



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

RECEIVED
OFFICE OF THE SPEAKER
DATE: 1/7/93
TIME: 10:00
RECD BY: [Signature]

JAN 06 1993

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hessler Street
Agana, Guam 96910

COPIES TO
LEGISLATIVE SECRETARY

Dear Mr. Speaker:

Transmitted herewith is Bill No. 836, which has been designated as Public Law
No. 21-144.

Sincerely yours,

Joseph F. Ada
JOSEPH F. ADA
Governor

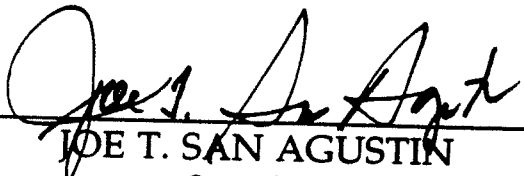
Attachment

211030

TWENTY-FIRST GUAM LEGISLATURE
- 1992 (SECOND) Regular Session


CERTIFICATION TO THE GOVERNOR OF PASSAGE OF AN ACT

This is to certify that Substitute Bill No. 836 (LS), "AN ACT TO REZONE LOTS SITUATED IN BARRIGADA, MANGILAO, TAMUNING, CHALAN PAGO, ORDOT, YOÑA AND AGAÑA HEIGHTS, TO REPEAL AND REENACT SECTION 14 OF PUBLIC LAW 21-72 AND SECTIONS 2 AND 3 OF PUBLIC LAW 21-55, TO CORRECT CERTAIN REZONINGS AND AUTHORIZED SALES, TO REPEAL AND REENACT SUBPARAGRAPH (A) OF §61639, TITLE 21, GUAM CODE ANNOTATED, ON "FAST TRACK" REZONING, TO REPEAL AND REENACT SUBPARAGRAPH (b) OF §62104, TITLE 21, GUAM CODE ANNOTATED, ON PARENTAL SUBDIVISIONS, TO REPEAL AND REENACT SUBPARAGRAPH (a) OF §62105, TITLE 21, GUAM CODE ANNOTATED, ON AGRICULTURAL SUBDIVISIONS, AND TO APPROVE THE CAHAT/GHMIC RULES AND REGULATIONS," returned to the Legislature without the approval of the Governor, was, in accordance with the Organic Act of Guam, reconsidered by the Legislature and after such reconsideration, the Legislature did, on the 29th day of December, 1992, agree to pass said bill notwithstanding the objection of the Governor by a vote of two-thirds or more of all the members thereof, to wit: by a vote of fourteen (14) members.



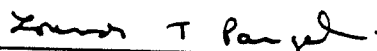
JOE T. SAN AGUSTIN
Speaker

Attested:



PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 3rd day of January, 1993,
at 10:41 o'clock A.M.



Assistant Staff Officer
Governor's Office

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 836 (LS)

As amended and substituted by the
Committee on Housing, Community Development
Federal and Foreign Affairs and as further
substituted by the Committee on Rules

Introduced by:

F. R. Santos
A. C. Blaz
H. D. Dierking
M. D. A. Manibusan
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
D. Parkinson
J. T. San Agustin
D. L. G. Shimizu
J. G. Bamba
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REZONE LOTS SITUATED IN BARRIGADA, MANGILAO, TAMUNING, CHALAN PAGO, ORDOT, YOÑA AND AGAÑA HEIGHTS, TO REPEAL AND REENACT SECTION 14 OF PUBLIC LAW 21-72 AND SECTIONS 2 AND 3 OF PUBLIC LAW 21-55, TO CORRECT CERTAIN REZONINGS AND AUTHORIZED SALES, TO REPEAL AND REENACT SUBPARAGRAPH (A) OF §61639, TITLE 21, GUAM CODE ANNOTATED,

ON "FAST TRACK" REZONING, TO REPEAL AND REENACT SUBPARAGRAPH (b) OF §62104, TITLE 21, GUAM CODE ANNOTATED, ON PARENTAL SUBDIVISIONS, TO REPEAL AND REENACT SUBPARAGRAPH (a) OF §62105, TITLE 21, GUAM CODE ANNOTATED, ON AGRICULTURAL SUBDIVISIONS, AND TO APPROVE THE CAHAT/GHMIC RULES AND REGULATIONS.

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

2 **Section 1. Legislative intent.** The Legislature has been requested to
3 rezone certain lots fronting Routes Nos. 16 and 10 and fronting Camp
4 Watkins Road and Farenholt Avenue to Commercial ("C") in order that they
5 may be utilized by their owners to the highest and best uses in a similar
6 manner to other parcels in the same vicinity which have already been rezoned
7 by the Territorial Land Use Commission ("TLUC"). The owners have pointed
8 out that many lots along the same routes and abutting those lots for which
9 rezoning is being requested, have been so rezoned by TLUC and there are
10 commercial buildings and enterprises now conducting business along that
11 heavily travelled primary road where all necessary infrastructure to service
12 the parcels under consideration is already installed and functional.

13 Cognizant of the heavy caseload before the TLUC and recognizing that
14 the inordinate length of time required for TLUC rezonings may preclude
15 these individuals from participating in economic opportunities now available
16 because the business or economic climate is right, the Legislature recognizes
17 that the economic potentials and opportunities now presenting themselves
18 may not be available should there be further delays because of the
19 inordinately slow pace of the TLUC process. The Legislature is of the
20 consensus that it is not just nor reasonable for these property owners to lose
21 such opportunities in such a manner.

1 Likewise, the rezoning effectuated in this Act does not constitute any
2 form of exemption from the regulatory and permitting rules and regulations
3 which must be complied with prior to the issuance of building and occupancy
4 permits. The property owners will still have to comply with the requirements
5 specified by the regulatory, permitting and licensing agencies of the
6 government of Guam.

7 **Section 2. Properties rezoned to Commercial.** (a) Lots Nos. 5211-2-2-
8 1-R2 and 5211-2-2-2-R1, containing areas of 11,911 and 1,161.10 square
9 meters, respectively, situated in the Municipality of Barrigada, owned by
10 Angel A. U. Flores, and delineated on Land Management Check No. 155-
11 FY83, are hereby rezoned from Agricultural ("A") to Commercial ("C").

12 (b) Lots Nos. 1, 2, 3, 10, 11, and 12, Block 4, all of Basic Lot No. 1098-
13 Rem, Estates Nos. 14444, 14445, 14446, 14447, 14448 and 14449, respectively,
14 situated in the Municipality of Barrigada, containing an aggregate area of
15 4,247 square meters, all owned by William Arthur Flores, and registered
16 under Land Management Document No. 79545, are hereby rezoned from
17 Single Family Residential ("R-1") to Commercial ("C").

18 (c) Lot No. 8, Block 1, Tract 219, Estate No. 15980, situated in the
19 Municipality of Barrigada, said to contain an area of 4,201 square meters,
20 belonging to Rodolfo G. and Nelia A. Cahinhinan, and recorded under Land
21 Management Document No. 379057, is hereby rezoned from Agricultural
22 ("A") to Commercial ("C").

23 (d) Lots Nos. 1098-4-2 and 1098-REM, said to contain an aggregate
24 area of 1,467 square meters, situated in the Municipality of Barrigada, as
25 recorded under Document No. 95166, and owned by Vicente P. and Francisca
26 C. Camacho are hereby rezoned from Single Family Residential ("R-1") to
27 Commercial ("C").

1 (e) Lot No. 2, Block No. 10, situated fronting Route 10 in Barrigada,
2 said to contain an area of 1,032 square meters, as recorded under CT 86468,
3 and owned by Cristobal P. Aguon, is hereby rezoned from Single Family
4 Residential ("R-1") to Commercial ("C").

5 (f) Lot No. 2285-New-1, Mangilao, Barrigada, Estate No. 12587,
6 containing an area of 929.03 square meters, filed under Document No.
7 110122, belonging to Lee D. and Rosa R. Carter, is hereby rezoned from
8 Multi-family Residential ("R-2") to Commercial ("C").

9 (g) Lot No. 14, Tract 254, Mangilao, Municipality of Barrigada, said to
10 contain an area of 959 square meters, and owned by Khai Tran, is hereby
11 rezoned from Multi-family Residential ("R-2") to Commercial ("C").

