


MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 260 (EC)

Introduced by:

J.M.S. Brown 

AN ACT TO REPEAL AND REENACT SECTION 62108.1
AND TO ADD A NEW SECTION 62108.2 TO ARTICLE 1, OF
CHAPTER 62, OF 21 GUAM CODE ANNOTATED RELATIVE
TO STRENGTHENING THE GENERAL REQUIREMENTS
FOR AGRICULTURAL SUBDIVISIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that
3 there is a need to strengthen Section 62108.1 relative to Agricultural
4 Subdivision Requirements of Article 1, Chapter 62, Title 21 Guam Code
5 Annotated by providing performance standards to address the concerns of
6 village residents and Mayors regarding development within their respective
7 villages.

8 *I Liheslatura* further finds that while Subdivision Law on agricultural
9 subdivisions lists the improvements required and, although developers
10 understand that the burden is on them to provide such improvements, there is
11 no requirement when such improvements must be in place. Thus, once a final
12 subdivision map has been approved and recorded, the individual lots within
13 the subdivision can be sold.

14 *I Liheslatura* feels that changes are needed to ensure that no agricultural
15 subdivision occurs until all of the minimum required improvements have

1 been completed and certified to function as designed. This will ensure that
2 the health and welfare of the future residents of the subdivision are protected
3 and that the government of Guam will not be compelled to assume this
4 responsibility if the subdivider fails to provide or complete the improvements.

5 **Section 2. Section 62108.1 of Article 1 of Chapter 62 of Title 21 is**
6 **hereby amended to read as follows.**

7 Section 62108.1 Agricultural Subdivision Requirements.

8 (a) Any person or persons subdividing agriculturally-zoned
9 land into six (6) or more lots, parcels or sites that are less
10 than ~~twenty-two thousand (20,000)~~ nineteen thousand two-
11 hundred (19,200) square feet per lot with the intention of
12 selling three (3) or more of the subdivided lots, whether
13 immediately or in the future, shall be required to make
14 improvements consistent with Section 62108 of Chapter 62,
15 21 Guam Code Annotated.

16 (b) If an agricultural subdivision development consists of fifteen
17 (15) or more lots, the developer shall phase in the
18 subdivision in fifteen (15) lot increments.

19 (c) In agricultural subdivisions with lots, parcels or sites less
20 than twenty thousand (20,000) square feet, when located of
21 the Northern Aquifer, all lots must meet the requirements
22 set forth in C3219(c) of Chapter 3 of Title 18 of the
23 Administrative Rules and Regulations of the government of

1 Guam before final approval on adequate lot sizes can be
2 given

3 ~~(e) Agricultural subdivisions are permitted in Zoning District 2-Low~~
4 ~~Intensity of the Zoning Code of Guam.~~

5 **Section 3. Add a new Section 62108.2 is added to Article 1 of Chapter**
6 **62, Title 21 Guam Code Annotated is added to read:**

7 Section 62108.2 Map Approval

8 (a) No final agricultural subdivision map submitted to the
9 Department of Land Management for recordation shall be
10 approved unless all of the improvements have been required
11 by Section 62108 of Article 1 of Chapter 62 of Title 21 Guam
12 Code Annotated have been completed.

13 (b) A site development or tentative plan shall be submitted to
14 the Department of Land Management's Chief Planner for
15 review. The site development or tentative plan shall contain
16 detail and relevant information for analysis by the Chief
17 Planner as to compliance with requirements of the
18 Subdivision Law and other land use rules and regulations.
19 Upon approval of the site development or tentative plan by
20 the Chief Planner, the developer may obtain permits for the
21 construction of the improvements.

22 **Section 4. Add a new Section 62108.3 is added to Article 1 of Chapter**
23 **62, Title 21 Guam Code Annotated is added to read:**

1 Section 62108.3 Improvement Guarantees.

2 (a) Unless the developer has sufficient funds to complete the
3 improvements, he shall obtain a performance bond sufficient
4 in amount to insure the completion of the improvements for
5 the entire subdivision or for the specific phase of the
6 development that has been approved by the Chief Planner.
7 The Director of Public Works shall certify that the amount of
8 the bond is acceptable for the completion of the
9 development phase in question.

10 (b) Time Allowed for Completion of Improvements.

11 1. The subdivider/developer shall have one (1) year from
12 the approval of the development or tentative plan by the
13 Chief Planner, to complete all of the required
14 improvements.

15 2. The time allowed for installation of the improvements for
16 which the performance guarantee has been provided may
17 be extended by the Chief Planner. Two (2) extensions of
18 twelve (12) months each may be allowed.

19 3. Upon substantial completion of all required
20 improvements, the developer may notify the Chief
21 Planner in writing of the completion or substantial
22 completion of improvements, and shall send a copy to the
23 Chief Engineer of the Department of Public Works. The
24 Chief Engineer shall inspect all improvements described

1 in said notice and shall file a detailed written report with
2 the Chief Planner indicating either approval, partial
3 approval, or rejection. The cost of improvements as
4 approved or rejected shall be set forth.

- 5 4. If the Chief Engineer recommends approval or partial
6 approval, the Chief Planner shall, within fifteen (15) days
7 notify the developer or his representative in writing to
8 submit the final agricultural subdivision map for the
9 review process. No final map shall be submitted if the
10 inspection report recommends a rejection.

11 Section 62108.4 Appeals.

12 Within fifteen (15) working days after the developer has been
13 notified by the Chief Planner that the Chief Engineer recommends a
14 rejection, the developer may appeal said report to the Guam Land Use
15 Commission pursuant to the Administrative Adjudication Law. Any
16 order of the Commission shall be effective when notice thereof is
17 delivered to the subdivider/developer or his representative, and shall
18 become final at the expiration of thirty (30) days thereafter, unless the
19 subdivider/developer institutes proceedings for judicial review in
20 accordance with Section 62604(b) of Article 1 of Chapter 62 of Title 21
21 Guam Code Annotated, the Subdivision Law.