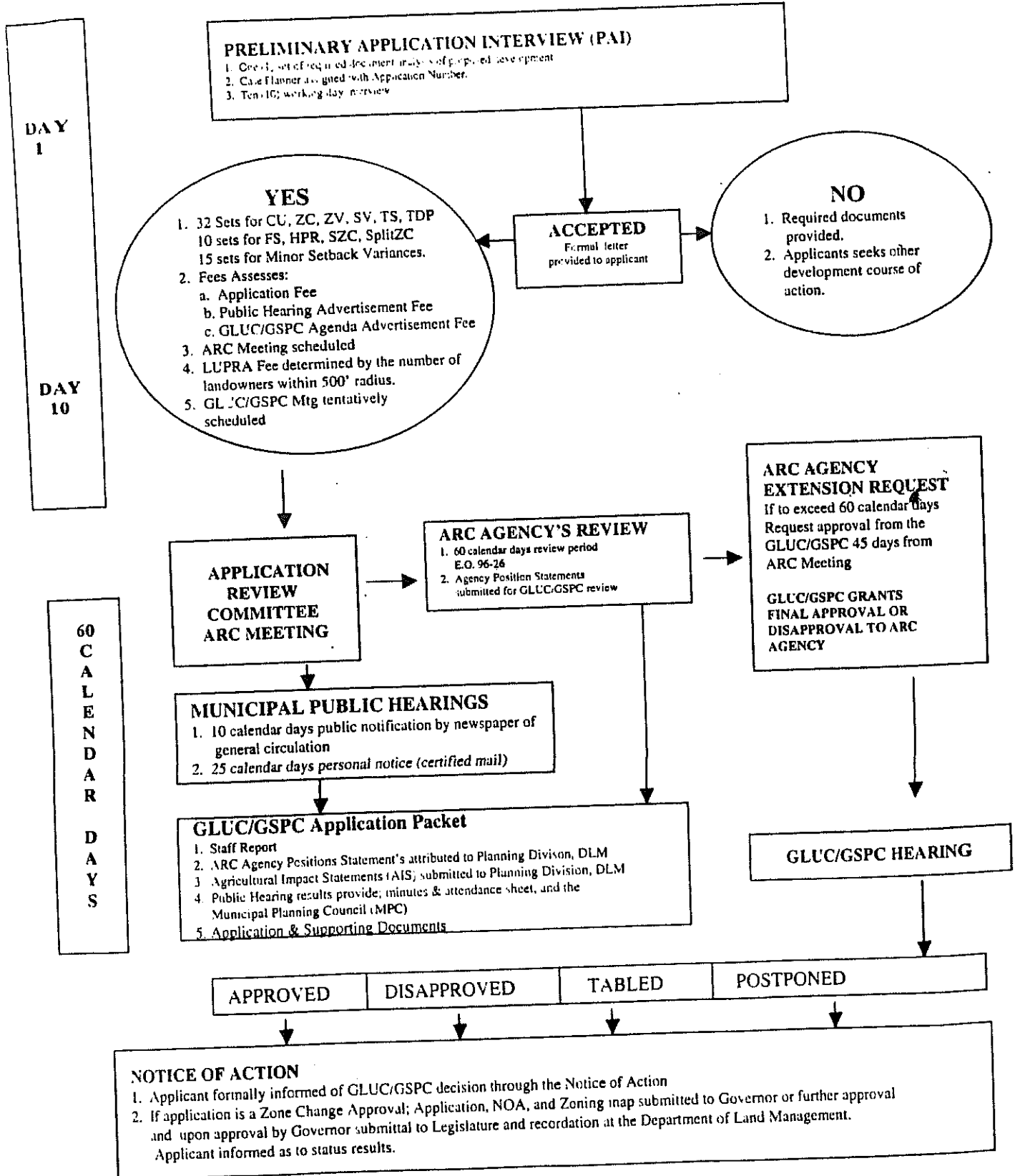
With the exception of HFTW in an "R-1" Zone all existing HFTW that have received TLUC approval prior to December 31, 1993, shall be grandfathered and allow to continue to operate.

All HFTW, both existing and proposed, shall be landscaped regardless of the type of fencing surrounding the lot perimeter. If fencing is comprised of the chainlink type, then a landscaping screen must be provided in addition to the grounds of the facility being landscaped. All landscaping schemes shall be submitted and approved by the Territorial Planner prior to issuance of occupancy and within six months from the date of approval of these guidelines for existing facilities.