12 (h) Lot No. 1, Block 1, Tract 124, Pagat, Mangilao, Municipality of
13 Barrigada, containing an area of 4,047± square meters, and owned by Garlin
14 W. Young, is hereby rezoned from Agricultural ("A") to Commercial ("C").

15 (i) Lots Nos. 5220-1-3-1, 5220-1-3-2, 5220-1-3-3, 5220-1-3-4, 5220-1-3-
16 R5, and 5220-1-3-5, situated in the Municipality of Barrigada, delineated
17 under Map No. 040-FY88, said to contain an aggregate area of 2,988± square
18 meters, and owned by Gregorio C. Barba, are hereby rezoned from Single
19 Family Residential ("R-1") to Commercial ("C").

20 (j) Lot No. 2374-2-1, situated in the Municipality of Barrigada, said to
21 contain an area of 2,141± square meters, as delineated on Land Management
22 Drawing No. 38-0777, and owned by James and Josephine McDonald, is
23 hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

24 (k) Lots Nos. 2149-5-1, 2149-5-2, and 2149-5-3R, all situated along
25 Farenholt Avenue, Tamuning, containing an aggregate area of 2,367.9±
26 square meters, as shown on Drawing No. L-14, prepared by Robert L. Beam,
27 and owned by Dorothy D. and Mary D. Chavez, are hereby from Multi-

1 family Residential ("R-2") to Commercial ("C").

2 (l) Lot No. 5172, Tract B-R1, situated at the end of Farenholt Avenue,
3 Tamuning, said to contain an area of 1,584.9± square meters, and owned by
4 Alfred S. Ysrael, is hereby rezoned from Multi-family Residential ("R-2") to
5 Commercial ("C").

6 (m) Lots Nos. 1, 2, and 3, Tract 1812, **Pagat**, Municipality of Barrigada,
7 said to contain an aggregate area of 15,987 square meters, as delineated on
8 LM Drawing No. AC-706-74, and owned by Vicente B. and Maria L. Bamba,
9 are hereby rezoned from Agricultural ("A") to Commercial ("C").

10 (n) Lots Nos. 1107-1-R7, 1108-1-1, 1108-1-R1 and 1110-NEW-R2-NEW,
11 situated in Mangilao, said to contain an aggregate area of 19,824 square
12 meters, as delineated in LM Checks Nos. 372FY73 and 185FY84, and owned
13 by James D.J. Ji and Myong Je Park are hereby rezoned from Single Family
14 Residential ("R-1") to Commercial ("C").

15 (o) Lots Nos. 1, 2, 3, 4, and 5, Block 1, Tract 2611, a portion of Lot No.
16 3321-NEW, Sinajaña, containing an aggregate area of 5,805 square meters,
17 as recorded on Land Management Document No. 387690, and owned by
18 brothers and sisters Jesus A. Atoigue, Jose A. Atoigue, Dolores A. Namauleg,
19 and Ana A. Muña, are hereby rezoned from Agricultural ("A") to Commercial
20 ("C").

21 (p) Lot No. 3200-B-REM, situated in the Municipality of Sinajaña, said
22 to contain an area of 9,676 square meters, as delineated on LM Check No.
23 012-FY88, and owned by the Vicariate Apostolic of Agaña, is hereby rezoned
24 from Single Family Residential ("R-1") to Commercial ("C").

25 **Section 3. Legislative statement.** The Legislature is well aware of the
26 acute shortage of rental housing units on Guam, which shortage is driving
27 rental rates to levels which are unreachable except by those in the upper

1 income brackets. Likewise, the shortage is causing many apartment owners
2 to take their units off the public assistance listings, thus creating a very real
3 and critical problem for the Guam Housing and Urban Renewal Authority's
4 "Section 8" program and other low rental subsistence programs. The
5 Legislature recognizes that though the construction of apartment buildings
6 does not insure affordability, it is the consensus that an increase in the
7 number of rental units available will stabilize, if not lower, the rental prices
8 for many units around the island.

9 Recognizing the shortage of rental units, the Legislature is also
10 cognizant of landowners who desire to enter into the rental housing industry
11 but who are discouraged by the costly and lengthy TLUC rezoning process.
12 The Legislature's efforts to have implemented a "fast track" approach, as
13 contained in Public Law 21-82, have been thwarted by bureaucratic
14 procedures and of twenty-nine applications in the "fast track" only one has
15 been approved to date. The Legislature finds this situation unreasonable and
16 unacceptable.

17 The Legislature also recognizes that the rezoning process does not
18 exempt landowners whose properties have been rezoned from the permitting
19 and regulatory processes and procedures and rules and regulations. Property
20 owners who have had their parcels rezoned through the legislative process
21 must still seek approvals from the permitting agencies with oversight on such
22 matters as building code regulations, GEPA, GPA, PUAG and public health
23 requirements. Thus, rezoning to a Multi-family Residential parcel does not
24 exempt the property owner from seeking clearances through the
25 Development Review Committee when said property owner is ready and
26 prepared to build any form of structure on that property. The process for
27 seeking conditional uses and variances to the building and zoning codes

1 remains in tact and must be utilized in the process of seeking building
2 clearances and permits. In this vein, the Legislature recognizes that the
3 rezoning of property is not **carte blanche** approval nor permission to build
4 without proper control, restrictions or input from the community at large.

5 In rezoning property to Multi-family Residential ("R-2"), the
6 Legislature recognizes the island's need for additional rental housing to
7 provide for the increased number of military personnel, families and their
8 dependents, as well as the increased number of off-island contract teachers
9 being hired for the Department of Education. Likewise, the Legislature
10 recognizes that Guam's own normal population increases force many
11 families to look to providing apartment-type units for their children and their
12 families. Besides providing affordable housing for their children, many
13 landowners are now realizing that it is to the advantage of their children to
14 rezone these properties and to build rental units which may be passed on to
15 their children for their economic benefit.

16 **Section 4. Barrigada parcels rezoned to Multi-family Residential ("R-**
17 **2").** (a) Lot No. 2390-1-3, Mangilao, Municipality of Barrigada, Guam,
18 containing an area of 1,610 square meters, and owned by Vicente M. and
19 Joselyn P. Camacho, is hereby rezoned from Single Family Residential ("R-1")
20 to Multi-family Residential ("R-2").

21 (b) Lot No. 5398, situated in Mangilao, Municipality of Barrigada, as
22 recorded under Document No. 457412, containing an area of 20,000± square
23 meters, and owned by Gordon Chu, is hereby rezoned from Agricultural ("A")
24 to Multi-family Residential ("R-2").

25 (c) Lot No. 2374-2-R1, situated in the Municipality of Barrigada, said
26 to contain an area 3,716± square meters, as delineated on LM Drawing 38-
27 0777, and owned by James and Josephine McDonald, is hereby rezoned from

1 Single Family Residential ("R-1") to Multi-family Residential ("R-2").

2 (d) Lot No. 5357-6-R12-5-1, situated in Adacao, Municipality of
3 Barrigada, Estate No. 54147, said to contain an area of 1,100± square meters,
4 and owned by Zotico Paclebare, is hereby rezoned from Agricultural ("A") to
5 Multi-family Residential ("R-2").

6 (e) Lot No. 2304-4-1, situated in Lalo, Mangilao, said to contain an
7 area of 958 square meters, and owned by David J. and Anna Lujan is hereby
8 rezoned from Single Family Residential ("R-1") to Multi-family Residential
9 ("R-2").

10 **Section 5. Chalan Pago/Ordot and Agaña Heights Parcels rezoned to**
11 **Multi-family Residential ("R-2").** (a) Lots Nos. 3251-1-4-1, 3251-1-4-2, 3251-
12 1-4-3, 3251-1-4-4, 3251-1-4-5, 3251-1-4-6, 3251-1-4-7, 3251-1-4-R9, 3251-3-1
13 and 3251-3-R1, all situated in Chalan Pago/Ordot, Municipality of Sinajaña,
14 containing an aggregate area of 35,779 square meters, and owned by Lillian
15 Leon Anderson, are hereby rezoned from Agricultural ("A") to Multi-family
16 Residential ("R-2").

17 (b) Lots Nos. 1, 2, 3, 4, 7, and 8, all in Tract 1935 and Lot No. 12, Tract
18 19415, all situated in Chalan Pago, Municipality of Sinajaña, said to contain
19 an aggregate area of 7,000± square meters, and owned by David J. and Anna
20 Lujan, are hereby rezoned from Single Family Residential ("R-1") to Multi-
21 family Residential ("R-2").

