

Introduced

TWENTY FIRST GUAM LEGISLATURE  
SECOND REGULAR (1992) SESSION

JUL 6 '92

Bill No. 891(LS)

Introduced by:

F.R. Santos

AN ACT TO REZONE CERTAIN PARCELS OF  
PROPERTY IN THE MUNICIPALITY OF YIGO  
FROM AGRICULTURAL (A) TO SINGLE FAMILY  
RESIDENTIAL (R-1) AND MULTI-FAMILY  
DWELLINGS (R-2).

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2

3 SECTION 1. LEGISLATIVE STATEMENT AND INTENT.

4 When the Guam Legislature enacted Title 21 of the Government  
5 Code of Guam, part of its intent was to cause the creation of  
6 guidelines and a mechanism by which residents could rezone  
7 their property in order realize the fullest socio-economic return  
8 and financial gain from such property. Whereas the Guam  
9 Legislature intended the original Territorial Land Use  
10 Commission mechanism to be efficient, helpful and inexpensive,  
11 manipulation and machinations have turned the system into an  
12 expensive nightmare designed to discourage all but the monied  
13 interests. Where the Legislature intended the system to be  
14 helpful, the bureaucrats have turned it into a maze of roadblocks  
15 and discouragement. Where the Legislature intended the system

1 to be cost efficient, residents are now advised to retain the  
2 services of expensive land use consultants and are required to  
3 conduct their own research into various areas where the  
4 Legislature intended for those government agencies to perform  
5 the research and to extend services to applicants in an effort to  
6 make the process as expeditious, economical and effective as  
7 possible..

8 In developing the language of PL 21-82, the Legislature  
9 intended to establish a system which was simple, cost efficient  
10 and expeditious. The intent of authorizing the Director of Land  
11 Management to approve applications for rezoning within the first  
12 three zone levels was to make the system one stop and simple.  
13 However, the process eventually developed again become  
14 nightmarish and just as expensive, if not more so, as the system  
15 from which such expense was to be relieved. Residents were  
16 exhausting their resources before the footing on their buildings  
17 could be dug.

18 The Legislature developed the Territorial Land Use  
19 Commission because its members wanted the benefit of long-  
20 range rational planning instilled in the zoning process. But it  
21 intended for the alternative system to be even more expeditious  
22 than the legislative route. The bureaucratic penchance towards  
23 making simple matters overly complex again defeated legislative  
24 intent and the people, after exploring the process established to  
25 effectuate any rezoning effort, came back to the Legislature with  
26 concerns regarding both financial and professional hardship. In  
27 view of this the Legislature finds it again necessary to assist

1 residents desiring to utilizing their private property to the  
2 highest and best uses. The Legislature finds it necessary to be  
3 responsive to the needs and desires of all residents of Guam and  
4 to assist those residents, seeking to better their economic future,  
5 but are being blocked or discouraged by the bureaucratic maze  
6 associated with the TLUC, towards the realization of the highest  
7 and best use or uses of their property.

8 In addition, the Guam Legislature is aware of the acute  
9 housing shortage presently gripping the island and which  
10 threatens to cause severe hardships to the permanent residents  
11 of the island, as well as, those who are here because of their  
12 connection with the military and federal installations or who are  
13 under short term contracts with the government of Guam. This  
14 shortage will become a very real problem when the movement of  
15 military personnel and their dependents from the Philippines  
16 reaches its peak. Likewise, every year, the Department of  
17 Education conducts an islandwide search for affordable rental  
18 units for contract teachers, many times to no avail. The  
19 Legislature feels that because there are private land owners  
20 desiring to avail themselves of this economic opportunity which  
21 would provide benefits to the entire island, these land owners  
22 should not be discouraged because of unnecessary bureaucratic  
23 complications and inefficiencies.

24 **SECTION 2. LEGISLATIVE STATEMENT:** The Guam  
25 Legislature has been approached by the owner of Lot No. 7115,  
26 Mataguac, Yigo, Ms. Jennifer M. Lujan, and the owner of Lot No.  
27 7131, Mr. Noel J. Paine, requesting a rezoning of the two lots from

1 Agricultural (A) to Single Family Residential (R-1) for the  
2 purpose of building single family detached homes. Lot No. 7115  
3 is landlocked and would be totally undevelopable if access  
4 through Lot No. 7131 is not granted and obtained. The owner of  
5 Lot No. 7131 is prepared and willing to grant a right of way  
6 through said property as the property will also be developed for  
7 single family residential homes. The Legislature is agreeable to  
8 this proposal as it creates benefits to both tracts of property and  
9 makes both properties developable to assist in the critical  
10 housing shortage on Guam. The developers of both property  
11 have indicated that they are prepared to provide for the  
12 necessary infrastructure for the two areas. This rezoning does  
13 not exempt the two properties from all other criteria required  
14 for single family residential developments or any statutory  
15 permitting requirements.

