



Office of the Governor of Guam

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2010 MAR 15 PM 2:24 EPM

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAR 15 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guahan
155 Hessler Street
Hagåtña, Guam 96910

30-10-0220
3/16/10
G

Dear Speaker Won Pat:

Hafa Adai! Transmitted herewith please find **Bill No. 201-30 (COR) "AN ACT TO AMEND SUBSECTION (h) AND TO ADD A NEW SUBSECTION (i) TO §61503 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS"** which was signed into law on March 12, 2010 as Public Law 30-103.

I support the intent of the legislation to provide a greener and more environmentally friendly Guahan through the establishment of net metering and alternative energy connections within structures that would have otherwise been prevented. The Act, as passed, may permit the construction of generator houses within a proximity that may, however, affect the surrounding landowners. Although the legislation prevents rain runoff from flowing to adjacent property, it fails to include any provisions to prohibit nuisance from exhaust or noise from generators even though these concerns were raised with the legislature.

Specifically, I have the four following concerns that should immediately be addressed in subsequent legislation:

1. **Emissions-** Since there are no setbacks for any generator regardless of capacity (ie. horsepower), the organic vapor generated from the unit may not have sufficient space to dissipate. Therefore, the fumes may enter adjacent homes and ventilation systems. Aside from nuisance, this may create public health problems for small children, the elderly, and those with respiratory health challenges.
2. **Penetration of fuel into the ground** - Spills may occur during the transfer of fuel, maintenance of the fuel containment, or degradation from older units. As a result, these spills may have impacts to the adjacent property.
3. **Safety** - Fuel is flammable. Therefore, considering the zero setbacks in residential areas as proposed in the legislation (i.e. planned unit developments), safety may be an issue to the adjacent property. As you know, the burning of green waste is a regular occurrence throughout the island. Therefore, care must be taken to ensure that the

unit and its fuel containment will not be an explosive hazard from an ignition source located in an adjacent property.

As such, I strongly urge *I Mina' Trenta Na Liheslaturan Guahan* to immediately enact legislation to correct these deficiencies to prevent potential consequences.

Sinseru yan Magâhet,

A handwritten signature in black ink, appearing to read "w Cruz". The signature is written in a cursive, somewhat stylized font.

MICHAEL W. CRUZ, M.D.

I Maga'lâhen Guâhan para pa'go

Acting Governor of Guam

Attachment: copy of Bill

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

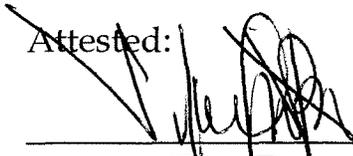
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 201-30 (COR), "AN ACT TO AMEND SUBSECTION (h) AND TO ADD A NEW SUBSECTION (i) TO §61503 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS," was on the 26th day of February, 2010, duly and regularly passed.



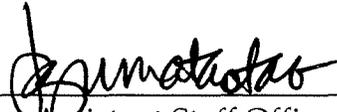
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 1 day of March, 2010, at
5:40 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



MIKE W. CRUZ, MD
GOVERNOR OF GUAM ACTING

Date:

3.12.10

Public Law No. P.L. 30-103

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 201-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement & Land,
and further amended on the Floor.

Introduced by:

R. J. Respicio
Judith P. Guthertz, DPA
T. R. Muña Barnes
T. C. Ada
F. B. Aguon, Jr.
B. J.F. Cruz
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Adolpho B. Palacios, Sr.
v. c. pangelinan
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* SUBSECTION (h) AND TO *ADD*
A NEW SUBSECTION (i) TO §61503 OF CHAPTER
61, TITLE 21, GUAM CODE ANNOTATED,
RELATIVE TO EXCEPTIONS TO YARD AND AREA
REGULATIONS.**

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

2 **Section 1.** §61503 (h) of Chapter 61, Title 21, Guam Code Annotated, is
3 *amended* to read:

4 “(h) Accessory buildings or structures *may* be located and maintained
5 in a rear yard, except in the required ten (10) foot rear yard which is that

1 portion adjoining the rearmost main building on the lot. Such buildings or
2 structures may also be located and maintained in any side yard, except in the
3 required eight (8) foot side yards adjoining each of the side lot lines. Such
4 buildings or structures may also be located and maintained in any front, side
5 or rear yard when such buildings or structures are to be used for purposes
6 relative to connections to island electric power, including for standby
7 generators and for alternative power connections for net metering purposes,
8 provided that such buildings or structures *shall* be located at or near the
9 point that electric power is provided by the Guam Power Authority, and if
10 located in a front, side or rear yard, the walls *may* be erected on the front
11 and/or rear and/or side lot lines, and such buildings or structures *shall not*
12 *exceed* three hundred twelve (312) square feet of floor space, and the roofs
13 thereof *shall not* project beyond the lot lines and *shall* be sloped in such a
14 manner as to prevent rain runoff from flowing to adjacent property. When
15 such buildings or structures are to be used for standby generators, an exhaust
16 or ventilation to the outside air must be provided. Such accessory building
17 *shall* have an interior height of *no less than* seven (7) feet, and the overall
18 exterior height of the structure *shall* be *no greater than* ten (10) feet, and
19 *shall* meet building code standards. When such buildings or structures are
20 intended as vehicle shelters, they must be fifteen (15) feet from the front lot
21 line and may be zero (0) feet from the property line on one (1) side *only*.
22 When such buildings or structures are intended as swimming pools and
23 related accessory structures such as gazebos, they must be a minimum of
24 five (5) feet from the front lot line and may be zero (0) feet from the rear or
25 side lot line. When such buildings or structures are to be used exclusively
26 for storage or as outdoor cooking facilities, they may be located in a side or
27 rear yard with walls erected on the rear and/or side lot lines; provided that

1 such buildings or structures *shall not exceed* two hundred (200) square feet
2 of floor space. For all structures in this Subsection (h), the roofs thereof
3 *shall not* project beyond the rear or side lot lines and *shall* be sloped in such
4 a manner as to prevent rain run off from flowing to adjacent property. A
5 storage or cooking facility may *only* be constructed on residential lots which
6 meet the yard requirements provided by §61501 of this Code.”

7 **Section 2.** A new §61503 (i) is *added* to Chapter 61 of Title 21, Guam
8 Code Annotated, to read:

9 “(i) Any accessory building or structure, which on the effective date
10 of this Act was already in existence, *shall* be considered to be
11 “grandfathered,” *provided*, that the accessory building or structure is in
12 compliance with the provisions of this §61503. If such accessory building or
13 structure is *not* in compliance with the provisions of this §61503, the
14 structure *shall* be either brought into compliance *or* removed.”

FILE COPY

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO IMAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 201-30 (COR), "AN ACT TO AMEND SUBSECTION (h) AND TO ADD A NEW SUBSECTION (i) TO §61503 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS," was on the 26th day of February, 2010, duly and regularly passed.