22 (c) Lot No. 3449-1, Famha, Ordot, Municipality of Sinajaña,
23 containing an area of 12,000± square meters, as delineated on LM Check No.
24 325-FY87, and owned by Joaquin Bautista Perez, is hereby rezoned from
25 Agricultural ("A") to Multi-family Residential ("R-2").

26 (d) Lot No. 3259-1-1. Chaot, Sinajaña, containing an area of 13,029
27 square feet, recorded under CT No. 82198, and owned by Francisco Bautista

1 Crisostomo, is hereby rezoned from Agricultural ("A") to Multi-family
2 Residential ("R-2").

3 (e) Lot No. 3351-7-R3, situated in Chalan Pago/Ordot, Municipality of
4 Sinajaña, containing an area of 920± square meters and owned by Raymond
5 Arceo San Nicolas and Rosemarie Reyes Gogo is hereby rezoned from Single
6 Family Residential ("R-1") to Multi-family Residential ("R-2").

7 (f) Lot No. 3236-1, situated in Chalan Pago/Ordot, Municipality of
8 Sinajaña, said to contain an area of 1,522± square meters, as delineated on
9 LM Drawing No. 079-FY73, and owned by Pedro and Julita V. Santos, is
10 hereby rezoned from Single Family Residential ("R-1") to Multi-family
11 Residential ("R-2").

12 (g) Lot No. 90-C-51-R1, situated in the Municipality of Yoña, said to
13 contain an area of 2,231 square meters, and owned by David J. and Anna
14 Lujan is hereby rezoned from Agricultural ("A") to Multi-family Residential
15 ("R-2").

16 (h) Lot No. 3061-4-1R1, Estate No. 8564, situated in Agaña Heights,
17 Municipality of Sinajaña, said to contain an area of 10,325 square meters;
18 and Lot No. 3061-8-R4, Estate No. 57, situated in Agaña Heights,
19 Municipality of Sinajaña, said to contain an area of 2,689.61 square meters,
20 owned by Florentina L. Untalan, are hereby rezoned from Single Family
21 Residential ("R-1") to Multi-family Residential ("R-2").

22 (i) Blocks No. 2, 3, 4, 6, and a portion of Block 1, all of Tract 2611, a
23 portion of Lot No. 3321-NEW, Sinajaña, owned by brothers and sisters, Jesus
24 A. Atoigue, Jose A. Atoigue, Dolores A. Namauleg, and Ana A. Muña, said to
25 contain an aggregate area of 251,142 square meters, as recorded under LM
26 Document No. 387690, is hereby rezoned from Agricultural ("A") to Multi-
27 family Residential ("R-2").

1 (j) Lot No. 121-1-9, Mannengon, Municipality of Yoña, said to contain
2 an area of 4,300 square meters, as recorded under LM Document No. 108683,
3 and owned by Consolation C. Camacho is hereby rezoned from Agricultural
4 ("A") to Single Family Residential ("R-1").

5 (k) Lots Nos. 48 REM-1-R1NEW-1 through 7 R/W, situated in Agaña
6 Heights, containing an aggregate area of 9,337 square meters, as delineated
7 on Land Management Drawing 108 FY87 and owned by Elmer L. and Bernice
8 M. Gay are hereby rezoned from Single Family Residential ("R-1") to Multi-
9 family Residential ("R-2").

10 **Section 6. Sewerline requirement.** Before the Multi-family Residential
11 ("R-2") rezoning authorized in this Act shall take effect, lots so rezoned to
12 Multi-family Residential shall have access to an adequate capacity sewerline
13 to provide such service to such lots so rezoned.

14 **Section 7. (a) Correction.** Section 14 of Public Law 21-72 is hereby
15 repealed and reenacted to read:

16 "Section 14. **Rezoning.** Lots Nos. 3218-4-1NEW-1 and 3218-4-
17 1NEW-R1, Chalan Pago, Municipality of Sinajaña, Estate No.
18 65315, containing areas of 1,347± square meters and 1,580± square
19 meters, respectively, as shown on Land Management Map No. 376-
20 FY88, owned by Patrick J. C. Cepeda and Mr. and Mrs. Jose L.
21 Cepeda, respectively, both residing thereon, are hereby rezoned
22 from Single Family Residential ("R-1") to Multi-family Residential
23 ("R-2")."

24 (b) **Correction.** Section 2 of Public Law 21-55 is amended to read:

25 "Section 2. **Sale of Lot No. 198-2.** The Governor of Guam is
26 authorized to sell Lot No. 198-2, Municipality of Yoña, containing an
27 area of 796± square meters, to Jesus S. and Eugenia A. Leon

1 Guerrero, owners of contiguous Lot No. 8, Block 15, Tract 268,
2 Yoña."

3 (c) **Correction.** Section 3 of Public Law 21-55 is amended to read:

4 "Section 3. **Sale of portion of Lot No. 198-1.** The Governor of
5 Guam is hereby authorized to sell a portion, not to exceed 160 square
6 meters, of Lot No. 198-1, Tract 268, **Tagachang**, Municipality of
7 Yoña, to Jesse Leon Guerrero, the owner of contiguous Lot No. 7,
8 Block 15, Tract 268, Municipality of Yoña."

9 **Section 8. (a) Legislative intent.** The Legislature, aware of the need to
10 expedite the process of rezoning through the office of the Director of Land
11 Management, and aware of the costly and inordinately time-consuming
12 TLUC process which has frustrated many landowners who do not have
13 access to limitless financial resources and who desperately need the most
14 expeditious accomplishment of their rezoning applications if they are to avail
15 themselves of economic opportunities, enacted Public Law 21-82 in order to
16 streamline the process of rezoning small parcels of land on which large scale
17 development could not be undertaken but which parcels the families desire to
18 utilize to the highest and best uses. In order to further assist small
19 landowners to realize the full potentials of their property, the Legislature
20 finds it desirable to amend Public Law 21-82.

21 (b) **Amendment to §61639.** Subparagraph (A) of §61639, Title 21, Guam
22 Code Annotated, is repealed and reenacted to read:

23 "(A) The submission of a completed application to the Director
24 of Land Management who shall render a decision thereon within
25 sixty (60) calendar days; **provided**, that:

26 1. The Division of Planning, Department of Land
27 Management, provides a written report whether there is

1 adequate infrastructure to accommodate the zone change. The
2 Public Utility Agency of Guam, the Guam Power Authority, the
3 Guam Environmental Protection Agency and the Department
4 of Public Works are directed to provide such information
5 without delay as the Department of Land Management
6 ("DLM") may require to complete the written report. Answers
7 by such agencies to such requests must be provided to DLM not
8 later than ten (10) working days from the date such request is
9 made. If such requests are not answered within such period,
10 DLM may proceed with its report with the assumption that the
11 agency not answering the request has no objection to the
12 rezoning.

13 2. The applicant meets all other requirements established
14 by DLM. This shall include the provision of a rough sketch of
15 the development which the applicant intends to undertake on
16 the land involved. The submission of a comprehensive
17 development plan shall not be necessary until such time as the
18 actual developer applies for the required permits.

19 3. If, in the opinion of the Director of DLM, the rezoning
20 requested is of such a nature that there is a need for a public
21 hearing and/or notification to all landowners within a five
22 hundred foot (500') radius of the parcel to be rezoned, DLM
23 shall be responsible for determining the landowners to be
24 notified, and shall bear all costs of public notification and the
25 service of notification to the owners of all parcels within said
26 five hundred foot (500') radius.

27 4. The Director of DLM shall determine any additional

1 funding or personnel required for the most efficient and
2 economical accomplishment of the provisions contained herein
3 and shall submit a request for such funding to the Legislature
4 within thirty (30) days of the enactment hereof."

