

Office of the Governor of Guam

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Handwritten notes: 1000 11/2 1/6 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

Handwritten notes: 30-10-0220, 3/16/10

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', with a long horizontal stroke extending to the left.

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

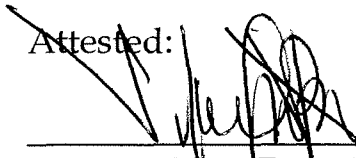
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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.



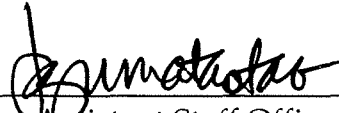
Judith T. Won Pat, Ed. D.
Speaker

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.”