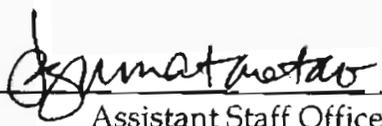
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

.....
This Act was received by I Maga'lahaen Guåhan this 1 day of March, 2010, at 5:40 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 201-30 (COR)

As substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement & Land,
and further amended on the Floor.

Introduced by:

R. J. Respicio
Judith P. Guthertz, DPA
T. R. Muña Barnes
T. C. Ada
F. B. Aguon, Jr.
B. J.F. Cruz
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Adolpho B. Palacios, Sr.
v. c. pangelinan
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

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12 compliance with the provisions of this §61503. If such accessory building or
13 structure is *not* in compliance with the provisions of this §61503, the
14 structure *shall* be either brought into compliance *or* removed.”

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 2/26/10

VOTING SHEET

SBill No. 201-30(COR)

Resolution No. _____

Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BLAS, Frank F., Jr. //		✓			
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J. F.		✓			
ESPALDON, James V. ///		* ✓			
GUTHERTZ, Judith Paulette	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
TAITAGUE, Telo /	✓				
TENORIO, Ray	✓				
WON PAT, Judith T.	✓				

TOTAL

11 3 _____

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



The People

Mina' Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

February 22, 2010

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trenta Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 201-30 (COR), As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on **Bill No. 201 -30 (COR) As Substituted, "An act to amend Sub item (h) of Title 21 Guam Code Annotated Chapter 61 §61503 and to add a new sub item (i) relative to exceptions to yard and area regulations**

Committee votes are as follows:

5 TO PASS
____ TO NOT PASS
____ TO ABSTAIN
2 TO REPORT OUT ONLY

vicente c. pangelinan
Chairperson

Committee Report on

Bill No. 201-30 (COR), As Substituted

**“An act to amend Sub item (h) of Title 21
Guam Code Annotated Chapter 61 §61503
relative to exceptions to yard and area
regulations”**



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

February 22, 2010

MEMORANDUM

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

To: Committee Members

From: Chairman, Committee on Appropriations, Taxation,
Banking, Insurance, Retirement, and Land

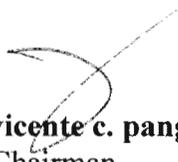
Subject: Committee report on Bill No. 201-30 (COR) "

Transmitted herewith for your consideration is the Committee Report on Bill No. 201-30 (COR), An act to amend Sub item (h) of Title 21 Guam Code Annotated Chapter 61 §61503 and to add a new Subitem (i) relative to exceptions to yard and area regulations", as Substituted.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Substituted Bill No. 201-30 (COR)
4. Copy of Bill No. 201-30 (COR)
5. Public Hearing Sign In Sheet
6. Copies of Written Testimony
7. Copy of COR Referral of Bill No, 201-30 (COR)
8. Public Hearing Agenda
9. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should there be any questions regarding this matter, please contact my office at 473-4236.



vicente c. pangelinan
Chairman

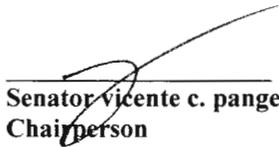
I MINA TRENTA NA LIHESLATURAN GUAHAN

Committee Voting Sheet

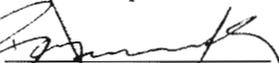
Committee on Appropriations, Taxation, Banking, Insurance, Retirement,
and Land

Bill No. 30-201 (COR) "An act to amend Sub item (h) of Title 21 Guam
Code Annotated Chapter 61 §61503 relative to exceptions to yard and area
regulations"

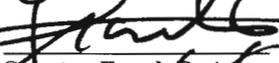
Committee Members To Pass Not to Pass Report Out Abstain Inactive File

 ✓
Senator Vicente C. Pangelinan
Chairperson

 ✓
Speaker Judith T. Won Pat, Ed.D
Vice Chairperson

 ✓
Vice Speaker Benjamin J.F. Cruz
Member

 ✓
Senator Tina Rose Muna-Barnes
Member

 ✓
Senator Frank B. Aguon Jr.
Member

 ✓
Senator Judith P. Guthertz
Member

Senator James V. Espaldon
Member

Senator Telo T. Taitague
Member

 ✓
Senator Frank Blas, Jr.
Member



Committee Report on

Bill No. 30-201 "An act to *amend* sub item (h) of Title 21 Guam Code Annotated Chapter 61 § 61503, relative to exceptions to yard and area regulations"

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

I. OVERVIEW

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land held a public hearing Friday, September 25, 2009, at I Liheslaturan Guahans Public Hearing Room on Bill No.30-201 "**An act to *amend* sub item (h) of Title 21 Guam Code Annotated Chapter 61 § 61503, relative to exceptions to yard and area regulations**"

Public Notice Requirements

Notices for the public hearing were disseminate throughout all local media via facsimile and electronic mail and are attached herein meeting the requirements of the Open Government Law.

a. Committee Members and Senators present:

Senator ben pangelinan, Chairman
Senator Tina Muna Barnes, Member
Senator Telo Taitague, Member
Senator Jim Espaldon, Member
Senator Tom Ada
Senator Eddie Calvo
Senator Ray Tenorio
Senator Matt Rector
Senator Adolpho Palacios
Senator Rory Respicio

b. Oral Testimony Submitted:

Mr. Carlos R. Untalan; Department of Land Management
Mr. Antony Godwin; Realtor
Mr. Edward A. Leon Guerrero; Barrigada Heights

c. Written Testimony Submitted:

Mr. Carlos R. Untalan; Department of Land Management

Committee Chairman vicente c. pangelinan began public hearing on the matter of Bill No 30-201 by stating it's title and its provisions. Chairman Pangelinan invited those who have signed in to provide testimony on the legislation.

II. COMMITTEE PRECEEDINGS

Chairman Pangelinan: We have signed up Mr. Godwin, Mr. Leon Guerrero and Mr. Carlos Untalan. The author of the bill is Senator Rory Respicio and I like to recognize him to speak on the intent.

Senator Respicio: Thank you very much Mr. Chairman, very quickly and thank you very much for hearing this bill. This bill builds on an effort in a previous legislature by Senator Barnes and if it passes will allow for an amendment to the yard and area regulations to encourage residents hooking their lines to island electrical power.

If there are alternative power connections then they could take advantage of the net metering loss that you had authored, but in the course of researching this issue is reason why you see many of real estate agents here.

Mr. Chairman they are going to testify. Department of Land Management is going to testify. I appreciate any recommendations that they may have for the bill because of the one stop permitting process there is a lot of home owners and residential structures that have other type structures that when they go back to the bank to get a loan, home equity loan, the bank comes back explains that it does not conform to the code that governs this activity.

This may be the vehicle for a better process. Thank you very much for hearing this bill and I look forward to all the testimonies to be offered and then the amendments that may be made to improve upon this initiative.

Chairman Pangelinan: Thank you very much Senator Respicio. We will now receive testimony from Mr. Godwin.

Mr. Anthony Godwin: Hafa Adai. My name is Anthony Godwin. I am a citizen. I am a voter. I vote every election. I am here in my capacity as a realtor and in my personal capacity, but I would like to disclose that I am also a member of the Guam Board of Realtors.