5 **Section 9. (a) Amendment to parental subdivision statutes.**
6 Subparagraph (b) of §62104, Title 21, Guam Code Annotated, is hereby
7 repealed and reenacted to read:

8 "(b) Article 5 of this Chapter shall also not apply to land which
9 has been owned in fee simple for a period of not less than one (1) year
10 by a person who divides said land among his living children or their
11 descendants by way of inter vivos gift; provided, however, that such
12 land shall be deeded to said children or descendants in fee simple and
13 said deeds shall contain alienation clauses to the effect that the
14 children or descendants shall not give, sell, or lease such lots for a
15 period of at least five (5) years; and further provided, that before the
16 map be filed for record, the Territorial Planner or the Commission
17 shall require street and utility easements on said land to insure lot
18 divisions consistent with the general plan and that the minimum size
19 of each lot, including that retained by the grantor, if any, shall be no
20 less than five thousand (5,000) square feet. The deed transferring the
21 property may provide that the children or descendants may
22 mortgage the property for the purpose of constructing a residence on
23 the property."

24 (b) Subparagraph (a) of §62105, Title 21, Guam Code Annotated, is
25 hereby repealed and reenacted to read:

26 "(a) An agricultural subdivision shall mean a subdivision
27 having no lots, parcels or sites smaller than twenty thousand (20,000)

1 square feet and in which all lots, parcels or sites are used principally
2 for agriculture, single family resident sites or as an agriculture-
3 homesite combination, except that the term "agricultural
4 subdivision" shall also include a subdivision resulting from a
5 distribution by the court pursuant to §62104(a) or (b) of this Chapter
6 with no lots, parcels or sites smaller than five thousand (5,000)
7 square feet and in which all lots, parcels or sites are used principally
8 for agriculture, single family sites or as an agricultural homestead
9 combination."

10 **Section 10. CAHAT/GHMIC rules and regulations: approval of.** The
11 rules and regulations governing the Community Affordable Housing Action
12 Trust ("CAHAT") and the Guam Housing Mortgage Insurance Corporation,
13 prepared and publicly heard by the Guam Housing Corporation and
14 transmitted to the Legislature on September 11, 1992, are hereby approved.

Overridden

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Date: 12/29/92

Vetoed
Bill No. 836

VOTING SHEET

Resolution No. _____
Question: to override Governor's Veto

NAME	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.				✓
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.			✓	
DIERKING, Herminia D.	✓			
DUENAS, Edward R. (As of 9/18/92)				
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D. A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.			✓	
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.		✓		

TOTAL

14 3 2 1



Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
FINANCIAL OFFICE
AGANA, GUAM, P.R.

RECEIVED OCT 05 1992

5:15 p.m. Meeting
Leg. Sec
Evangeline M. Cepeda 9:00 AM

October 2, 1992

The Honorable Pilar C. Lujan
Acting Speaker
Twenty First Guam Legislature
Agana, Guam 96910

REFER TO
LEGISLATIVE SECRETARY

Dear Madame Speaker:

Transmitted herewith is Substitute Bill No. 836 which I have vetoed in its entirety.

While there may be justification for the occasional legislative action in this regard, there is little justification for blanket action affecting so many lots in one bill. Many of the provisions of this bill were added without public hearing and investigation of the circumstances of each piece of property.

There is no dispute that the Legislature has the authority for actions regarding land use in this Territory. However, certain minimal requirements must pertain to each piece of property that is rezoned. First and foremost is the need for a public hearing. When measures such as this one are presented without public hearing of many of the sections, the impact is unknown.

When the legislature rezones property there is an inference that infrastructure meeting the needs of the higher use will be publicly financed. There is a promise that the owner will be able to begin construction of a new project soon after rezoning occurs.

This is a false promise if the infrastructure needed for the new use of the property is not in place. In order to protect our island's environment many of the owners of property rezoned in this measure would be unable to commence construction. The Legislature has a responsibility to investigate whether the property being rezoned may be used as intended. The results of this investigation should be included in the law. Otherwise, an unreachable demand for new infrastructure will be placed on the government.

In an earlier law, authored by Senator Tony Blaz, the need for infrastructure was acknowledged in the fast-track rezoning procedure for small parcels. A simple requirement for certification of existing utility services exists. Thus, rezoning



Commonwealth Now!

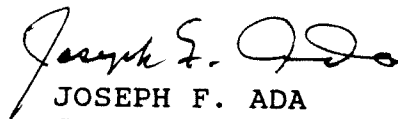
Page Two

does not precede infrastructure with respect to these parcels. Although this measure amends that law, I caution the Legislature to reconsider the abolishment of the public hearing in this procedure.

With respect to larger parcels and bigger developments, this administration has forced developers to pay for infrastructure needed for projects requiring additional water and sewer lines and power facilities. When the Legislature rezones a large tract to a higher use it must indicate that the owner understands that no construction of his project may commence until the owner concurrently commits funds for improvements in the islandwide water and sewer system or power system.

Finally, I ask the Legislature to insure that when these types of rezoning measures are indeed approved by senators and transmitted to me for final action, that they include statements ensuring the compliance with the public hearing requirement and that the proper infrastructure is indeed in place or that the property owners attest to putting in the necessary infrastructure once the rezoning is approved.

Cordially,



JOSEPH F. ADA
Governor

2/10/63

D. San Agustin
12/29/92

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 836 (LS), "AN ACT TO REZONE LOTS SITUATED IN BARRIGADA, MANGILAO, TAMUNING, CHALAN PAGO, ORDOT, YOÑA AND AGAÑA HEIGHTS, TO REPEAL AND REENACT SECTION 14 OF PUBLIC LAW 21-72 AND SECTIONS 2 AND 3 OF PUBLIC LAW 21-55, TO CORRECT CERTAIN REZONINGS AND AUTHORIZED SALES, TO REPEAL AND REENACT SUBPARAGRAPH (A) OF §61639, TITLE 21, GUAM CODE ANNOTATED, ON "FAST TRACK" REZONING, TO REPEAL AND REENACT SUBPARAGRAPH (b) OF §62104, TITLE 21, GUAM CODE ANNOTATED, ON PARENTAL SUBDIVISIONS, TO REPEAL AND REENACT SUBPARAGRAPH (a) OF §62105, TITLE 21, GUAM CODE ANNOTATED, ON AGRICULTURAL SUBDIVISIONS, AND TO APPROVE THE CAHAT/GHMIC RULES AND REGULATIONS," was on the 17th day of September, 1992, duly and regularly passed.

Joe T. San Agustin

JOE T. SAN AGUSTIN
Speaker

Attested:

Pilar C. Lujan

PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 21st day of September, 1992,
at 4:50 o'clock P.M.

Therese G. Duenas

Assistant Staff Officer
Governor's Office

APPROVED:

V. F. J. ADA

JOSEPH F. ADA
Governor of Guam

Date: _____

Public Law No. _____

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 836 (LS)

As amended and substituted by the
Committee on Housing, Community Development
Federal and Foreign Affairs and as further
substituted by the Committee on Rules

Introduced by:

F. R. Santos
A. C. Blaz
H. D. Dierking
M. D. A. Manibusan
J. P. Aguon
E. P. Arriola
M. Z. Bordallo
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
D. Parkinson
J. T. San Agustin
D. L. G. Shimizu
J. G. Bamba
D. F. Brooks
E. R. Dueñas
E. M. Espaldon
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO REZONE LOTS SITUATED IN BARRIGADA, MANGILAO, TAMUNING, CHALAN PAGO, ORDOT, YOÑA AND AGAÑA HEIGHTS, TO REPEAL AND REENACT SECTION 14 OF PUBLIC LAW 21-72 AND SECTIONS 2 AND 3 OF PUBLIC LAW 21-55, TO CORRECT CERTAIN REZONINGS AND AUTHORIZED SALES, TO REPEAL AND REENACT SUBPARAGRAPH (A) OF §61639, TITLE 21, GUAM CODE ANNOTATED,

ON "FAST TRACK" REZONING, TO REPEAL AND REENACT SUBPARAGRAPH (b) OF §62104, TITLE 21, GUAM CODE ANNOTATED, ON PARENTAL SUBDIVISIONS, TO REPEAL AND REENACT SUBPARAGRAPH (a) OF §62105, TITLE 21, GUAM CODE ANNOTATED, ON AGRICULTURAL SUBDIVISIONS, AND TO APPROVE THE CAHAT/GHMIC RULES AND REGULATIONS.

