

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 366.33 (COR)

Introduced by:

T. C. Ada 
Tommy Morrison 

2016 AUG 16 PM 4: 08

AN ACT TO IMPOSE A MORATORIA ON SELECTED SECTIONS OF 21 GCA CHAPTER 61 FOR SOUTHERN GUAM FOR TWO (2) YEARS OR UNTIL A SOUTHERN DEVELOPMENT MASTER PLAN HAS BEEN APPROVED AND ADOPTED BY THE LEGISLATURE, WHICHEVER COMES FIRST.



1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Findings and Intent.**

3 *I Liheslaturan Guåhan* recognizes that community planning values are
4 generally expressed in a land use master plan, and land use controls, i.e. zoning
5 laws, are established to promote these values. On March 2011 the Northern and
6 Central Guam Land Use Master Plan (LUMP) were adopted.

7 *I Liheslaturan Guåhan* finds that in 1988, P.L. 19-38 was enacted directing
8 the creation of a land use master plan for Southern Guam. To date, that objective
9 has not yet been achieved. Absent an approved master plan for Southern Guam,
10 there does not exist an approved/accepted vision to guide the development and
11 growth of Southern Guam. The enactment of P.L. 33-145 on April 2016 is a
12 catalyst to renewal of this effort for Southern Guam.

13 *I Liheslaturan Guåhan* finds that putting together a good community plan
14 takes time. If the community allows development during that time, the ultimate

1 worth of the eventual plan may be undermined.

2 *I Liheslaturan Guåhan* intends to place in effect temporary land use
3 moratoria for the next two (2) years or until a Southern Development Master Plan
4 has been developed and approved, whichever comes first. In essence, land use
5 moratoria is intended to preserve the status quo for Southern Guam during this
6 interim period.

7 **Section 2. Land-Use Moratoria in Southern Guam.**

8 (a) Within the Municipalities of *Santa Rita, Agat, Umatac,*
9 *Merizo, Inarajan, Talofofo* and *Yona* land-use moratoria is in effect
10 for a period of two (2) years or when a Southern Development Master
11 Plan has been developed and approved, whichever comes first.

12 (b) There shall be moratoria on the issuance of:

13 (1) Building Permits pursuant to 21GCA Ch 61
14 §61602,

15 (2) License pertaining to the use of land or buildings
16 pursuant to 21GCA Ch 61 §61604,

17 (3) Variances pursuant to 21GCA Ch 61 §61616,
18 except 21GCA Ch 61 §61616(l),

19 (4) Creation of Planned Development (PD) Districts,
20 pursuant to 21GCA Ch 61 §61635.

21 **Section 3. Variances from The Moratoria.** A landowner may file for
22 relief from the moratoria by submitting a land use application to the Guam Land
23 Use Commission (GLUC) pursuant to 21 GCA. A decision by the GLUC to
24 approve the filing shall require Legislative approval. The action shall default to
25 approval if the Legislature fails to take action within sixty (60) days.

26 **Section 4. Exemptions to Moratoria.** The moratoria shall not apply to:

1 (a) Land use applications that have already been approved
2 and are within the timelines allowed by law to commence construction
3 or obtain required building/grading permits.

4 (b) Construction of single-family homes and minor additions
5 to them.

6 **Section 5. Severability.** If any provision of this law or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity
8 *shall not* affect other provisions or applications of this law that can be given effect
9 without the invalid provisions or applications and to this end the provisions of this
10 Act are severable.