I am a director of that organization. I have served as President of that organization for five years in the past and I will be incoming President in 2011. I like to have disclosed that capacity for the record. I have been a realtor for about twenty years on Guam and lives here for forty years so I have experienced a tremendous amount of situations from parking to this generator issue.

I do have a home and a generator. I had to install my generator at the back of my home, which cost me a whole lot of money to connect my power lines underground. I totally understand the intent of this bill. I am in support of this bill so you can strike out the NO, but in support of it with conditions. My concerns are a few things. I do not recall Guam law relative to having a generator and a house, I am not clearly aware of it. The concern that is not in this bill is the environmental protection issue.

Currently I complied with the generator policy with EPA, the smoke stack, exhaust and so forth. I do not see that in here and I do not believe that home generators fall under this provision. We might need to work out some issues with EPA. This covers the drainage that comes off the roof into your yard, can the neighbor point the smoke stack in your direction. On the height of the building, it does not appear to say any restrictions on the height of the accessory building.

There is a great gentlemen from Land Management who maybe can address that. Another issue with the zone is that it also appears that the building can be built anywhere on the property the way that is built. Hypothetically speaking ten years down the road we can drive and see a generator building in front of everybody's yard. It may not be aesthetically pleasing to the people. It would definitely affect values to that degree.

In addition, the construction of this building is not stated, from concrete to anything mentioned, what would be the accepted material and because it is a generator. Many people maintain their generators in different ways.

Then you have fire an issue is the generator is not properly maintained. If there is a possibility that this could be modified so that the buildings could be situated on either side of the lots, so it cannot just float along the lot lines, because I understand that this could happen now the way it is written. If there is any way that, this could be changed and that would be my testimony for this bill.

Chairman Pangelinan: Thank you very much Mr. Godwin. Mr. Leon Guerrero.

Mr. Edward Leon Guerrero: Thank you Mr. Chairman. I am here to testify in favor of this bill. The first person I would like to thank is whoever the President of GARR is because he sent me a copy of this bill just this morning. Then I called Senator Respicio office to check if the public hearing is today and I made it.

The intent of the bill is great. Mr. Godwin mentioned he is a voter and citizen; I want to add all of the same. I have one concern. The rule of side yard is eight feet. There is a contradiction because here it says not to exceed more than 2 inches. I also would like to request that we put in the bill we put the side times the yard. You know we have zoning in high intensity area. We have zero lot line when it comes to cooking facilities and so forth.

I am saying why we go back to the old system, five feet. It is bad enough from the Ada Administration that nobody enforces the building codes. That is why legislation became law that allowed Land Management to accept certain variances, am I wrong Mr. Chief Planner, just correct me if I am wrong. Anyway, there is a law to address some of some issues that you had mentioned Senator and Mr. Godwin.

It was only a certain year in 1991 or 1997, but if we put this into law, now then the future is being addressed here. I a requesting in the United States lot of residential allow five feet and goes all the way not to exceed the lot line which addresses the cooking facility. Why not also your own house, which you might want to extend your living room once upon a time we were poor now were getting a little more money to afford extending or make the inside kitchen bigger. There is a lot of argument of planning purposes and I know we allow spaces for air as well as fire protection, but we all know that Guam concrete houses so it has the highest rate of fire retardant.

So our house are made of concrete and as we strengthen our house to prevent typhoon damages we have also strengthen our house to resist fire. So Mr. Chairman and to all Senators, would we please allow closer area. I am not happy with the zero lot line. I have seen and bought many houses in Yigo and Dededo and I honestly thought I was in the Philippines.

In the states, they build fences around the freeway. This bill says six feet fence and I believe six feet fence will bounce off the talking and barbeque. Our culture but also because of the electrical cost outside casing is necessary. By having, this bill encourages, if we allow the outside kitchen and storage then why not the main building to make bigger for a bigger living room. I would like to address this to allow in certain residential areas and it hurts because we look at all the neighbors who did not follow the law during the Ada Administration and the reason why I am using his name is that it is the only era I remember.

The second one here Senator Respicio and to all you Senators, we notice we can have a patio extended but it says no roof. I do not know if I got this right but is it a patio the roof of the first floor, because if it is on the first floor it is a porch. I have not researched the definition. I like to request that we allow a canopy forward in the front yard. In many places, the front yard is fifteen feet. There is room for another eight feet of porch to help you from the rain or to drive in and pick up the sick especially if you can afford to drive around.

Therefore, if we can reword this to address that I would appreciate that and if it is concrete it will not burn, even if it is not addressed here because it is not permanent easement. This on allows for permanent structure. I highly recommend this bill. That is it.

Chairman Pangelinan: thank you very much Mr. Leon Guerrero. Mr. Untalan.

Mr. Carl Untalan: The comments from the previous speakers is good and certainly are worth looking at but I believe it should not be in this forum but in another forum and with that in mind I want to qualify the response for the record that we actually get together and discuss moving forward.

In reference to Mr. Godwin and Mr. Leon Guerrero's comments most of these are already addressed in the permitting sites. If it is not addressed in here then it is addressed in other sections of the zoning law.

(Read Written Testimony; see attached)

You might be wondering why three hundred and twelve feet and we looked at Industry standards and typically, we looked at residential to commercial but in this bill, it did not mention whether commercial or residential so we have to assume the worst-case scenario. In a typical commercial establishment the biggest megawatt generator that you could probably locate and probably the most power requirement is a three-mega watt generator.

You can imagine twenty feet by eighteen feet, so that is why we took out the three hundred and fifty feet, and assume, it is not a residential property but a commercial establishment that wants that net metering power.

Chairman Pangelinan: thank you very much Mr. Untalan. Senator Respicio.

Senator Respicio: I just thank all of you for your testimonies. My office will certainly work with you Mr. Chairman and this committee to see if we can come up with a product that incorporates all of these suggestions. Thank you.

Chairman Pangelinan: Gentlemen thank you. Yes.

Mr. Godwin: I just want to leave the message that the Guam Association of Realtors will send an official testimony within ten days of this hearing and that they just want me to inform you if that is within the period.

Chairman Pangelinan: that is fine. I will accept it in eleven days afterwards.

Mr. Godwin: I will let them know.

Chairman Pangelinan: Thank you very much.

III. COMMITTEE FINDINGS AND RECOMMENDATIONS:

The Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land, to which Bill No. 30-201: **“An act to *amend* sub item (h) of Title 21 Guam Code Annotated Chapter 61 §61503, and to add a new Subitem (i) relative to exceptions to yard and area regulations”** was referred, does hereby submit recommendations to I Mina Trenta Na Liheslaturan Guahan, **TO PASS** Bill No.30-201, as Substituted.

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. B201-30(COR)

Introduced by:

R.J. RESPICIO
J.P. GUTHERTZ

2009 AUG -5 AM 9:00 M

AN ACT TO AMEND SUBITEM (h) OF TITLE 21 GUAM CODE
ANNOTATED CHAPTER 61 § 61503, RELATIVE TO
EXCEPTIONS TO YARD AND AREA REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Subitem (h) of Title 21 Guam Code Annotated Chapter 61 §

3 61503 is *amended* to read:

4 "§ 61503. Exceptions to Yard and Area Regulations.