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

2 **Section 1. Legislative intent.** The Legislature has been requested to
3 rezone certain lots fronting Routes Nos. 16 and 10 and fronting Camp
4 Watkins Road and Farenholt Avenue to Commercial ("C") in order that they
5 may be utilized by their owners to the highest and best uses in a similar
6 manner to other parcels in the same vicinity which have already been rezoned
7 by the Territorial Land Use Commission ("TLUC"). The owners have pointed
8 out that many lots along the same routes and abutting those lots for which
9 rezoning is being requested, have been so rezoned by TLUC and there are
10 commercial buildings and enterprises now conducting business along that
11 heavily travelled primary road where all necessary infrastructure to service
12 the parcels under consideration is already installed and functional.

13 Cognizant of the heavy caseload before the TLUC and recognizing that
14 the inordinate length of time required for TLUC rezonings may preclude
15 these individuals from participating in economic opportunities now available
16 because the business or economic climate is right, the Legislature recognizes
17 that the economic potentials and opportunities now presenting themselves
18 may not be available should there be further delays because of the
19 inordinately slow pace of the TLUC process. The Legislature is of the
20 consensus that it is not just nor reasonable for these property owners to lose
21 such opportunities in such a manner.

1 Likewise, the rezoning effectuated in this Act does not constitute any
2 form of exemption from the regulatory and permitting rules and regulations
3 which must be complied with prior to the issuance of building and occupancy
4 permits. The property owners will still have to comply with the requirements
5 specified by the regulatory, permitting and licensing agencies of the
6 government of Guam.

7 **Section 2. Properties rezoned to Commercial.** (a) Lots Nos. 5211-2-2-
8 1-R2 and 5211-2-2-2-R1, containing areas of 11,911 and 1,161.10 square
9 meters, respectively, situated in the Municipality of Barrigada, owned by
10 Angel A. U. Flores, and delineated on Land Management Check No. 155-
11 FY83, are hereby rezoned from Agricultural ("A") to Commercial ("C").

12 (b) Lots Nos. 1, 2, 3, 10, 11, and 12, Block 4, all of Basic Lot No. 1098-
13 Rem, Estates Nos. 14444, 14445, 14446, 14447, 14448 and 14449, respectively,
14 situated in the Municipality of Barrigada, containing an aggregate area of
15 4,247 square meters, all owned by William Arthur Flores, and registered
16 under Land Management Document No. 79545, are hereby rezoned from
17 Single Family Residential ("R-1") to Commercial ("C").

18 (c) Lot No. 8, Block 1, Tract 219, Estate No. 15980, situated in the
19 Municipality of Barrigada, said to contain an area of 4,201 square meters,
20 belonging to Rodolfo G. and Nelia A. Cahinhinan, and recorded under Land
21 Management Document No. 379057, is hereby rezoned from Agricultural
22 ("A") to Commercial ("C").

23 (d) Lots Nos. 1098-4-2 and 1098-REM, said to contain an aggregate
24 area of 1,467 square meters, situated in the Municipality of Barrigada, as
25 recorded under Document No. 95166, and owned by Vicente P. and Francisca
26 C. Camacho are hereby rezoned from Single Family Residential ("R-1") to
27 Commercial ("C").

1 (e) Lot No. 2, Block No. 10, situated fronting Route 10 in Barrigada,
2 said to contain an area of 1,032 square meters, as recorded under CT 86468,
3 and owned by Cristobal P. Aguon, is hereby rezoned from Single Family
4 Residential ("R-1") to Commercial ("C").

5 (f) Lot No. 2285-New-1, Mangilao, Barrigada, Estate No. 12587,
6 containing an area of 929.03 square meters, filed under Document No.
7 110122, belonging to Lee D. and Rosa R. Carter, is hereby rezoned from
8 Multi-family Residential ("R-2") to Commercial ("C").

9 (g) Lot No. 14, Tract 254, Mangilao, Municipality of Barrigada, said to
10 contain an area of 959 square meters, and owned by Khai Tran, is hereby
11 rezoned from Multi-family Residential ("R-2") to Commercial ("C").

12 (h) Lot No. 1, Block 1, Tract 124, Pagat, Mangilao, Municipality of
13 Barrigada, containing an area of 4,047± square meters, and owned by Garlin
14 W. Young, is hereby rezoned from Agricultural ("A") to Commercial ("C").

15 (i) Lots Nos. 5220-1-3-1, 5220-1-3-2, 5220-1-3-3, 5220-1-3-4, 5220-1-3-
16 R5, and 5220-1-3-5, situated in the Municipality of Barrigada, delineated
17 under Map No. 040-FY88, said to contain an aggregate area of 2,988± square
18 meters, and owned by Gregorio C. Barba, are hereby rezoned from Single
19 Family Residential ("R-1") to Commercial ("C").

20 (j) Lot No. 2374-2-1, situated in the Municipality of Barrigada, said to
21 contain an area of 2,141± square meters, as delineated on Land Management
22 Drawing No. 38-0777, and owned by James and Josephine McDonald, is
23 hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

24 (k) Lots Nos. 2149-5-1, 2149-5-2, and 2149-5-3R, all situated along
25 Farenholt Avenue, Tamuning, containing an aggregate area of 2,367.9±
26 square meters, as shown on Drawing No. L-14, prepared by Robert L. Beam,
27 and owned by Dorothy D. and Mary D. Chavez, are hereby from Multi-

1 family Residential ("R-2") to Commercial ("C").

2 (l) Lot No. 5172, Tract B-R1, situated at the end of Farenholt Avenue,
3 Tamuning, said to contain an area of 1,584.9± square meters, and owned by
4 Alfred S. Ysrael, is hereby rezoned from Multi-family Residential ("R-2") to
5 Commercial ("C").

6 (m) Lots Nos. 1, 2, and 3, Tract 1812, Pagat, Municipality of Barrigada,
7 said to contain an aggregate area of 15,987 square meters, as delineated on
8 LM Drawing No. AC-706-74, and owned by Vicente B. and Maria L. Bamba,
9 are hereby rezoned from Agricultural ("A") to Commercial ("C").

10 (n) Lots Nos. 1107-1-R7, 1108-1-1, 1108-1-R1 and 1110-NEW-R2-NEW,
11 situated in Mangilao, said to contain an aggregate area of 19,824 square
12 meters, as delineated in LM Checks Nos. 372FY73 and 185FY84, and owned
13 by James D.J. Ji and Myong Je Park are hereby rezoned from Single Family
14 Residential ("R-1") to Commercial ("C").

15 (o) Lots Nos. 1, 2, 3, 4, and 5, Block 1, Tract 2611, a portion of Lot No.
16 3321-NEW, Sinajaña, containing an aggregate area of 5,805 square meters,
17 as recorded on Land Management Document No. 387690, and owned by
18 brothers and sisters Jesus A. Atoigue, Jose A. Atoigue, Dolores A. Namauleg,
19 and Ana A. Muña, are hereby rezoned from Agricultural ("A") to Commercial
20 ("C").

21 (p) Lot No. 3200-B-REM, situated in the Municipality of Sinajaña, said
22 to contain an area of 9,676 square meters, as delineated on LM Check No.
23 012-FY88, and owned by the Vicariate Apostolic of Agaña, is hereby rezoned
24 from Single Family Residential ("R-1") to Commercial ("C").

25 **Section 3. Legislative statement.** The Legislature is well aware of the
26 acute shortage of rental housing units on Guam, which shortage is driving
27 rental rates to levels which are unreachable except by those in the upper

1 income brackets. Likewise, the shortage is causing many apartment owners
2 to take their units off the public assistance listings, thus creating a very real
3 and critical problem for the Guam Housing and Urban Renewal Authority's
4 "Section 8" program and other low rental subsistence programs. The
5 Legislature recognizes that though the construction of apartment buildings
6 does not insure affordability, it is the consensus that an increase in the
7 number of rental units available will stabilize, if not lower, the rental prices
8 for many units around the island.

9 Recognizing the shortage of rental units, the Legislature is also
10 cognizant of landowners who desire to enter into the rental housing industry
11 but who are discouraged by the costly and lengthy TLUC rezoning process.
12 The Legislature's efforts to have implemented a "fast track" approach, as
13 contained in Public Law 21-82, have been thwarted by bureaucratic
14 procedures and of twenty-nine applications in the "fast track" only one has
15 been approved to date. The Legislature finds this situation unreasonable and
16 unacceptable.