16 **SECTION 2 (a). LOTS REZONED.** Lot No. 7115, containing  
17 an area of 78,413.49 +/- square meters, situated in Mataguac,  
18 Municipality of Yigo, as delineated on Land Management Check No.  
19 415-FY74, and owned by **Ms. Jennifer M. Lujan** and Lot No.  
20 7131, containing an area of 104,356 +/- square meters,  
21 situated in Mataguac, Municipality of Yigo, as delineated on Land  
22 Management Drawing No. ISL7-65-YI-307, and owned by **Mr.**  
23 **Noel J. Paine** are hereby rezoned from Agricultural (A) to  
24 Single Family Residential (R1).

25 **SECTION 3 LEGISLATIVE STATEMENT.** The Guam  
26 Legislature has been approached by Mr. and Mrs. Ted Concepcion  
27 requesting a rezoning of their parcel of property in Yigo from

1 Agricultural (A) to Multi-Family Dwelling (R-2) for the purpose  
2 of utilizing the property to its highest and best use. The  
3 Concepcions have already constructed a house on the lot and  
4 desire to construct another home so that they could rent out the  
5 first unit they built upon completion. The Legislature notes that  
6 the land use proposed by the Concepcions is compatible with  
7 surrounding land uses and that the necessary infrastructure is  
8 already in place. Likewise, noting that the acute shortage of  
9 housing on Guam, the Legislature deems the rezoning reasonable  
10 in that it will make a detached residential unit available for the  
11 market.

12 **SECTION 3 (a) LOT REZONED.** Lot No. 7005-4-R5,  
13 situated in the Municipality of Yigo, said to contain an area of  
14 1,585 square meters, recorded un Document No. 95954 and  
15 owned by **Mr. Teddy P. and Lydia M.C. Concepcion**, is hereby  
16 rezoned from Agricultural (A) to Multi-Family Dwellings (R-2).

17 **SECTION 4 LEGISLATIVE STATEMENT:** The heirs to the  
18 Jose Arriola Flores property situated in Mataguac, Yigo, have  
19 approached the Guam Legislature requesting a rezoning of their  
20 parcels of land from Agricultural (A) to Multi-Family Dwellings  
21 (R-2). The property is situated in the immediate vicinity of  
22 Simon Sanchez Sr. High School and is served by adequate utility  
23 and infrastructure services. Likewise, the Legislature notes that  
24 there is an increasing number of multi-family dwelling units  
25 being constructed in the area and thus, the proposed land use is  
26 compatible with uses in the area. The Legislature notes that the  
27 construction of multi-family dwellings in the area of Simon

1 Sanchez High School would make available rental units for  
2 teachers at the high school. This lack of housing for off-island  
3 recruited teachers is an acute problem that the Department of  
4 Education has been pointing out to the Legislature. The  
5 development of multi-family dwellings in the immediate vicinity  
6 of a large high school will help to alleviate this problem. The  
7 Legislature finds that the request of the Flores family is not  
8 unreasonable.

9       **SECTION 4 (a) LOTS REZONED.** The following lots,  
10 situated in Mataguac, Municipality of Yigo as delineated on LM  
11 Drawing No. 618-90, are hereby rezoned from Agricultural (A)  
12 to Multi-Family Dwellings (R-2):

13

14 Lot No.	Owner	Land Square
15 7145-12-1	<b>Juanita Flores Aguon</b>	1,118 Sq. Mtrs
16 7145-12-2	<b>Joseph T. Flores</b>	1,118 Sq. Mtrs
17 7145-12-3	<b>Barbara Flores Potter</b>	1,118 Sq. Mtrs
18 7145-12-4	<b>George Flores</b>	1,118 Sq. Mtrs
19 7145-12-5	<b>Vincent O. Flores</b>	1,118 Sq Mtrs
20 7145-12-R5	<b>Lelani V. Flores</b>	1,118 Sq. Mtrs

21       **SECTION 5 LEGISLATIVE STATEMENT:** The Legislature  
22 has been approached by Mr. and Mrs. Francisco P. San Nicolas  
23 seeking a rezoning of their property, which they plan to  
24 distribute among their children, in Yigo from Agricultural (A) to  
25 Multi-Family Dwellings (R-2) in order to utilize said property to  
26 its highest and best uses. The San Nicolas' plan will enable the  
27 property to be utilized for multi-family dwellings thereby

1 providing for the acute housing shortage and a from of economic  
2 benefit to the family, as well as, the island. Because of the  
3 development of the surrounding properties, the planned uses  
4 for the San Nicolas property is not incompatible. Likewise, the  
5 necessary infrastructure for the level of development  
6 permissible on the property is already available to the subject  
7 parcels.