5 (a) No front yard need be provided on a lot in a hillside area where
6 the topography of the lot is such as to make it unreasonable or impractical
7 to locate a building on the lot and provide a front yard.

8 (b) No side yard need be provided for a dwelling or hotel erected
9 above the ground floor of a building, where the ground floor is designed
10 for commercial or industrial purposes.

11 (c) Cornices, eaves, belt courses, sills, canopies or other similar
12 architectural features, may project into a required side yard not more than
13 two inches for each one foot of width of such side yard and may project
14 into any other required yard space not more than thirty (30) inches.

15 (d) Open, unenclosed stairways or balconies, not covered by a roof
16 or canopy, may project into a required rear yard not more than for (4) feet,

1 and such balconies may project into a required front yard not more than
2 six (6) feet.

3 (e) Open, unenclosed porches, platforms, places, not covered by a
4 roof or canopy, or landings, which do not extend above the level of the
5 first floor of the building, may project into any required front, side, or rear
6 yard, not more than six (6) feet.

7 (f) A fence, lattice work screen, wall, or hedge, not more than six (6)
8 feet in height, may be located in any required front, side or rear yard.

9 (g) In computing the lot area of a lot which abuts upon an alley one-
10 half (1/2) the width of such alley may be assumed to be a portion of the
11 lot.

12 (h) Accessory buildings or structures may be located and maintained
13 in a rear yard, except in the required ten (10) foot rear yard which is that
14 portion adjoining the rearmost main building on the lot. Such buildings or
15 structures may also be located and maintained in any side yard, except in
16 the required eight (8) foot side yards adjoining each of the side lot lines.
17 Such buildings or structures may also be located and maintained in any
18 front, side or rear yard when such buildings or structures are to be used
19 exclusively for purposes relative to connections to island electric power,
20 including for standby generators and for alternative power connections for
21 net metering purposes, provided that such buildings or structures shall be
22 located at or near the point that electric power is provided by the Guam
23 Power Authority, and if located in a side or rear yard, the walls may be

1 erected on the rear and/or side lot lines, and such buildings or structures
2 shall not exceed one hundred fifty (150) square feet of floor space and the
3 roofs thereof shall not project beyond the lot lines and shall be sloped in
4 such a manner as to prevent rain runoff from flowing to adjacent property.
5 When such buildings or structures are to be used exclusively for storage or
6 as outdoor cooking facilities, they may be located in a side or rear yard
7 with walls erected on the rear and/or side lot lines; provided that such
8 buildings or structures shall not exceed two hundred (200) square feet of
9 floor space and the roofs thereof shall not project beyond the rear or side
10 lot lines and shall be sloped in such a manner as to prevent rain run off
11 from flowing to adjacent property. A storage or cooking facility may only
12 be constructed on residential lots which meet the yard requirements
13 provided by § 61501 of this Code.

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I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 201-30 (COR)

As Substituted by the Committee on Appropriations,
Taxation, Banking, Insurance, Retirement & Land

Introduced by:

R.J. RESPICIO
J.P. GUTHERTZ

**AN ACT TO AMEND SUBITEM (h) OF TITLE 21
GUAM CODE ANNOTATED CHAPTER 61 §
61503 AND TO ADD A NEW SUBITEM (i),
RELATIVE TO EXCEPTIONS TO YARD AND
AREA REGULATIONS.**

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

2 **Section 1. Subitem (h) of Title 21 Guam Code Annotated**
3 **Chapter 61 § 61503 is amended to read:**

4 **“§ 61503. Exceptions to Yard and Area Regulations.**

5 (a) No front yard need be provided on a lot in a hillside
6 area where the topography of the lot is such as to make it
7 unreasonable or impractical to locate a building on the lot and
8 provide a front yard.

9 (b) No side yard need be provided for a dwelling or hotel
10 erected above the ground floor of a building, where the ground
11 floor is designed for commercial or industrial purposes.

12 (c) Cornices, eaves, belt courses, sills, canopies or other

1 similar architectural features, may project into a required side
2 yard not more than two inches for each one foot of width of
3 such side yard and may project into any other required yard
4 space not more than thirty (30) inches.

5 (d) Open, unenclosed stairways or balconies, not covered
6 by a roof or canopy, may project into a required rear yard not
7 more than four (4) feet, and such balconies may project into a
8 required front yard not more than six (6) feet.

9 (e) Open, unenclosed porches, platforms, places, not
10 covered by a roof or canopy, or landings, which do not extend
11 above the level of the first floor of the building, may project into
12 any required front, side, or rear yard, not more than six (6) feet.

13 (f) A fence, lattice work screen, wall, or hedge, not more
14 than six (6) feet in height, may be located in any required front,
15 side or rear yard.

16 (g) In computing the lot area of a lot which abuts upon an
17 alley one-half (1/2) the width of such alley may be assumed to
18 be a portion of the lot.

19 (h) Accessory buildings or structures may be located and
20 maintained in a rear yard, except in the required ten (10) foot
21 rear yard which is that portion adjoining the rearmost main

1 building on the lot. Such buildings or structures may also be
2 located and maintained in any side yard, except in the required
3 eight (8) foot side yards adjoining each of the side lot lines.
4 Such buildings or structures may also be located and
5 maintained in any front, side or rear yard when such buildings
6 or structures are to be used for purposes relative to connections
7 to island electric power, including for standby generators and
8 for alternative power connections for net metering purposes,
9 provided that such buildings or structures shall be located at or
10 near the point that electric power is provided by the Guam
11 Power Authority, and if located in a front, side or rear yard, the
12 walls may be erected on the front and/or rear and/or side lot
13 lines, and such buildings or structures shall not exceed three
14 hundred twelve (312) square feet of floor space and the roofs
15 thereof shall not project beyond the lot lines and shall be sloped
16 in such a manner as to prevent rain runoff from flowing to
17 adjacent property. When such buildings or structures are to be
18 used for standby generators, an exhaust or ventilation to the
19 outside air must be provided. Such accessory building shall
20 have an interior height of no less than seven (7), feet and the
21 overall exterior height of the structure shall be no greater than

1 ten (10) feet, and shall meet building code standards. When
2 such buildings or structures are intended as vehicle shelters,
3 they must be fifteen (15) feet from the front lot line and may be
4 zero (0) feet from the property line on one side only. When such
5 buildings or structures are intended as swimming pools and
6 related accessory structures such as gazebos, they must be a
7 minimum of five (5) feet from the front lot line and may be zero
8 (0) feet from the rear or side lot line. When such buildings or
9 structures are to be used exclusively for storage or as outdoor
10 cooking facilities, they may be located in a side or rear yard
11 with walls erected on the rear and/or side lot lines; provided
12 that such buildings or structures shall not exceed two hundred
13 (200) square feet of floor space. For all structures in this subitem
14 (h), and the roofs thereof shall not project beyond the rear or
15 side lot lines and shall be sloped in such a manner as to prevent
16 rain run off from flowing to adjacent property. A storage or
17 cooking facility may only be constructed on residential lots
18 which meet the yard requirements provided by § 61501 of this
19 Code.”