17 The Legislature also recognizes that the rezoning process does not
18 exempt landowners whose properties have been rezoned from the permitting
19 and regulatory processes and procedures and rules and regulations. Property
20 owners who have had their parcels rezoned through the legislative process
21 must still seek approvals from the permitting agencies with oversight on such
22 matters as building code regulations, GEPA, GPA, PUAG and public health
23 requirements. Thus, rezoning to a Multi-family Residential parcel does not
24 exempt the property owner from seeking clearances through the
25 Development Review Committee when said property owner is ready and
26 prepared to build any form of structure on that property. The process for
27 seeking conditional uses and variances to the building and zoning codes

1 remains in tact and must be utilized in the process of seeking building
2 clearances and permits. In this vein, the Legislature recognizes that the
3 rezoning of property is not *carte blanche* approval nor permission to build
4 without proper control, restrictions or input from the community at large.

5 In rezoning property to Multi-family Residential ("R-2"), the
6 Legislature recognizes the island's need for additional rental housing to
7 provide for the increased number of military personnel, families and their
8 dependents, as well as the increased number of off-island contract teachers
9 being hired for the Department of Education. Likewise, the Legislature
10 recognizes that Guam's own normal population increases force many
11 families to look to providing apartment-type units for their children and their
12 families. Besides providing affordable housing for their children, many
13 landowners are now realizing that it is to the advantage of their children to
14 rezone these properties and to build rental units which may be passed on to
15 their children for their economic benefit.

16 **Section 4. Barrigada parcels rezoned to Multi-family Residential ("R-**
17 **2").** (a) Lot No. 2390-1-3, Mangilao, Municipality of Barrigada, Guam,
18 containing an area of 1,610 square meters, and owned by Vicente M. and
19 Joselyn P. Camacho, is hereby rezoned from Single Family Residential ("R-1")
20 to Multi-family Residential ("R-2").

21 (b) Lot No. 5398, situated in Mangilao, Municipality of Barrigada, as
22 recorded under Document No. 457412, containing an area of 20,000± square
23 meters, and owned by Gordon Chu, is hereby rezoned from Agricultural ("A")
24 to Multi-family Residential ("R-2").

25 (c) Lot No. 2374-2-R1, situated in the Municipality of Barrigada, said
26 to contain an area 3,716± square meters, as delineated on LM Drawing 38-
27 0777, and owned by James and Josephine McDonald, is hereby rezoned from

1 Single Family Residential ("R-1") to Multi-family Residential ("R-2").

2 (d) Lot No. 5357-6-R12-5-1, situated in **Adacao**, Municipality of
3 Barrigada, Estate No. 54147, said to contain an area of 1,100± square meters,
4 and owned by Zotico Paclebare, is hereby rezoned from Agricultural ("A") to
5 Multi-family Residential ("R-2").

6 (e) Lot No. 2304-4-1, situated in **Lalo**, Mangilao, said to contain an
7 area of 958 square meters, and owned by David J. and Anna Lujan is hereby
8 rezoned from Single Family Residential ("R-1") to Multi-family Residential
9 ("R-2").

10 **Section 5. Chalan Pago/Ordot and Agaña Heights Parcels rezoned to**
11 **Multi-family Residential ("R-2").** (a) Lots Nos. 3251-1-4-1, 3251-1-4-2, 3251-
12 1-4-3, 3251-1-4-4, 3251-1-4-5, 3251-1-4-6, 3251-1-4-7, 3251-1-4-R9, 3251-3-1
13 and 3251-3-R1, all situated in Chalan Pago/Ordot, Municipality of Sinajaña,
14 containing an aggregate area of 35,779 square meters, and owned by Lillian
15 Leon Anderson, are hereby rezoned from Agricultural ("A") to Multi-family
16 Residential ("R-2").

17 (b) Lots Nos. 1, 2, 3, 4, 7, and 8, all in Tract 1935 and Lot No. 12, Tract
18 19415, all situated in Chalan Pago, Municipality of Sinajaña, said to contain
19 an aggregate area of 7,000± square meters, and owned by David J. and Anna
20 Lujan, are hereby rezoned from Single Family Residential ("R-1") to Multi-
21 family Residential ("R-2").

22 (c) Lot No. 3449-1, **Famha**, Ordot, Municipality of Sinajaña,
23 containing an area of 12,000± square meters, as delineated on LM Check No.
24 325-FY87, and owned by Joaquin Bautista Perez, is hereby rezoned from
25 Agricultural ("A") to Multi-family Residential ("R-2").

26 (d) Lot No. 3259-1-1. **Chaot**, Sinajaña, containing an area of 13,029
27 square feet, recorded under CT No. 82198, and owned by Francisco Bautista

1 Crisostomo, is hereby rezoned from Agricultural ("A") to Multi-family
2 Residential ("R-2").

3 (e) Lot No. 3351-7-R3, situated in Chalan Pago/Ordot, Municipality of
4 Sinajaña, containing an area of 920± square meters and owned by Raymond
5 Arceo San Nicolas and Rosemarie Reyes Gogo is hereby rezoned from Single
6 Family Residential ("R-1") to Multi-family Residential ("R-2").

7 (f) Lot No. 3236-1, situated in Chalan Pago/Ordot, Municipality of
8 Sinajaña, said to contain an area of 1,522± square meters, as delineated on
9 LM Drawing No. 079-FY73, and owned by Pedro and Julita V. Santos, is
10 hereby rezoned from Single Family Residential ("R-1") to Multi-family
11 Residential ("R-2").

12 (g) Lot No. 90-C-51-R1, situated in the Municipality of Yoña, said to
13 contain an area of 2,231 square meters, and owned by David J. and Anna
14 Lujan is hereby rezoned from Agricultural ("A") to Multi-family Residential
15 ("R-2").

16 (h) Lot No. 3061-4-1R1, Estate No. 8564, situated in Agaña Heights,
17 Municipality of Sinajaña, said to contain an area of 10,325 square meters;
18 and Lot No. 3061-8-R4, Estate No. 57, situated in Agaña Heights,
19 Municipality of Sinajaña, said to contain an area of 2,689.61 square meters,
20 owned by Florentina L. Untalan, are hereby rezoned from Single Family
21 Residential ("R-1") to Multi-family Residential ("R-2").

22 (i) Blocks No. 2, 3, 4, 6, and a portion of Block 1, all of Tract 2611, a
23 portion of Lot No. 3321-NEW, Sinajaña, owned by brothers and sisters, Jesus
24 A. Atoigue, Jose A. Atoigue, Dolores A. Namauleg, and Ana A. Muña, said to
25 contain an aggregate area of 251,142 square meters, as recorded under LM
26 Document No. 387690, is hereby rezoned from Agricultural ("A") to Multi-
27 family Residential ("R-2").

1 (j) Lot No. 121-1-9, **Mannengon**, Municipality of Yoña, said to contain
2 an area of 4,300 square meters, as recorded under LM Document No. 108683,
3 and owned by Consolation C. Camacho is hereby rezoned from Agricultural
4 ("A") to Single Family Residential ("R-1").

5 (k) Lots Nos. 48 REM-1-R1NEW-1 through 7 R/W, situated in Agaña
6 Heights, containing an aggregate area of 9,337 square meters, as delineated
7 on Land Management Drawing 108 FY87 and owned by Elmer L. and Bernice
8 M. Gay are hereby rezoned from Single Family Residential ("R-1") to Multi-
9 family Residential ("R-2").

10 **Section 6. Sewerline requirement.** Before the Multi-family Residential
11 ("R-2") rezoning authorized in this Act shall take effect, lots so rezoned to
12 Multi-family Residential shall have access to an adequate capacity sewerline
13 to provide such service to such lots so rezoned.

14 **Section 7. (a) Correction.** Section 14 of Public Law 21-72 is hereby
15 repealed and reenacted to read:

16 "Section 14. **Rezoning.** Lots Nos. 3218-4-1NEW-1 and 3218-4-
17 1NEW-R1, Chalan Pago, Municipality of Sinajaña, Estate No.
18 65315, containing areas of 1,347± square meters and 1,580± square
19 meters, respectively, as shown on Land Management Map No. 376-
20 FY88, owned by Patrick J. C. Cepeda and Mr. and Mrs. Jose L.
21 Cepeda, respectively, both residing thereon, are hereby rezoned
22 from Single Family Residential ("R-1") to Multi-family Residential
23 ("R-2")."

