



Territory of Guam
Territorio Guam

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

**REFER TO
LEGISLATIVE SECRETARY**

MAY 10 1991

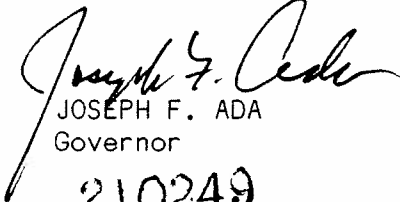


The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 128, which I have signed into law this
date as Public Law No. 21-19.

Sincerely,


JOSEPH F. ADA
Governor
210249

Attachment




Commonwealth of the Northern Mariana Islands

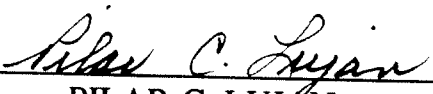
TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

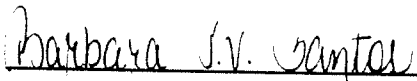
This is to certify that Substitute Bill No. 128 (COR), "AN ACT TO CHANGE THE ZONE OF LOT NO. 105-5 IN THE MUNICIPALITY OF PITI FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO MULTI-FAMILY RESIDENTIAL ("R-2") AND TO CHANGE THE ZONE OF LOT NO. 3242-1-3, CHALAN PAGO FROM LIGHT INDUSTRIAL ("M-1") TO MULTI-FAMILY RESIDENTIAL ("R-2")," was on the 2nd day of May, 1991, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

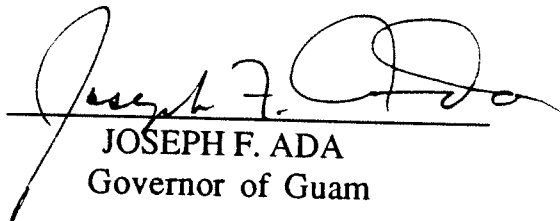
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 7th day of May,
1991, at 2:00 o'clock p.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: May 10, 1991

Public Law No. 21-19

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 128 (COR)

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

Introduced by:

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

AN ACT TO CHANGE THE ZONE OF LOT NO. 105-5 IN THE MUNICIPALITY OF PITI FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO MULTI-FAMILY RESIDENTIAL ("R-2") AND TO CHANGE THE ZONE OF LOT NO. 3242-1-3, CHALAN PAGO FROM LIGHT INDUSTRIAL ("M-1") TO MULTI-FAMILY RESIDENTIAL ("R-2").

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1.** Lot No. 105-5, Piti is hereby rezoned from Single Family

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

2 **Section 2.** Subsection (b) of Section 20, Public Law 21-14 is hereby
3 amended to read:

4 "(b) Lot No. 3242-1-3, Chalan Pago, Sinajana, containing an area
5 of 21,020± square meters, is hereby rezoned from Single Family
6 Residential ("R-1") to Multi-Family Residential ("R-2")."

7 **Section 3.** The Director of Land Management shall amend the official
8 zoning map of Guam in accordance with the provisions of this Act.

61

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Date: 5/2/91

VOTING SHEET

Bill No. 128

Resolution No. _____

Question: _____

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

16 3 2



**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

April 29, 1991

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 No. 128, An act to change the zone of Lot No. 105-5, Municipality of Piti, from Residential (R-1) to Multi-Family Dwelling (R-2), conducted a public hearing on said legislation on April 17, 1991, at 9:30 AM, in the Legislative Public Hearing Room.

After due consideration of the measure and the testimonies received, the Committee is herewith reporting its findings and conclusions with the **RECOMMENDATION TO DO PASS** said Bill No. 128. The Committee votes were as follows:

- | | |
|-----------------------|----------|
| 1. To Do Pass: | -----9-- |
| 2. To Do Not Pass: | ----- |
| 3. To Report Out Only | ----- |
| 4. Off Island | ----- |
| 5. Did Not Vote | -----1-- |