20 **Section 2. A new Subitem (i) is added to Title 21 Guam Code**

21 **Annotated Chapter 61 § 61503 to read:**

1 “(i) Any accessory building or structure, which on the
2 effective date of this act was already in existence, shall be
3 considered to be “grandfathered,” provided the accessory
4 building or structure is in compliance with the provisions of
5 this § 61503. If such accessory building or structure is not in
6 compliance with the provisions of this 61503, the structure shall
7 be either brought into compliance or removed.”

o



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 September 25, 2009
BILL NO. 201-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Carlos R. UNTAAN	Dum	649-5385 x 311	carlos.untaan@ tlan.guam.gov	✓	✓	✓



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 September 25, 2009
BILL NO. 201-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
Edward A. Lebrun	Barriguda Hgts	632-2510			✓	Yes



Mina' Trenta Na Liheslaturan Guahan
THIRTIETH GUAM LEGISLATURE
Senator vicente "ben" c. pangelinan

COMMITTEE ON APPROPRIATIONS, TAXATION, BANKING, INSURANCE, RETIREMENT AND LAND
PUBLIC HEARING
 September 25, 2009
BILL NO. 201-30 (COR)
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
ANTHONY CORWIN	P.O. BOX 9235	688 8198	anthony@ guamhome. com		X	No



DIPATTAMENTON MINANEHAN TANO'
 (Department of Land Management)
GUBETNAMENTON GUAHAN
 (Government of Guam)



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 Governor of Guam

CHRISTOPHER M. DUENAS
 Director

MICHAEL W. CRUZ, M.D.
 Lieutenant Governor of Guam

MICHAEL C. JAMES
 Deputy Director

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 671-649-LAND (5283)

Facsimile:
 671-649-5383

September 25, 2009

Honorable Vicente C. Pangelinan
 Chairman, Committee on Land
Mina' Trenta Na Leheslaturan Guahan
 324 West Soledad Avenue, Suite 100
 Hagåtña, Guam 96910

Ref: DLM Comments on Bills: 30-187 (COR); 30-188 (COR); 201-30 (COR); 218-30 (LS)

Bueñas Yan Hafa Adal Honorable Senator "Ben" Pangelinan

We are in receipt of your Letter, dated September 21, 2009, Subject: Public Hearing Notice. Our comments to the specific Bills are as follows:

BILL 30-187 (COR) – AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7 IN THE MUNICIPALITY OF MANGILAO TO HEAVY INDUSTRIAL (M-2) ZONE

CURRENT M-2 USE PER 21 GCA, CHAPTER 61, §61310.

Pursuant to the above reference, the M-2 Zone allows for permitted uses in the in Light Industrial (M-1) zones such as: Junk yards (with special provisions); and any other uses not specifically prohibited by law, including those which are or may be objectionable, obnoxious, or offensive by reason of odor, dust, smoke, noise, gas fumes, cinders, vibration, or water-carried waste. In this respect, "M-2" zones represent the highest land use intensity permitted in the allowable use hierarchy; so much so that any residential uses in the "M-2" zone require an approved Conditional Use Permit through the Guam Land Use Commission. Thus, designation of lots for "M-2" zoning has historically been desirable in areas isolated from other uses.



Continuation of Letter

RE: DLM Comments on Bills: 30-187 (COR); 30-188 (COR); 201-30 (COR);
218-30 (LS)

September 25, 2009

Page 2 of 5

Lot 2436-7 - Surrounding Zones and Uses:

To the east of Lot 2436-7 lays the former AMELCO Corporation compound, identified as basic Lot 5292. The expanse of Lot 5292 extends across Route 15 (southbound) and onto Lot 5293-3 (Parcels "A" & "B"), better known as the Hawaiian Rock Products quarrying and manufacturing facility. The current zoning of these parcels are M-2 pursuant to Zoning Map Amendment No. F3-67S50 with a heavy industrial use activities on site. To the north and west of the subject lot are Lots 2453 (former Radio Barrigada Boundary) and Lot 2436-6, respectively and are "un-zone. Surrounding land use beyond the existing M-2 zone properties and its activities, are sporadic residential, commercial uses and a recreational use, which is the Mangilao golf course facility, and agricultural-residential development to the north and interior of the Kenny's Café Road.

Assessment:

The immediate area is unique as it maintains one of the few heavy industrial zones on Guam. In this respect, the establishment of the M-2 zoning of Lot 2436-7 will be a contiguous extension of allowable uses within the designation and would have compatible uses as that found on lot 5292 (AMELCO) and the Hawaiian Rock Operations directly across Route 15. Furthermore, the property fronts a major arterial route (Route 15), which locates it away from any interior lots that would be more conducive for residential uses.

Given the location of Lot 2436-7 and the heavy industrial uses already in existence that is adjacent/or abuts the subject lot, we have no objection to the establishment of the zoning designation of "M-2."

**Bill 30-188 (COR) – AN ACT TO AMEND §61531 IF CHAPTER 61,
TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING
THE PROVISIONS OF THE AUTOMOBILE PARKING SPACE
PROVISION**

We have reviewed Bill 188-30 (COR), "Act to Amend §61531 of Chapter 61, Title 21, Guam Code Annotated, relative to expanding the provisions of the Automobile Parking Space provision" and supports the legislative intent to "designate appropriate areas as parking strictly for operators of motorized two wheeled vehicles."

Continuation of Letter

RE: DLM Comments on Bills: 30-187 (COR); 30-188 (COR); 201-30 (COR);
218-30 (LS)

September 25, 2009

Page 3 of 5

The Department, as the support staff for the Guam Land Use Commission, recognizes that parking regulation should be written to allow maximum creativity and flexibility of design and provide an opportunity for business owners / developer to accommodate the unique characteristics of individual properties.

Moreover, the Department lauds the intent of Bill 30-188 (COR) but also recognizes that the existing parking regulations also do not comprehensively look at bicycles or human powered machines. The Department recommends the following changes:

Amend Page 2, Line 16 to 18:

(k) To the extent practicable, each of the sub items (a) through (j) shall provide at least one (1) marked parking space for use by ~~bicycles, bicycles with motors,~~ bicycle equipped with a motor (ref Chapter 1, 16 GCA (Vehicles) and motorcycles.

Add a subsection to address bicycle:

(n) A minimum of one bicycle parking space shall be provided for each 20 off-street automobile parking spaces. At a minimum, all bicycle parking spaces shall be provided in the form of bicycle racks with locking capability. Bicycle parking facilities shall be designed and installed to include:

1. Spaces that are a minimum of 2 feet by 6 feet per bicycle
2. The minimum number possible of potential conflict points between bicycles and motor vehicles
3. Lighting
4. Provision for locking of bicycles to the rack or bicycle locker
5. Adequate spacing for access to the bicycle and locking device when the spaces are occupied.
6. Where possible, bicycle parking shall be located within view of building entrances /windows and/or security.