8 **SECTION 5 (a) LOTS REZONED.** Lot Nos. 2-1, 2-2, 2-R3,  
9 Tract 264, Asardas, Municipality of Yigo, said to contain an  
10 aggregate area of 5,346 square meters, and belonging to  
11 **Francisco P. and Mary N. San Nicolas** are hereby rezoned  
12 from Agricultural (A) to Multi-Family Dwellings (R-2).

13 **SECTION 6. LEGISLATIVE STATEMENT:** Pat D. and Emma  
14 E.C. Collado, husband and wife, and owners of Lot 7079-5-8,  
15 Yigo, containing an area of 6,398 square meters, have  
16 approached the Guam Legislature requesting the rezoning of  
17 their property from Agricultural (A) to Multi-Family Dwellings  
18 (R-2) for the purpose of building a 10 Unit apartment building.  
19 These apartments will be placed on the open market to help  
20 alleviate the acute shortage presenting affecting the island. The  
21 Legislature is of the consensus that such a plan will bring  
22 benefits, not only to the Collados who will be utilizing their  
23 property to its highest and best uses, but also to those sectors of  
24 the population already suffering because of the housing  
25 shortage. Likewise, as other lots in the area have already be  
26 rezoned to Multi-Family Dwellings (R-2) the Legislature is of the  
27 consensus that the planned uses will not be incompatible.

1           **SECTION 6 (a) LOT REZONED.** Lot No. 7079-5-8, situated  
2 in the Municipality of Yigo, containing an area of 6,398 square  
3 meters, as recorded under CT No. 34962, and owned by **Mr. Pat**  
4 **D. and Mrs. Emma E.C. Collado**, is hereby rezoned from  
5 Agricultural (A) to Multi-Family Residential (R-2).

6           **SECTION 7. LEGISLATIVE STATEMENT.** The Community  
7 Christian Church of Yigo has approached the Legislature  
8 requesting assistance in their efforts to build a hall in which their  
9 congregation can conduct services. The leaders of the church  
10 have purchased property in the Municipality of Yigo and has, for  
11 the last year, pursued their application to the Territorial Land  
12 Use Commission for a conditional use permit in order that the  
13 construction of the meeting hall could begin. Having already  
14 purchased the building and hired a contractor, the church finds  
15 itself in a position where it will lose money because of the  
16 bureaucratic delays with the TLUC process. The Legislature finds  
17 that the request of the church, either a conditional use permit or  
18 a zone change which would permit the construction of the hall, as  
19 not being unreasonable in that churches and religious meeting  
20 halls abound around the island in areas zoned Agricultural,  
21 Multi-Family Dwellings, Single Family Residential, Commercial,  
22 and even, hotel. The Legislature finds that not only is the use  
23 compatible with land use in the immediate vicinity, there will be  
24 benefits to the community as a whole.

25           **SECTION 7 (a) LOT REZONED.** Lot No. 7-2, Block No. 5,  
26 Tract 933, situated in the Municipality of Yigo, as delineated on  
27 Drawing No. L-352, said to contain an area of 1,746 square



1 meters, and belonging to the **Community Christian Church**, is  
2 hereby rezoned from Agricultural to Multi-Family Dwellings (R-  
3 2) for the purpose of building a meeting hall for the church's  
4 congregational services as permitted under 21 GCA, Chapter 61,  
5 §61306 (a)(4) Hotels, private groups, and institutions.

6 **SECTION 8. LEGISLATIVE STATEMENT.** Mr.  
7 Buenaventura A and Raquel R. Lopez, owners of Lot No. 7012-5-  
8 3-5, Yigo, are requesting that their property be rezoned from  
9 Single Family Residential (R-1) to Multi-Family Dwellings (R-2) in  
10 order that they may be able to utilize said property to its highest  
11 and best uses. Mr. and Mrs. Lopez note that they desire to build  
12 an apartment unit which would be made available to the civilian  
13 and military communities and which would also be made  
14 available to the Guam Housing and Urban Renewal Authority as  
15 affordable rental units. The Guam Legislature notes that with the  
16 shortage of housing presently being experienced and soon to be  
17 aggravated by the influx of military personnel, small apartment  
18 complexes such as that planned by the Lopez's would be a  
19 suitable way of providing for the shortage without the density  
20 increases subsequent to large scale apartment complexes.

21 **SECTION 8 (a) LOT REZONED.** Lot No. 7012-5-3-5,  
22 situated in the Municipality of Yigo, containing an area of  
23 1344.40 square meters, belonging to Mr. Buenaventura A. and  
24 Mrs. Raquel R. Lopez, as recorded under CT No. 10495, is hereby  
25 rezoned from Single Family Residential (R-1) to Multi-Family  
26 Dwelling (R-2).

27