24 (b) **Correction.** Section 2 of Public Law 21-55 is amended to read:

25 "Section 2. **Sale of Lot No. 198-2.** The Governor of Guam is
26 authorized to sell Lot No. 198-2, Municipality of Yoña, containing an
27 area of 796± square meters, to Jesus S. and Eugenia A. Leon

1 Guerrero, owners of contiguous Lot No. 8, Block 15, Tract 268,
2 Yoña."

3 (c) **Correction.** Section 3 of Public Law 21-55 is amended to read:

4 "Section 3. **Sale of portion of Lot No. 198-1.** The Governor of
5 Guam is hereby authorized to sell a portion, not to exceed 160 square
6 meters, of Lot No. 198-1, Tract 268, **Tagachang**, Municipality of
7 Yoña, to Jesse Leon Guerrero, the owner of contiguous Lot No. 7,
8 Block 15, Tract 268, Municipality of Yoña."

9 **Section 8. (a) Legislative intent.** The Legislature, aware of the need to
10 expedite the process of rezoning through the office of the Director of Land
11 Management, and aware of the costly and inordinately time-consuming
12 TLUC process which has frustrated many landowners who do not have
13 access to limitless financial resources and who desperately need the most
14 expeditious accomplishment of their rezoning applications if they are to avail
15 themselves of economic opportunities, enacted Public Law 21-82 in order to
16 streamline the process of rezoning small parcels of land on which large scale
17 development could not be undertaken but which parcels the families desire to
18 utilize to the highest and best uses. In order to further assist small
19 landowners to realize the full potentials of their property, the Legislature
20 finds it desirable to amend Public Law 21-82.

21 (b) **Amendment to §61639.** Subparagraph (A) of §61639, Title 21, Guam
22 Code Annotated, is repealed and reenacted to read:

23 "(A) The submission of a completed application to the Director
24 of Land Management who shall render a decision thereon within
25 sixty (60) calendar days; **provided**, that:

26 1. The Division of Planning, Department of Land
27 Management, provides a written report whether there is

1 adequate infrastructure to accommodate the zone change. The
2 Public Utility Agency of Guam, the Guam Power Authority, the
3 Guam Environmental Protection Agency and the Department
4 of Public Works are directed to provide such information
5 without delay as the Department of Land Management
6 ("DLM") may require to complete the written report. Answers
7 by such agencies to such requests must be provided to DLM not
8 later than ten (10) working days from the date such request is
9 made. If such requests are not answered within such period,
10 DLM may proceed with its report with the assumption that the
11 agency not answering the request has no objection to the
12 rezoning.

13 2. The applicant meets all other requirements established
14 by DLM. This shall include the provision of a rough sketch of
15 the development which the applicant intends to undertake on
16 the land involved. The submission of a comprehensive
17 development plan shall not be necessary until such time as the
18 actual developer applies for the required permits.

19 3. If, in the opinion of the Director of DLM, the rezoning
20 requested is of such a nature that there is a need for a public
21 hearing and/or notification to all landowners within a five
22 hundred foot (500') radius of the parcel to be rezoned, DLM
23 shall be responsible for determining the landowners to be
24 notified, and shall bear all costs of public notification and the
25 service of notification to the owners of all parcels within said
26 five hundred foot (500') radius.

27 4. The Director of DLM shall determine any additional

1 funding or personnel required for the most efficient and
2 economical accomplishment of the provisions contained herein
3 and shall submit a request for such funding to the Legislature
4 within thirty (30) days of the enactment hereof."

5 **Section 9. (a) Amendment to parental subdivision statutes.**
6 Subparagraph (b) of §62104, Title 21, Guam Code Annotated, is hereby
7 repealed and reenacted to read:

8 "(b) Article 5 of this Chapter shall also not apply to land which
9 has been owned in fee simple for a period of not less than one (1) year
10 by a person who divides said land among his living children or their
11 descendants by way of inter vivos gift; provided, however, that such
12 land shall be deeded to said children or descendants in fee simple and
13 said deeds shall contain alienation clauses to the effect that the
14 children or descendants shall not give, sell, or lease such lots for a
15 period of at least five (5) years; and further provided, that before the
16 map be filed for record, the Territorial Planner or the Commission
17 shall require street and utility easements on said land to insure lot
18 divisions consistent with the general plan and that the minimum size
19 of each lot, including that retained by the grantor, if any, shall be no
20 less than five thousand (5,000) square feet. The deed transferring the
21 property may provide that the children or descendants may
22 mortgage the property for the purpose of constructing a residence on
23 the property."

24 (b) Subparagraph (a) of §62105, Title 21, Guam Code Annotated, is
25 hereby repealed and reenacted to read:

26 "(a) An agricultural subdivision shall mean a subdivision
27 having no lots, parcels or sites smaller than twenty thousand (20,000)

1 square feet and in which all lots, parcels or sites are used principally
2 for agriculture, single family resident sites or as an agriculture-
3 homesite combination, **except** that the term "agricultural
4 subdivision" shall also include a subdivision resulting from a
5 distribution by the court pursuant to §62104(a) or (b) of this Chapter
6 with no lots, parcels or sites smaller than five thousand (5,000)
7 square feet and in which all lots, parcels or sites are used principally
8 for agriculture, single family sites or as an agricultural homestead
9 combination."

10 **Section 10. CAHAT/GHMIC rules and regulations: approval of.** The
11 rules and regulations governing the Community Affordable Housing Action
12 Trust ("CAHAT") and the Guam Housing Mortgage Insurance Corporation,
13 prepared and publicly heard by the Guam Housing Corporation and
14 transmitted to the Legislature on September 11, 1992, are hereby approved.

6

Date: 9/17/92

Bill No. 836

VOTING SHEET

Resolution No. _____

Question: _____

	AYE	NO	NOT VOTING	ABSENT/ OUT DURING ROLL CALL
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George			✓	
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
DIERKING, Herminia D.	✓			
DUENAS, Edward R.				✓
ESPALDON, Ernesto M.	✓			
GUTIERREZ, Carl T.C.	✓			
LUJAN, Pilar C.	✓			
MAILLOUX, Gordon	✓			
MANIBUSAN, Marilyn D.A.	✓			
PARKINSON, Don	✓			
REIDY, Michael J.		✓		
RUTH, Martha C.			✓	
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L.G.	✓			
TANAKA, Thomas V.C.		✓		
UNPINGCO, Antonio R.			✓	

15 2 3 1



**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT,
FEDERAL AND FOREIGN AFFAIRS
TWENTY-FIRST GUAM LEGISLATURE**

163 Chalan Santo Papa
Agaña, Guam 96910

Senator Francisco R. Santos
Chairman

Tel: (671) 472-3414/3415
Fax: (671) 477-3048

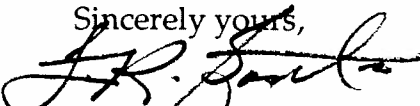
July 8, 1992

The Honorable Joe T. San Agustin
Speaker
Twenty First Guam Legislature
Agaña, Guam

Dear Mr. Speaker,

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **Bill 836: An Act to rezone Lot No. 5211-2-2-1-R2 and Lot No. 5211-2-2-2-R1 from Agricultural (A) to Commercial (C)** has had the same under consideration and herewith reports out said Bill No. 836 with its recommendation **TO DO PASS** as amended and substituted by the Committee. Votes of the Committee were as follows:

TO DO PASS	- 8-
TO DO NOT PASS	-0-
ABSTAIN	-1-
NOT VOTING/OFF ISLAND	-1-

Sincerely yours,

F.R. Santos

**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT,
FEDERAL, AND FOREIGN AFFAIRS
TWENTY FIRST GUAM LEGISLATURE**

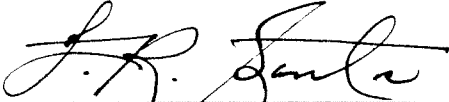
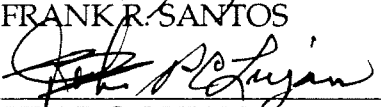


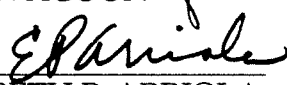
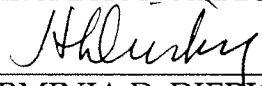




155 Hesler Street
Agaña, Guam 96910

Senator Francisco R. Santos
Chairman

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Voting Sheet

Bill No. 836, as amended and substituted, An Act to rezone Lot No. 5211-2-2-1-R2 and Lot No. 5211-2-2-2-R1 from Agricultural (A) to Commercial (C) and for other purposes.

