

Article 4
Land Use Permits

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NOTE: Rule-making authority cited for formulation of land use permit regulations by the Director of Land Management can be found in Chapter 68 Title 21, Guam Code Annotated..

§1400. Title. This Title shall be known as *Land Use Permit Rules and Regulations*.

§1401. Authority. Authority for land use permit rules and regulations is found in 21 GCA §68101.

§1402. Definition. (a) For the purpose of these Rules and Regulations certain terms are defined as follows:

(1) *Charges* - Land Use Permit Charges and other charges as contained herein.

(2) *Agreement* - Land Use Permit Agreement.

(3) *Rules and Regulations* - Land Use Permit Rules and Regulations.

(4) *Application* - Land Use Permit Application.

§1403. Qualifications. (a) All persons who are bona fide residents of Guam, U.S. citizens and of legal age.

(b) All business enterprises licensed to do business on Guam.

(c) Persons who, prior to promulgation of these Rules and Regulations, have outstanding charges may qualify upon satisfaction of outstanding charges.

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(d) Persons who after promulgation of these Rules and Regulations have outstanding charges from previous Agreements, may qualify upon satisfaction of outstanding charges.

(e) Persons whose Agreement was previously terminated by default of the Agreement or falsifies or deletes information required in 18 GAR §1404 may qualify provided a period of one (1) year has elapsed from date of termination to date of application.

§1404. Application. (a) **Form.** All applicants shall complete and submit a Land Use Permit Application in the form attached hereto.

NOTE: Although reference is made to a Land Use Permit Application, the above cited Land Use Permit Application was not included within these Regulations at the time of the original publication. However, this application is available from the Department of Land Management.

(b) **Approval and Disapproval.** The Department of Land Management upon receipt of application shall either approve or disapprove application and officially notify the applicant in writing of the Department's decision no later than twenty-five (25) working days thereafter.

§1405. Execution of Agreement. (a) No Agreement shall be executed without an approved application.

(b) A minimum down payment of twenty-five percent (25%) of charges computed under 18 GAR §1407 upon execution of the Agreement, and the balance no later than six (6) months after execution of the Agreement.

§1406. Agreement. (a) **Form.** Agreement shall be in a form attached hereto.

NOTE: Although reference is made to Agreement, the above cited Agreement was not included within these Regulations at the time of the original publication. However, this application is available from the Department of Land Management.

(b) **Terms and conditions:**

(1) Permittee as well as the Government are bound by terms and conditions contained in the Agreement.

(2) No Agreement shall be for a period exceeding one (1) year.

(3) No person shall either use and/or occupy under any Agreement more than one (1) acre of government land; or use and/or occupy government land larger than that designated under the Agreement.

(c) **Termination and Expiration.** The permittee shall have thirty (30) calendar days to vacate premise and remove all structures and other developments so authorized upon termination or expiration of his Agreement:

(1) Any structures and other developments existing after thirty (30) calendar days from expiration or termination of the Agreement becomes the property of the Government.

(2) Upon expiration or termination of the Agreement, the permittee shall remove all structures and other developments at the expense of the permittee when directed by the Government in writing:

(A) Any structures and developments pursuant to the above paragraph, removed at the expense of the Government shall be charged to the permittee.

(d) **Renewal.** In order to expedite renewal of Agreement, the permittee shall officially notify the Department of Land Management thirty (30) calendar days prior to expiration of his intention to renew his Agreement.

§1407. Land Use Permit Charges. (a) All charges shall be computed on the formula prescribed: Use - Rate x Market Value = Land Use Permit Charges:

(1) Use rate shall be determined according to use and/or related use for which Agreement was executed. All uses and/or related use shall be categorized as follows:

(A) Residential (R-1) as defined by 21 GCA Chapter 61, use rate = 1%.

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(B) Multi-residential (R-2) as defined by 21 GCA Chapter 61, use rate = 3%.

(C) Commercial (C), Heavy (M-2) and Light Industrial (M-1), as defined by 21 GCA Chapter 61, use rate = 6%.

(2) Market value - The price at which a willing seller would sell and a willing buyer would buy neither being under pressure, having full knowledge of all the uses of the land.

§1408. Repeal. The adoption of this Land Use Permit Rules and Regulations, pursuant to the Administrative Adjudication Act, supersedes all previous rules and regulations.

NOTE: "The above rules and regulations will continue being processed by Land Management until the establishment of the (Chamorro Land Trust) Commission. Moreover, any permit issued will continue unless the Commission gives notice that the lands are required for the purposes of Public Law 12-226 (See note after 21 GCA §75104)." Letter from Director of Land Management to Legislative Secretary dated May 19, 1975.

Rules and regulations promulgated May 25, 1972; approved by Governor, June 1, 1972; filed with Legislative Secretary, May 19, 1975.

As of 2004, the Chamorro Land Use Commission, plus the Ancestral Lands Commission are active and inpossession of their respective lands.