Continuation of Letter

RE: DLM Comments on Bills: 30-187 (COR); 30-188 (COR); 201-30 (COR);
218-30 (LS)

September 25, 2009

Page 4 of 5

**Bill 201-30 (COR) – AN ACT TO AMEND SUBITEM (h) OF TITLE 21, GUAM
CODE ANNOTATED CHAPTER 61 61503, RELATIVE TO EXCEPTIONS TO
YARD AND AREA REGULATIONS**

Bill 201-30, is " An Act to Amend Sub Item (h) of Title 21 Guam Code Annotated, Chapter 61, Section 61503, Relative to Exceptions to Yard and Area Regulations." The intent of this Bill is to allow accessory buildings or structures to be located and maintained in any front, side or rear yard provided that such buildings or structures are to be used exclusively for purposes relative to connections to Island electric power, to include standby generators and other alternative power connections for net metering purposes; to provide that such building or structures shall be located at or near the point that electric power is provided by the Guam Power Authority, and if located in a side or rear yard, the walls may be erected on the rear and/or side lot lines, and such buildings or structures shall not exceed one hundred fifty (150) square feet of floor space and the roofs thereof shall not project beyond the lot lines and shall be sloped in such a manner as to prevent rain runoff from flowing to adjacent property.

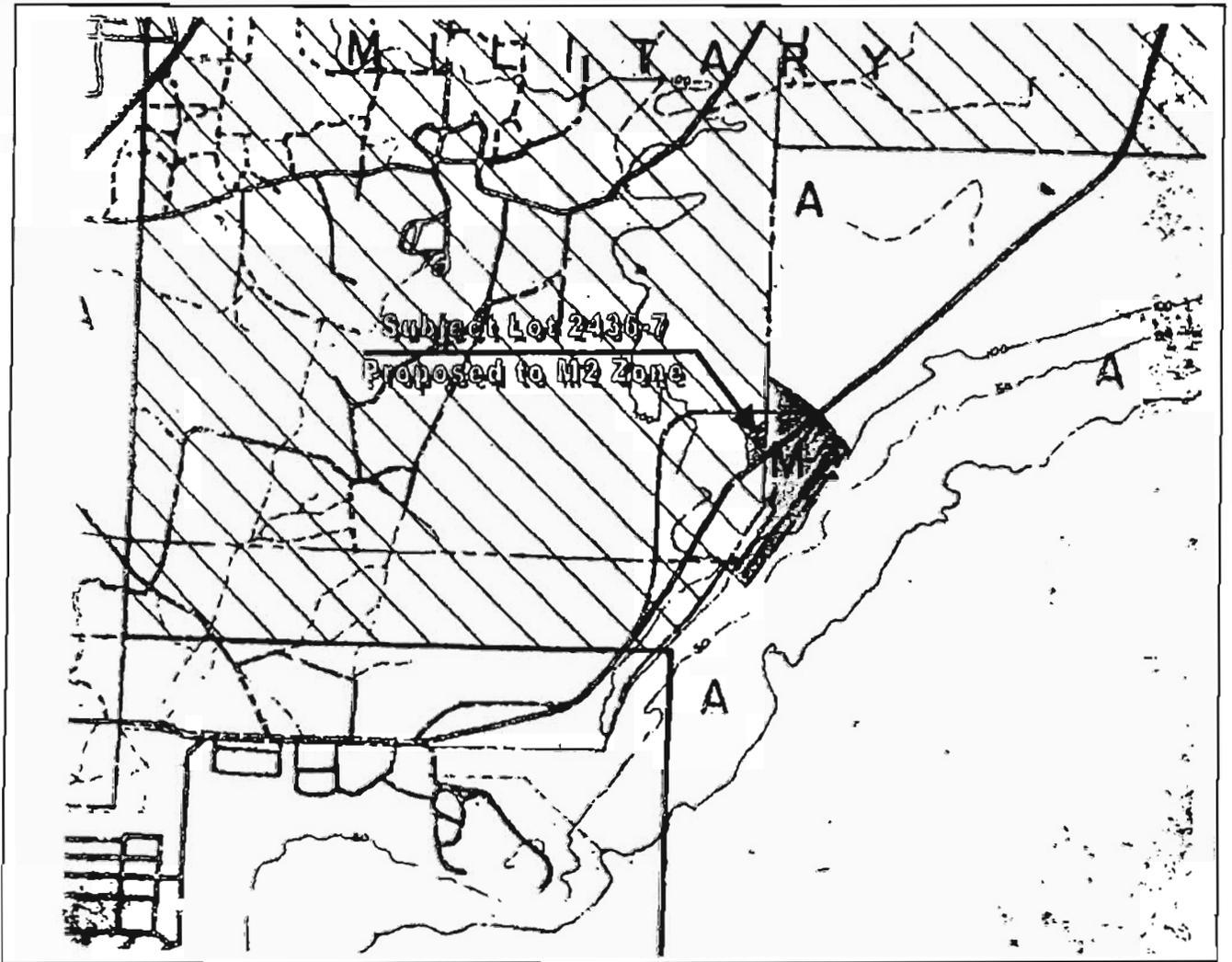
We provide our recommendations as follows:

Reference line 23, page 2, recommend the word "**FRONT**" be added
After the words "**...and if located in a**" and before the word "**side.**"

Reference line 1, page 3, recommend word "**FRONT**" be added
After the words "**...erected on the**" and before the word "**rear.**"

Reference line 2, page 3, where it states "**shall not exceed on hundred
Fifty (150) square feet...**" recommend it be changed to read "**...shall not
exceed three hundred twelve (312) square feet of floor space...**"

We inform this body that the predominant inquiry from the general public and our first hand experiences at DPW One-Stop Permit clearance as it concerns "**accessory type uses**" have been those of a residential related use such as the location of a detached "Carport/garage", gazebos, swimming pools and its related accessories, power pedestals; and unmanned telecommunications relay stations that is either existing or proposed to be located on the front one-half portion of the lot.



Zoning Map

A Agriculture Zone
M-2 Industrial Zone

Exhibit A



COMMITTEE ON RULES

***I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature**

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

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RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

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SENATOR**

**James V. Espaldon
SENATOR**

August 6, 2009

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bills No. 201-30 and 202-30

As Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 201-30(COR) and 202-30 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2009 AUG - 7 PM 4:49 ma

I Mina' Treña Na Liheslaturan Guåhan
Bill Log Sheet

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Intro	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B201-30 (COR)	R. J. Respicio, J. P. Guthertz	An act to <i>amend</i> subitem (h) of Title 21 Guam Code Annotated Chapter 61 § 61503, relative to exceptions to yard and area regulations.	8/05/09, 9:00 a.m.	8/6/09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land			
B202-30 (COR)	J. T. Won Pat, Ed.D., B. J.F. Cruz, J.V. Espaldon	An act relative to the unified pay schedule of the government of Guam.	8/05/09, 2:58 p.m.	8/6/09	Committee on Labor, the Public Structure, Public Libraries and Technology		.	