Sincerely yours,

F.R. Santos

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

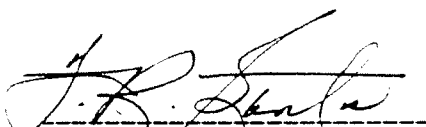
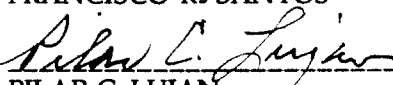
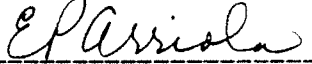
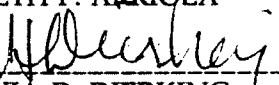

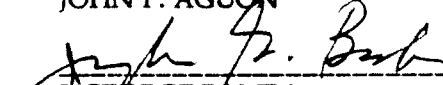
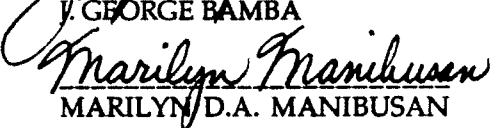

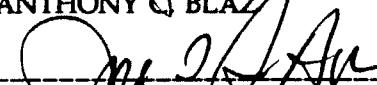
155 Hesler Street
Agaña, Guam 96910

Senator Francisco R. Santos
Chairman

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

Voting Sheet

**On Bill No. 128: An Act to change the zone of Lot No. 105-5 in the
Municipality of Piti from Single Family Residential (R-) to Multi-
Family Dwellings (R-2).**

	TO DO PASS	TO DO NOT PASS	TO REPORT OUT ONLY	OFF ISLAND
 FRANCISCO R. SANTOS	✓			
 PILAR C. LUJAN	✓			
 ELIZABETH P. ARRIOLA	✓			
 HERMINIA D. DIERKING	✓			
 JOHN P. AGUON	✓			
 J. GEORGE BAMBA	✓			
 MARILYN D.A. MANIBUSAN	✓ 4/29/91 Mdm			
EDWARD R. DUENAS				
 ANTHONY C. BLAZ	✓			
 JOE T. SAN AGUSTIN, EX OFFICIO	✓			

PCF

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Bill No. 128

As Substituted by the Committee
on Housing, Community Development,
Federal and Foreign Affairs

Introduced by:

F.R. Santos,
M. Manibusan
Dec 14 C

AN ACT TO CHANGE THE ZONE OF LOT NO.
105-5 IN THE MUNICIPALITY OF PITI FROM
SINGLE FAMILY RESIDENTIAL (R-1) TO
MULTI-FAMILY DWELLINGS (R-2).

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

3
4
5 Section 1. The zoning designation for Lot No. 105-5, situated in the
6 municipality of Piti, is hereby changed from Residential (R-1) to Multi-
7 Family Dwellings (R-2).

8 Section 2. The Director of Land Management shall amend the
9 official zoning map of Guam in accordance with the provisions of this Act.

10 Section 3. Section 20 (b) of Public Law 21-14 is hereby amended to
11 read:

12 "(b) Lot No. 3242-1-3, Chalan Pago, Sinajana, containing an
13 area of 21,020 +/- square meters, is hereby rezoned from Single Family
14 Residential ("R-1") to [~~Light Industrial ("M-1")~~] Multi-Family Dwellings
15 (R-2)".

Aug #2

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 128

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

Introduced by:

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

AN ACT TO CHANGE THE ZONE OF LOT NO. 105-5 IN THE MUNICIPALITY OF PITI FROM SINGLE FAMILY RESIDENTIAL ("R-1") TO MULTI-FAMILY RESIDENTIAL ("R-2") AND TO CHANGE THE ZONE OF LOT NO. 3242-1-3, CHALAN PAGO FROM LIGHT INDUSTRIAL ("M-1") TO MULTI-FAMILY RESIDENTIAL ("R-2").

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6 Residential ("R-1") to [~~Light Industrial ("M-1")~~] Multi-Family Residential
7 ("R-2")."

8 **Section 3.** The Director of Land Management shall amend the official
9 zoning map of Guam in accordance with the provisions of this Act.

Committee Report

on

Bill No. 128

AN ACT TO REZONE LOT NO. 105-5, SITUATED IN THE MUNICIPALITY OF PITI FROM AGRICULTURE (A) TO MULTI-FAMILY DWELLINGS (R-2).

