



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
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MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
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Senator
vicente c. pangelinan

MINORITY MEMBERS:

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Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 31, 2012

MEMORANDUM

To: Patricia C. Santos
Clerk of the Legislature

From: Rory J. Respicio

Subject: Supplement to Committee Report
Bill Nos. 352 thru 359, 369 & 371

Hafa Adai!

Transmitted herewith is a memo from Senator vicente (ben) c. pangelinan, Chairperson, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land, forwarding additional testimony on Bill Nos. 352 thru 359, 369 and 371.

Please include this memo and the attachment as a "Supplement" to the Committee Report on Bill Nos. 352-31 (COR) thru 359-31 (COR), 369-31 (COR) and 371-31 (COR).

Please make the appropriate indication in your records; and forward to MIS for posting on our website.

Si Yu'os ma'åse'!

cc: Senator vicente c. pangelinan

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Office of



the People

I Mina'trentai Unu Na Liheslaturan Guahan

Senator Vicente (ben) Cabrera Pangelinan (D)

January 31, 2012

Memorandum

To: Senator Rory Respicio
Chairman, Committee on Rules

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Testimony

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

Vice Chairman
Committee on Education

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

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

Member
Committee on the Guam
Military Buildup and
Homeland Security

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

Please find attached testimony from Mr. Thomas Morrison of the Bureau of Statistics and Plans received on January 26, 2012 for the following bills:

Bill No. 352 thru 359; committee reports filed on 1/9/12

Bill No. 369; committee report filed on 12/12/12

Bill No. 371; committee report filed on 1/4/12

Please note that the letter includes testimony for Bill No. 175, which has not yet been filed with COR.

We ask that Mr. Morrison's testimony be added to the committee reports for the aforementioned bills.

Thank you.

cc: All Senators
Clerk's office

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Keddy

Eddie Baza Calvo
Governor of Guam



Ray Tenorio
Lieutenant Governor

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Thomas A. Morrison
Director

**TESTIMONY BEFORE THE COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
INSURANCE AND LAND
BY THE BUREAU OF STATISTICS AND PLANS**

**Guam Legislature Public Hearing Room
Tuesday, November 29, 2011**

Honorable Chairman and Committee Members:

This testimony is provided on behalf of the Bureau of Statistics and Plans in regards to the Bill Nos. 175-31(COR), 352 thru 359-31(COR), 369 thru 371-31(COR). We have reviewed the said bills and offer the following comments and concerns:

The Bureau has always had concerns with regard to the zoning and rezoning of properties by the Guam Legislature. We strongly believe that there is already a process that is in place that works and which affords the surrounding neighbors as well as the general public the opportunity to provide comments on proposed zone changes. As you are aware, the Guam Land Use Commission (GLUC) in conjunction with the Application Review Committee (ARC) is tasked with the responsibility for this process. With the technical assistance from the various government agencies and departments, the GLUC has the ability to come to a reasonable decision in the changing of zoning designations. Unlike the legislative zone change process, the GLUC guarantees that the affected registered landowners within 500 feet of the property proposed to be rezoned is informed by registered mail of the proposal and are invited to attend the GLUC Hearing to provide any comments or concerns. Not everybody has access to the printed media to see the public announcements of upcoming public hearings and they may be unaware of the proximity of their property to the property to be rezoned. Furthermore, unlike the legislative process, the GLUC receives technical comments from appropriate government agencies on the impacts the proposed zone change may have prior to arriving at a decision.

The Bureau has attempted to provide a comprehensive review of the proposed zone changes and properties to be assigned a zone. We appreciate the accompanying maps. However, more details on each of these bills would be helpful. Like we have mentioned in our previous testimonies, we strongly believe that the maps along with other pertinent information such as what is proposed on the site and justification for the zone change should be provided in the bills or attached with the bills. A map is just one of the most basic pieces of information needed to review legislative zoning proposals. Knowing the exact location of the subject parcel enables us to obtain information on the surrounding land uses and zones as well as other information that would assist us in formulating a recommendation on the appropriateness of the proposed activity and zone change.

With respect to the twelve bills under consideration, the Bureau offers the following comments:

Bill No. 175-31(COR) – Due to the limited information provided with this bill, our records show the surrounding land use is predominantly single-family residential. There is retail activity on the adjacent property. Infrastructures such as water, power, cable and telephone are available with the exception of sewer services along this stretch of Alageta Street. The Bureau is concerned with the impact more commercial activities may have on an area without sewer services. However, the zone change needs to justify public convenience, public necessity and general welfare. Without any information of what is proposed, a determination cannot be made.

Bill Nos. 352 thru 359-31(COR) - Due to the vagueness of this bill, our records show the surrounding land use is predominantly single-family dwellings. There is also a tire repair shop due southwest and a service station and a McDonald's Restaurant Due west. Infrastructures such as water, power and sewer are available along Route No. 3. A zone change of this magnitude to commercial activities, whatever they may be that encompasses 8 lots all in one general area is likely to have impacts to the surrounding neighborhood. Furthermore, there are fuel line easements running along Route No. 3 up north to Andersen Air Force Base/Northwest Field area. Increased activity along and perhaps on this easement will have negative effects and would require Federal Government input. However, the zone change needs to justify public convenience, public necessity and general welfare. Without any information of what is proposed, a determination cannot be made.

Bill Nos. 369 and 370-31(COR) – The area seems to be undeveloped at the moment. Given that the area does not have a zoning designation yet, "R-1" may be an appropriate zone **only** if the infrastructure is available to sustain the single-family residential activity.

Bill No. 371-31(COR) – The Bureau could not located the lot even with the assistance of the map provided. However, we believe that we located the general area. The area seems to be predominantly single-family dwellings. If the property were rezoned to "R-2" (multi-family residential), it may have an impact on the surrounding neighborhood by way of increased traffic, on-street parking and perhaps stress on the existing infrastructure.

The Bureau recognizes that the Guam Legislature has the authority to approve zone changes. The Bureau highly encourages the use of the GLUC process as it provides for public sector, private sector and community involvement and feedback. The Bureau further believes that the legislative process needs to include more input from all stakeholders and technical assistance from the ARC members for a thorough review. More importantly, the Bureau believes that immediate landowners and surrounding community deserves notification when proposed zone changes effect them directly and that they should have an opportunity to express their desires to the Legislature. Thank you for the opportunity to comment on the above mentioned bills.


THOMAS A. MORRISON



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Supplement to the Committee Report on Bill No. 371-31 (COR)

"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."

*NOTE: The original Committee Report on
Bill No. 371-31 (COR)
was filed on January 4, 2012.