Mina'Trenta Na Liheslaturan Guåhan

Senator vicente (ben) c. pangelinan (D)

September 18, 2009

Memorandum

To: All Senators
From: Senator ben pangelinan
Re: Public Hearing Notice

Chairman
Committee on
Appropriations, Taxation,
Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at 8:30am on **Friday, September 25, 2009** at the Guam Legislature's Public Hearing Room. The following confirmations and bills are on the agenda:

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commission
Mr. Andrew Chung Park, Member, Guam Land Use Commission
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board
Ms. Antonita S. Camacho, Member Guam Banking & Insurance Board

Bills:

Bill No. 163 (COR): AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTER 5 OF 5GCA RELATIVE TO CREATING AN ON-LINE BIDDING OPTION FOR GOVERNMENT PROCUREMENT.

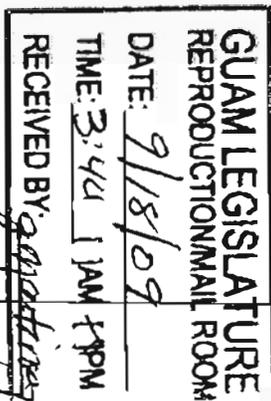
Bill No. 165 (LS): AN ACT TO AMEND 5 1512.1(i) OF ARTICLE 5, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO PRIOR YEAR INDIVIDUAL AND CORPORATE TAX REFUNDS INCLUDING INTEREST PAID THROUGH BOND PROCEEDS AUTHORIZED UNDER PUBLIC LAW 30-7.

Bill No. 30-173 (COR): AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 6 4 GCA RELATIVE TO THE PERSONNEL EMPLOYED FOR THE PURPOSE OF ENFORCING THE *GUAM TERRITORIAL INCOME TAX LAW*.

Bill No. 30-174 (COR): AN ACT TO AMEND §26203(k)(9), (28), (29), (30), (31) AND (32), OF CHAPTER 26, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING THE EXEMPTIONS AMOUNT FROM FORTY THOUSAND(\$40,000) TO FIFTY THOUSAND (\$50,000) DOLLARS AND THE LIMITATIONS ON GROSS INCOME FROM FIFTY THOUSAND DOLLARS (\$50,000) TO TWO HUNDRED THOUSAND (\$200,000) DOLLARS.

324 W. Soledad Ave. Suite 100, Hagåtña, Guam 96910

Tel: (671) 473-(4BEN) 4236 - Fax: (671) 473-4238 - Email: senben@guam.net



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Date: Fri, 18 Sep 2009 16:17:39 +1000
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Office of the People
Senator
Ben Panggelman

Notice of Public Hearing
Date: Friday, September 25, 2009
Time: 8:30am

Place: Guam Legislature Public Hearing Room

Agenda

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commission,
Mr. Andrew Chung Park, Member, Guam Land Use Commission,
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
Ms. Antonia S. Camacho, Member, Guam Banking & Insurance Board

Bills:

Bill No. 163 (COR): AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTERS 5 OF 5GCA RELATIVE TO CREATING AN ON-LINE BIDDING OPTION FOR GOVERNMENT PROCUREMENT.

Bill No. 165 (LS): AN ACT TO AMEND 5 1512.1(i) OF ARTICLE 5, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PRIOR YEAR INDIVIDUAL AND CORPORATE TAX REFUNDS, INCLUDING INTEREST PAID THROUGH BOND PROCEEDS AUTHORIZED UNDER PUBLIC LAW 30-7.

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Honorable Teresa Ma Linsashawan Guzman
MEMBER GUAM LEGISLATURE
Committee Member "Ben" G. Panggelman

PUBLIC HEARING NOTICE
FRIDAY, SEPTEMBER 25, 2009, 8:30AM
GUAM LEGISLATURE PUBLIC HEARING ROOM

Agenda

Confirmation for the following:

Mr. Roland S. Certeza, Member, Guam Land Use Commissioner,
Mr. Andrew Chung Park, Member, Guam Land Use Commission,
Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
Ms. Antonia S. Camacho, Member, Guam Banking & Insurance Board

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For copies of bills, you can log onto <http://guamlegislature.com>. If you require any special accommodations, please contact the Office of Senator Ben Panggelman at 473-4236 or email at senben@guam.net



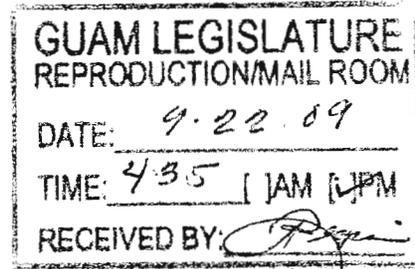
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September 22, 2009

SECOND NOTICE

Memorandum

To: All Senators
From: Senator ben pangelinan
Re: Public Hearing Notice



Chairman
Committee on
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Banking, Insurance, and
Land

Member
Committee on Education

Member
Committee on
Municipal Affairs,
Aviation, Housing, and
Recreation

Member
Committee on Labor, the
Public Structure,
Public Libraries, and
Technology

The Committee on Appropriations, Taxation, Banking, Insurance and Land will conduct a public hearing beginning at 8:30am on **Friday, September 25, 2009** at the Guam Legislature's Public Hearing Room. The following confirmations and bills are on the agenda:

Confirmation for the following:

- Mr. Roland S. Certeza, Member, Guam Land Use Commission
- Mr. Andrew Chung Park, Member, Guam Land Use Commission
- Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board
- Ms. Antonita S. Camacho, Member Guam Banking & Insurance Board

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Memo to All Senators
September 22, 2009
Page 2

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Office of the People's

Senator
Ben Panggeliman

Notice of Public Hearing
Date: Friday, September 25, 2009

Time: 8:30am

Place: Guam Legislature Public Hearing Room

Agenda

Confirmation for the following:

- Mr. Roland S. Certeza, Member, Guam Land Use Commission,
- Mr. Andrew Chung Park, Member, Guam Land Use Commission,
- Ms. Belinda Cruz Mejia, Member, Alcohol Beverage Control Board,
- Ms. Antonia S. Camacho, Member Guam Banking & Insurance Board

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Office of the People's
 Senator Ben Panggeliman

Public Hearing Notice
 Friday, September 25, 2009, 8:30am
 Guam Legislature Public Hearing Room

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Senator vicente "ben" c. pangelinan

Public Hearing Notice
Friday, September 25, 2009
8:30am
Guam Legislature Public Hearing Room

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Ms. Antonita S. Camacho, Member Guam Banking & Insurance Board

Bills:

Bill No. 163 (COR): AN ACT TO ADD A NEW ARTICLE 14 TO CHAPTER 5 OF 5GCA RELATIVE TO CREATING AN ON-LINE BIDDING OPTION FOR GOVERNMENT PROCUREMENT.

