



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

December 27, 2011

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MEMORANDUM

To: Patricia C. Santos
Clerk of the Legislature

MAJORITY
MEMBERS:

From: Judith P. Guthertz, DPA
Acting Chairperson, Committee on Rules

Speaker
Judith T. Won Pat

Subject: Supplement to Committee Report -
Bill Nos. 369 & 370

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Hafa Adai!

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Transmitted herewith is a memo from Senator vincente c. pangelinan, Chairperson, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land, forwarding additional testimony on Bill Nos. 369 and 370.

Senator
Thomas C. Ada

Please include this memo and the attachment as a "Supplement" to the Committee Report on Bill Nos. 369-31 (COR) and 370-31 (COR).

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Christopher M. Duenas

2011 DEC 28 AM 9:55



the People

I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

December 21, 2011

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

The Honorable Rory Respicio
Senator
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

Vice Chairman
Committee on Education

Re: Bill 369 & 370 Committee Report

Hafa Adai Senator Respicio,

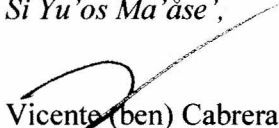
Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Please include additional testimony from Department of Land Management into Bill No. 369 and 370 committee reports. DLM testimony was received after committee reports were filed with COR.

The enclosed envelope contains documents regarding DLM testimony.

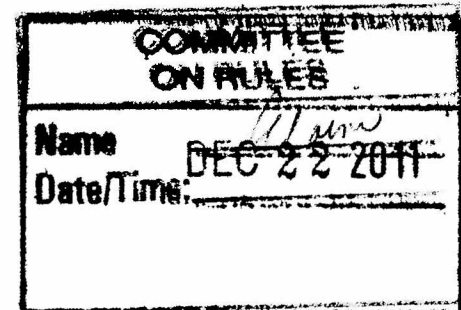
Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Si Yu'os Ma'åse',


Vicente (ben) Cabrera Pangelinan
Senator

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform



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Christopher M. Duenas

Supplement to the Committee Report on Bill No. 369-31 (COR)

**“AN ACT TO ZONE THE PREVIOUSLY
UNZONED LOT NO. 1060-5-1, IN THE
MUNICIPALITY OF BARRIGADA, TO SINGLE-
FAMILY DWELLING (R-1).”**

*NOTE: The original Committee Report on
Bill No. 369-31 (COR)
was filed on December 15, 2011.



DIPĀTTAMENTON MINANEHAN TĀNO'
 (Department of Land Management)
GUBETNAMENTON GUĀHAN
 (Government of Guam)



EDDIE BAZA CALVO
 Governor

MONTE MAFNAS
 Acting Director

RAY TENORIO
 Lieutenant Governor

Street Address:
 590 S. Marine Corps Drive
 Suite 733 ITC Building
 Tamuning, GU 96913

December 9, 2011

Mailing Address:
 P.O. Box 2950
 Hagåtña, GU 96932

Senator Vincent (ben) C. Pangelinan
 Chairperson, Committee on Appropriations,
 Taxation, Public Debt, Banking, Insurance,
 Retirement and Land
 324 W. Soledad Ave. Suite 100
 Hagatna, GU 96932



Website:
<http://dlm.guam.gov>

SUBJECT: Comments on Bill Numbers 369-31, 370-31 & 371-31

Bueñas Yan Hafa Adai:

E-mail Address:
dmdir@dlm.guam.gov

The Department has reviewed previous Legislative Bills on the same subject matter and provides the following:

Bill 369-31 & 370-31: "An Act to Rezone the Previously Unzoned Lot Nos. 1060-5-1 & 1060-5-2, in the Municipality of Barrigada, to Single-Family Dwelling (R-1)" respectively

Telephone:
 671-649-LAND (5263)

The Liheslaturan Guåhan delegated the responsibility of zoning any land transferred to the Government of Guam through the Guam Ancestral Lands Commission (GALC) under Public Law 28-113 codified under Section 80106, Chapter 80, Title 21 GCA under a "**Comprehensive Zoning Plan**" (*emphasis added*). This bill only zone changes a small portion of the "Radio Barrigada" parcels returned to the original landowners rather than the **whole** (*emphasis added*) of the "Radio Barrigada" parcels returned.

Facsimile:
 671-649-5383

Moreover, the original returned parcel was Lot 1060-R1. The parcel being recommended for zone change is only 763 square meters (Lot 1060-5-1) while the Basic Lot 1060-R1 (13,768 square meters) remains unzoned. In accord with the above, the Department recommends that the Liheslaturan Guåhan allow the GALC to zone change the "Radio Barrigada" parcels in a comprehensive manner to allow for the proper planning and development of this area from GWA, GPA, DPW, and DLM.

Bill 371-31: “An Act to Rezone Lot No. 19A-3, in the Municipality of Sinajana from Single Family Dwelling (R-1) to Multiple-Family Dwelling (R-2) Zone.”

The Department is uncertain as to the location of the parcel being proposed for a zone change. Is it Basic Lot P19-A.3? This lot has been subdivided 12 times already and is historical. Therefore, until the Department can determine the exact location, then the Department recommends that the Liheslaturan Guåhan send the landowner to DLM for proper advice on land use development opportunities. Moreover, Public Law 21-82, as amended, and codified as Section 61639, Chapter 61, 21 GCA delegated this responsibility to the DLM Director. The Liheslaturan Guåhan delegated this “Zone Change Expedited Process” under “*Summary Procedure for Agricultural and Single Family Residential Rezoning.*” This is a 60 day process and is systemically functional.

Therefore, the Department would like to remind all concern that our Liheslaturan Guåhan delegated land use development including zone changes through Public Law 1-88, as amended. Furthermore, a viable existing zone change process exist, is efficient, and considers all aspect of land use planning in protecting the community and our island’s interest rather than the one (1) public hearing spot zoning legislative process where the criteria of Public Necessity, Convenience and General Welfare must be justified in support of the vested community and the island. This legislative process defeats the purposes of community planning.

I can be contacted at 649-5263, Extension 650, should you have additional questions or need further clarification.

Senseramente,


MONTE MAFNAS

cc: Planning Division, DLM 



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Supplement to the Committee Report on Bill No. 370-31 (COR)

**“AN ACT TO ZONE THE PREVIOUSLY
UNZONED LOT NO. 1060-5-2, IN THE
MUNICIPALITY OF BARRIGADA, TO SINGLE-
FAMILY DWELLING (R-1).”**

*NOTE: The original Committee Report on
Bill No. 370-31 (COR)
was filed on December 15, 2011.



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 (Department of Land Management)
GUBETNAMENTON GUĀHAN
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E-mail Address:
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MONTE MAFNAS

cc: Planning Division, DLM 