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	NOT VOTING/ OFF ISLAND
 FRANK R. SANTOS	✓			
 PI-LAR C. LUJAN	✗			
 JOHN P. AGUON	✓			
 ELIZABETH P. ARRIOLA	✓			
 HERMINIA D. DIERKING	✓			
J. GEORGE BAMBA				
 MARILYN D.A. MANIBUSAN	✓ 7/8/92 man			
 EDWARD R. DUENAS	✓			
 ANTHONY C. BLAZ	✓			
 JOE T. SAN AGUSTIN	✓			

**COMMITTEE ON HOUSING,
COMMUNITY DEVELOPMENT
FEDERAL AND FOREIGN AFFAIRS**

**Twenty First Guam Legislature
155 Hesler St.
Agana, Guam 96910**

Senator Francisco R. Santos
Chairman

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COMMITTEE REPORT

on

BILL NO. 836

*An Act to Rezone Certain Lots in Barrigada from Agricultural
(A) to Commercial (C).*

July 6, 1992

COMMITTEE RECOMMENDATIONS

- The Committee recommends the passage of Bill 836 as amended and substituted by the Committee to include other rezoning measures which have been previously considered by the Committee and which are in the same areas where similar justifications can be applied.
- Cognizant of the desirability to amend Public Law 21-82 in order to provide a more effective "Fast Track" method of rezoning small parcels to Single Family Residential or Multi-Family Residential, the Committee recommends the passage of recommendations received from the Director of Land Management for the amendment of said PL 21-82 in order to provide the mandates necessary for the Director to effectively implement the intent of the Legislature to create a system which would provide the expediency and effectiveness desired and demanded by the people.

COMMITTEE FINDINGS

- The Committee finds that the rezonings contained in Bill 836, as amended and substituted, does not constitute any form of exemption from the permitting process which would insure that adequate review of

proposed uses of the parcels adhere to applicable statute, code, rules and regulations. Thus, adequate safeguards are in existence which would insure that any proposed land use would not constitute or eventually result in the endangerment of the public or cause public harm.

- The Committee finds that **Mr. Angel A.U. Flores'** request to rezone his property is just and reasonable, and that in light of the costs and time experienced by his brother, as well as, others who have submitted similar requests, for the rezoning of the contiguous lot, Mr. Flores' request to the Legislature is not unjustified.
- The Committee finds that the request of **Mr. William Arthur Flores**, owner of parcels fronting on Route 10, to rezone his property from Single Family Residential (R1) to Commercial (C), in order for him to consolidate the lots into a larger whole to permit him to build a commercial/professional building to serve the Barrigada community is just and reasonable, in light of the fact that Route 10 is a major highway and commercial activity is beginning to rapidly expand along that route, that there already exists adequate infrastructure to service such a complex.

- The Committee finds that the request of **Rodolfo G. and Nelia A. Cahinhinan**, owners of a parcel of fronting Route 16 and within 500 feet radius of the property being rezoned herein for Mr. Angel Flores and the TLUC rezoned property for Mr. Flores' brother, as well as, other TLUC rezoned commercial lots, is just and reasonable in light of the rapidly expanding commercial activity along Route 10 on which exists adequate infrastructure to service the property. As the Bureau of Planning did not object to the rezoning of Mr. Angel Flores' property because of its existence next to a TLUC rezoned parcel, the same logic can and should be applied. Mr. and Mrs. Cahinhinan plan to utilize the property by building commercial office spaces on the property.
- The Committee finds that the request of **Mr. Lee D. and Rosa R. Carter**, owners of a parcel of property along Route 10 in the Mangilao area, to rezone the property to a Commercial lot on which they plan to build a day-care center is just and reasonable as Mangilao is rapidly developing into an educational center with a large working population which would be benefitted by such a facility as the facility would bring day care services closer to the place of employment where such facilities are more efficient, effective and beneficial. Adequate infrastructure exists as is evidenced by the TLUC approval of major development projects in the area.

- The Committee finds that the request of **Mr. Khai Tran** to rezone his Mangilao parcel to a Commercial lot on which he plans to build a commercial building is just and reasonable in light of the rapidly expanding commercial base in Mangilao. Adequate infrastructure in the area already exists as is evidenced by the TLUC approval of major development projects.
- The Committee finds that **Mr. Garlin W. Young's** request to rezone his parcel to Commercial in order to build an archery range is not unreasonable. As such an enterprise will be a first for Guam, the Committee feels that encouraging the venture is justified. Likewise, because such an enterprise will have minimal impact on the infrastructure, the approval of the rezoning is reasonable.
- The Committee finds that the request of **Mr. Gregorio C. Barba** to rezone his parcels in order to consolidate the smaller lots into a Commercially utilizable property is reasonable in light of the expanding commercial activity along Route 16. The TLUC approval of commercial rezoning along Route 16 and within 500 feet of the Barba property indicates that Mr. Barba's request would, in fact, meet the tests applied by the TLUC for such rezoning in that area.
- The Committee finds that the request of **Mr. and Mrs. James and Josephine McDonald** to rezone a parcel of their property to Commercial, in order to build a

retail outlet, is just and reasonable. The TLUC has recently rezoned a large tract of property in the immediate area to provide for Multi-Family Dwellings and Commercial uses. The rezoning of the McDonald property would be compatible with such TLUC rezoning and would not adversely impact the existing land uses and infrastructure.

- The Committee finds that the request of **Dorothy D. and Mary D. Chavez**, to rezone their lots,,, situated fronting Farenholt Ave., as Commercial is not unreasonable in light of the fact that the TLUC has recently rezoned a large tract of property to Commercial in order to permit the construction of a large commercial building by Nanbo Insurance Co. The Chavez sisters wish to utilize their property to its highest and best uses and the heavy commercialization of Farenholt Ave. by the TLUC is indicative of the ability of the area infrastructure to service the Chavez property.
- The Committee finds that the request of **Mr. Alfred S. Ysrael** to rezone his R2 property to Commercial is not unreasonable considering the fact that the lot is bordered on three sides by the property of the Palace Hotel Guam. Mr. Ysrael's request for the rezoning in order to build a commercial building would not be incompatible with existing land uses nor would it adversely impact existing infrastructure.
- The Committee finds that the requests of several land owners in the Mangilao, Barrigada, Chalan

Pago/Ordot and Sinajana areas to rezone their properties to Multi-Family Residential (R2) are not unreasonable and would not permit incompatible uses of the property with the surrounding areas as its original zoning is for Single Family Residential. The Committee finds that R1 and R2 zonings are basically compatible unless the TLUC grants density, height and parking variances. As the rezoning of the Camacho property does not exempt them from the restrictions and limitations of various regulatory agencies and codes, the Committee finds that the request is not unreasonable.

- Likewise, considering the shortage of housing on Guam, the desire of these property owners to avail themselves of the economic opportunities and, at the same time, provide for a critical shortage of a vital commodity for the island is desirable. *The Committee finds that rezoning property to Multi-Family Dwellings, with the understanding by the owners, as well as, the government, that the regulatory codes and permitting process and statutes are not waived nor lessened is not unreasonable, and in fact, would be beneficial both in the short and long term.*
- Notwithstanding the concerns and objections raised by Mr. Steven Unpingco on the Pago Bay rezonings in this measure, the Committee finds that the TLUC rezoning of a large tract of property abutting the properties to be rezoned in this measure creates a situation where denial of Mr. Joseph T. Duena's request for a similar rezoning would be unreasonable.

The statement of Mr. Duenas and the representative of Mrs. Mariana LG Lujan that they would be willing to hook up any multiple dwelling units they build to the sewerline on Route 4 is assurance that the infrastructure requirements to service the apartments would be adhered to. Likewise, the rezoning of the property does not exempt such parcels from the rules and regulations of the permitting agencies and the DRC which would pass judgement on any application for the development of the parcels.

- The Committee finds that establishing a policy that the government is to encourage the building of additional rental housing units, in order to equalize the supply and demand and, thus, levelize the cost of rentals, is in the best interest of the people of Guam. Projections have indicated that the population of Guam will double with 20 years. The Legislature is of the consensus that multi-family dwellings, or reasonable density factors, is the only way this population will be provided for in light of the limited land resources available throughout the island.