Bill No. 165 (LS): AN ACT TO AMEND 5 1512.1(i) OF ARTICLE 5, CHAPTER 1, TITLE 5, GUAM CODE ANNOTATED; RELATIVE TO PRIOR YEAR INDIVIDUAL AND CORPORATE TAX REFUNDS INCLUDING INTEREST PAID THROUGH BOND PROCEEDS AUTHORIZED UNDER PUBLIC LAW 30-7.

Bill No. 30-173 (COR): AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 6 4 GCA RELATIVE TO THE PERSONNEL EMPLOYED FOR THE PURPOSE OF ENFORCING THE *GUAM TERRITORIAL INCOME TAX LAW*.

Bill No. 30-174 (COR): AN ACT TO AMEND §26203(k)(9), (28), (29), (30), (31) AND (32), OF CHAPTER 26, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING THE EXEMPTIONS AMOUNT FROM FORTY THOUSAND (\$40,000) TO FIFTY THOUSAND (\$50,000) DOLLARS AND THE LIMITATIONS ON GROSS INCOME FROM FIFTY THOUSAND DOLLARS (\$50,000) TO TWO HUNDRED THOUSAND (\$200,000) DOLLARS.

Bill No. 30-187 (COR): AN ACT TO ZONE THE PREVIOUSLY UNZONED LOT NUMBER 2436-7 IN THE MUNICIPALITY OF MANGI LAO TO HEAVY INDUSTRIAL (M-2) ZONE.

I Mina' Trenta na Liheslaturan Guáhan
 COR Committee Report Checklist (Bill, Res)

Updated: October 2009 by SEM

Bill/Res No. 201-30 (LS/COR)

Sponsor

R.J. Respicio

Committee Chair

Sen pangalihan

Short Title

Yard & Area Regulations

Committee Report Components

1	Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	COR Chair Signature Line	<input checked="" type="checkbox"/>
2	Cmte Report Title Page	<input checked="" type="checkbox"/>
3	Cmte Chair Memo to Cmte Members	<input checked="" type="checkbox"/>
4	Cmte Voting Sheet	<input checked="" type="checkbox"/>
5	Cmte Report Digest	<input checked="" type="checkbox"/>
6	Copy of the Bill/Res	<input checked="" type="checkbox"/>
	Sub-Version?	<input checked="" type="checkbox"/>
	E-mailed to COR?	<input checked="" type="checkbox"/>
7	Public Hearing Sign-In Sheet	<input checked="" type="checkbox"/>
8	Written Testimony(ies) & Add'l Docs	<input checked="" type="checkbox"/>
9	COR Referral of the Bill/Res	<input checked="" type="checkbox"/>
10	Notice of PH & Other Correspondence	<input checked="" type="checkbox"/>
	Date of PH	<u>9/25/09</u>
	Date 5 Working Days Prior	<u>9/18/09</u>
	All Sens	<u>9/18/09</u>
	All Media	<u>9/18/09</u>
	Date 48-Hours Prior	<u>9/27/09</u>
	All Sens	<u>9/27/09</u>
	All Media	<u>9/27/09</u>
11	Public Hearing Agenda	<input checked="" type="checkbox"/>
12	Related News Articles	<input checked="" type="checkbox"/>
	Miscellaneous	<input checked="" type="checkbox"/>
	Originals	<input checked="" type="checkbox"/>
	Single-Sided	<input checked="" type="checkbox"/>
	Letter Size	<input checked="" type="checkbox"/>
	No Staples/Paper Clips	<input checked="" type="checkbox"/>

2/22/10
 memo will be sent by Lisa

Committee Contact	<u>Napri Castro</u>
Name:	<u>Napri Castro</u>
Signature:	<u>Napri Castro</u>
Date:	<u>2/22/10</u>

COR USE ONLY	
Reviewed by:	<u>Glenn</u>
Date:	<u>2/22/10</u>
Notes:	

RECEIVED 4:49 pm

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. B201-30(COR)

Introduced by:

R.J. RESPICIO
J.P. GUTHERZ

2009 AUG -5 AM 9:00 PM

AN ACT TO AMEND SUBITEM (h) OF TITLE 21 GUAM CODE ANNOTATED CHAPTER 61 § 61503, RELATIVE TO EXCEPTIONS TO YARD AND AREA REGULATIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Subitem (h) of Title 21 Guam Code Annotated Chapter 61 §
3 61503 is *amended* to read:

4 "§ 61503. Exceptions to Yard and Area Regulations.

5 (a) No front yard need be provided on a lot in a hillside area where
6 the topography of the lot is such as to make it unreasonable or impractical
7 to locate a building on the lot and provide a front yard.

8 (b) No side yard need be provided for a dwelling or hotel erected
9 above the ground floor of a building, where the ground floor is designed
10 for commercial or industrial purposes.

11 (c) Cornices, eaves, belt courses, sills, canopies or other similar
12 architectural features, may project into a required side yard not more than
13 two inches for each one foot of width of such side yard and may project
14 into any other required yard space not more than thirty (30) inches.

15 (d) Open, unenclosed stairways or balconies, not covered by a roof
16 or canopy, may project into a required rear yard not more than for (4) feet,

1 and such balconies may project into a required front yard not more than
2 six (6) feet.

3 (e) Open, unenclosed porches, platforms, places, not covered by a
4 roof or canopy, or landings, which do not extend above the level of the
5 first floor of the building, may project into any required front, side, or rear
6 yard, not more than six (6) feet.

7 (f) A fence, lattice work screen, wall, or hedge, not more than six (6)
8 feet in height, may be located in any required front, side or rear yard.

9 (g) In computing the lot area of a lot which abuts upon an alley one-
10 half (1/2) the width of such alley may be assumed to be a portion of the
11 lot.

12 (h) Accessory buildings or structures may be located and maintained
13 in a rear yard, except in the required ten (10) foot rear yard which is that
14 portion adjoining the rearmost main building on the lot. Such buildings or
15 structures may also be located and maintained in any side yard, except in
16 the required eight (8) foot side yards adjoining each of the side lot lines.
17 Such buildings or structures may also be located and maintained in any
18 front, side or rear yard when such buildings or structures are to be used
19 exclusively for purposes relative to connections to island electric power,
20 including for standby generators and for alternative power connections for
21 net metering purposes, provided that such buildings or structures shall be
22 located at or near the point that electric power is provided by the Guam
23 Power Authority, and if located in a side or rear yard, the walls may be

1 erected on the rear and/or side lot lines, and such buildings or structures
2 shall not exceed one hundred fifty (150) square feet of floor space and the
3 roofs thereof shall not project beyond the lot lines and shall be sloped in
4 such a manner as to prevent rain runoff from flowing to adjacent property.

5 When such buildings or structures are to be used exclusively for storage or
6 as outdoor cooking facilities, they may be located in a side or rear yard
7 with walls erected on the rear and/or side lot lines; provided that such
8 buildings or structures shall not exceed two hundred (200) square feet of
9 floor space and the roofs thereof shall not project beyond the rear or side
10 lot lines and shall be sloped in such a manner as to prevent rain run off
11 from flowing to adjacent property. A storage or cooking facility may only
12 be constructed on residential lots which meet the yard requirements
13 provided by § 61501 of this Code.

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