PUBLIC HEARING

The Committee on Housing, Community Development, Federal and Foreign Affairs, to which was referred **Bill No. 128**, scheduled and conducted a public hearing on said measure on **February 25, 1991, in the Legislative Public Hearing Room, Guam Legislature Temporary Office Building, Agana, at 9:30 am.** Public notice and advertisement of said hearing was published as required. Likewise, invitations were transmitted to the Bureau of Planning, the Department of Land Management, the Department of Agriculture, the Mayor of Piti and the owners of the subject property.

MEMBERS PRESENT

Committee members, and other Senators, present at the Public Hearing were:

- 1. Senator Francisco R. Santos, Chairman**
- 2. Senator Pilar C. Lujan, Vice Chairperson**
- 3. Senator Elizabeth P. Arriola**
- 4. Senator Herminia D. Dierking**
- 5. Senator Marilyn D.A. Manibusan**
- 6. Senator Edward R. Duenas**
- 7. Senator Anthony C. Blaz**

Appearing before the Committee to submit oral testimony on Bill No. 128 were:

1. Mrs. Isabel Alig Scharf
Owner of the subject lot
2. Ms. Isabel Haggard
Mayor of Piti

Not Appearing before the Committee but submitting written testimony was Mr. Peter Leon Guerrero, Director, Bureau of Planning, and Mr. Frank L.G. Castro, Director of the Department of Land Management. Testimony of the two government officials are appended hereto.

TESTIMONY RECEIVED

Mr. and Mrs. Eric Scharf, owners of Lot No. 105-5, Piti, are requesting the rezoning of said lot from an Agricultural Zone to a Multi-Family Dwelling Zone (R2). In her testimony before the Committee, Mrs. Scharf noted that the present zoning of the property is restrictive and does not permit her to sub-divide the property into 1000 square meter residential lots to distribute among their heirs. Likewise, the easement requirements for the Agricultural zone (50 feet as compared to 40 feet for a residential or multi-family zoning) would require more land than required for the intended use of the property.

Mayor Isabel Haggard noted that some residents of the area have voiced their support for the re-zoning. However, Mayor Haggard also pointed out that there are some lots whose owners have since passed away and the matters of the estate are still in probate. A great many of the heirs of these estates are off-island and could not be contacted for the purposes of this legislation.

The Director of the Bureau of Planning has noted that the Bureau would like any decision on this matter to be held in abeyance until further study can be accomplished on the impact of the rezoning on the area and area infrastructure, as well as, time to ascertain the desires of the owners of lots within the 500 foot radius. The testimony of the Bureau of Planning is likewise reflected in the testimony of the Department of Land Management.

FINDINGS

In conducting further research and review of the Official Zoning Map of Guam, with respect to this legislation, the Committee has found that Lot No. 105-5 is not zoned Agricultural but rather as Single Family Dwelling (R-1). It should be noted that all parties

concerned and testifying have indicated that they were under the impression that the lot was zoned Agricultural.

The Committee finds that the present zoning of the lot permits a subdivision of the lot into residential sized parcels. Likewise, the access requirements are not the 50 feet as feared by the Scharfs but the 40 feet requirement for residential zones.

The Committee also finds that the positions and contentions of the Director of Land Management and the Bureau of Planning does not necessitate the delay or postponement of any action on this legislation based on the following:

1. As noted by Mayor Haggard, the majority of the owners of lots in the vicinity have voiced support of the legislation and rezoning.

2. Owners who could not be contacted by the Mayor were unavailable because the lots in question are still under probate, resulting from the death of the original owners, and/or are off-island and cannot be contacted. In this case, postponement or non-action on the matter will not necessarily provide the opportunity for their input as would be desired by the government officials.

3. The proximity of residential and commercial zoned lots andn the proximity of Route 1, Marine Drive, would seem to dictate that the infrastructure of the area would be able to handle the potential uses of the lot if it were zoned for multi-family dwellings. It should be pointed out that a good stretch of Route 6 and the area were Nimitz Towers are standing are zoned either R-2 or Commercial.

4. Legislation has already been enacted to study and develop the water and waste water infrastructure of the Piti and Nimitz Hill areas. These improvements will increase the areas

ability to handle the potential uses of Lot No. 105-5, in particular, those uses that the Scharfs have stated are their intent.