Workforce Housing Facilities for Temporary Workers as of April 2009

Case No.	Applicant	Representative	Property	Municipality	Zone	TLUC	Conditions	Capacity	NOA Doc. NO.	Status
92-073	Jong K. Kim / Reliable Builders, Inc.	Jong K. Kim / Reliable Builders, Inc.	Lot 2102-1	Dededo	"M-1" (Light Ind.)	8-Apr-93			#488001	Indefinite
93-013	Sumitomo Construction Co.	Rosario & Associates	Lot 101-7-R1	Yona	"A" (Rural)	8-Jul-93		60 workers	#492906	
93-018	RB Management Consultants	RB Management Consultants	Lot 5162-7-R1NEW-R1	Dededo	"M-1" (Light Ind.)	9-Sep-93			#495427	Indefinite
93-039	Guam Construction Co.	Landmark	Lot No. 6, Tract 283	Tamuning	"M-1" (Light Ind.)	28-Dec-93		80 per PUAG	#501415	Indefinite
93-057	Pacific Overseas Dev. (taken over by Hua Sheng International Group Corp., Ltd.)	Cornerstone, Inc.	Lot 5164-2	Tamuning	"M-1" (Light Ind.)	24-Mar-94	Exp. 2 Yrs. Annually	86 workers	#506042	Renewed 5/22/07
94-006 Ref. 92-062	R&C Corporation	Cornerstone, Inc.	Lot 5162-8-NEW	Tamuning	"M-1" (Light Ind.)	28-Apr-94	Exp. 2 Yrs. Annually	224 per TLUC Approval	#508788	Renewed 10/15/08
94-013	Ssangyong Const. Co., Ltd. (taken over by Younex Builder Corp.)	W.B. Flores & Associates	Lot No. 5162-6	Tamuning	"M-1" (Light Ind.)	26-May-94	Exp. 2 Yrs. Annually	400 per GEPA	#509697	Renewed 7/22/08
94-037	R&C Corporation	Cornerstone	Lot 5162-5-1	Tamuning	"M-1" (Light Ind.)	8-Sep-94	Exp. 2 Yrs. Annually	129 per PUAG	#516211	Renewed 10/15/08
95-020	Charlie Hsu Chien Hsing (taken over by Xiang Wang Const. Corp.)	Charlie Hsu Chien Hsing	Lot 1-1 & -2, B2, T1415	Barrigada	"M-1" (Light Ind.)	28-Sep-95		37 per PUAG	#535585	Renewed 12/9/08
96-016	P.C. Carlos Const. Corp.	P.C. Carlos Const. Corp.	Lot 5015#1-2-9	Dededo	"C" (Comm.)	22-Aug-96	Exp. 2 Yrs. Annually	50	#551495	Renewed 7/2/08

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION APPLICATION PROCESS



DAY 1

DAY 10

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PRELIMINARY APPLICATION INTERVIEW (PAI)
1. One (1) set of required document analysis of proposed development
2. Case Planner assigned with Application Number.
3. Ten (10) working day interview

ACCEPTED
Formal letter provided to applicant

YES
1. 32 Sets for CU, ZC, ZV, SV, TS, TDP
10 sets for FS, HPR, SZC, SplitZC
15 sets for Minor Setback Variances.
2. Fees Assesses:
a. Application Fee
b. Public Hearing Advertisement Fee
c. GLUC/GSPC Agenda Advertisement Fee
3. ARC Meeting scheduled
4. LUPRA Fee determined by the number of landowners within 500' radius.
5. GLUC/GSPC Mtg tentatively scheduled

NO
1. Required documents provided.
2. Applicants seeks other development course of action.

APPLICATION REVIEW COMMITTEE ARC MEETING

ARC AGENCY'S REVIEW
1. 60 calendar days review period E.O. 96-26
2. Agency Position Statements submitted for GLUC/GSPC review

ARC AGENCY EXTENSION REQUEST
If to exceed 60 calendar days Request approval from the GLUC/GSPC 45 days from ARC Meeting

GLUC/GSPC GRANTS FINAL APPROVAL OR DISAPPROVAL TO ARC AGENCY

MUNICIPAL PUBLIC HEARINGS
1. 10 calendar days public notification by newspaper of general circulation
2. 25 calendar days personal notice (certified mail)

GLUC/GSPC Application Packet
1. Staff Report
2. ARC Agency Positions Statement's attributed to Planning Division, DLM
3. Agricultural Impact Statements (AIS) submitted to Planning Division, DLM
4. Public Hearing results provide; minutes & attendance sheet, and the Municipal Planning Council (MPC)
5. Application & Supporting Documents

GLUC/GSPC HEARING

APPROVED DISAPPROVED TABLED POSTPONED

NOTICE OF ACTION
1. Applicant formally informed of GLUC/GSPC decision through the Notice of Action
2. If application is a Zone Change Approval; Application, NOA, and Zoning map submitted to Governor or further approval and upon approval by Governor submittal to Legislature and recordation at the Department of Land Management. Applicant informed as to status results.

CONDITIONAL USE

TO: Executive Secretary, Guam Land Use Commission

c/o Land Planning Division, Department of Land Management
P.O. Box 2950, Hagatna, Guam 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 **Guam 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 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.
- b. 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.
- 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 Guam 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.

CONDITIONAL USE 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

6. **Filing Fees:** Fifty Dollars (\$50.00) filing fee for the first five pages, and \$.25 for any additional page, as per the passage of Bill 74, signed and approved by the Governor of Guam on May 18, 2007, 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 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: 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: _____

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:**

Section 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.

SOURCE: Repealed and reenacted by P.L. 21-14:11

Section 61303.1 Departmental Responsibilities: Costs Allocated.

- (a) Pursuant to Section 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 Section 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.

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