RECOMMENDATION

The Committee recommends that Bill No. 128 be duly passed as substituted by the Committee and with the instructions to the Department of Land Management to effectuate the zone change in the official zoning maps.



OFFICE OF THE MAYOR

DISTRICT OF PITI

P.O. Box 786

Agana, Guam 96910

March 27, 1991

ISABEL S. HAGGARD

Mayor

472-1232/3

The Honorable Senator Francisco R. Santos
Chairman, Committee on Housing, Community
Development, Federal and Foreign Affairs
Twenty-First Guam Legislature
Pacific Arcade Building
Agana, Guam

Dear Mr. Chairman & Members:

Reference Bill No. 128 **"AN ACT TO CHANGE THE ZONE OF LOT NO. 105-5 IN THE MUNICIPALITY OF PITI FROM AGRICULTURE (A) TO MULTI-FAMILY DWELLINGS (R-2)**, I hereby inform this Committee that the adjacent Lot owners have been informed and asked to be included in Bill No. 128. The reception that I received from the other property owners or administrators, has not been too positive. One concern is that some of the lots only qualify for R-1 (single dwelling). The other concern is that the lots have not been probated and is still in the name of a deceased mother or father.

Rather than delay action on Lot No. 105-5, I strongly recommend that Bill No. 128 be passed as written.

I thank you Mr. Chairman and your Committee Members for the patience and understanding extended to us.

Sincerely,



ISABEL S. HAGGARD

cc: Mr. & Mrs. Eric Scharff



SETBISION MAMPLANEHA
Bureau of Planning
GOVERNMENT OF GUAM
AGANA, GUAM 96910

FEB 22 1991

Honorable Francisco R. Santos
Chairman
Committee on Housing, Community Development,
Federal and Foreign Affairs
Twenty-First Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Hafa Adai Senator Santos:

I appreciate the opportunity to present this testimony against Bill No. 128 pertaining to the rezoning of Lot 105-5, Piti, from Agriculture (A) to Multi-Family Dwelling (R-2). Because the proposed zone change has not gone through the proper review process, the Bureau has to wonder what public emergency exists to require that this property be rezoned in this manner.

The Bureau has the following reasons to offer as to why this bill should be disapproved:

- 1) Pertinent reviewing agencies have not had the opportunity to evaluate the impacts the proposed zone change will have on surrounding land owners. These impacts may include but are not limited to environmental, health, and safety impacts.
- 2) Pertinent reviewing agencies have not had the opportunity to analyze the proposed zone change to determine whether the requirements of Section 17600 of the Zoning Law have been addressed and satisfied by the owner(s) of the property affected by said change.
- 3) Due to the lack of agency review, a determination as to whether the proposed use(s) will be compatible with existing land uses was not made.
- 4) The public has not been given the opportunity to review or comment on the proposed change.
- 5) Studies to determine the impacts of the proposed zone change could have been required of the affected land owner(s) had the requested zone



Commonwealth Now!

change gone through the regular review process (DRC/TLUC).

- 6) One of the major campaign elements of this past election focused on "runaway development" and the need to control it or insure only proper development for the island. Bills such as this are obviously contrary to what the government purports to advocate with respect to planned development.
- 7) While the Bureau understands the official Zoning Maps of Guam need to be updated, we were not able to ascertain the exact location of Lot No. 105-5. Furthermore, lots beginning with the 105 number series within the Municipality of Piti are shown as being zoned "R-1", not "A".

Thank you for giving us this opportunity to comment.

Si Yu'os Ma'ase',


PETER P. LEON GUERRERO
Director



DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM
AGANA GUAM 96910

February 15, 1991

The Honorable Frank R. Santos
Chairman, Committee on Housing
and Community Development
Twenty First Guam Legislature
Agana, Guam 96910

Subject: Legislative Bill No. 128

Dear Mr. Chairman:

Thank you for allowing me to present the following testimony on Bill No. 128.

Bill No. 128 as proposed will create an opportunity for the owner of Lot No. 105-5 to develop said lot within a Multi-Family concept. However, if rezoned, such action will create a greater demand on the already overburdened infrastructure of the Piti community.

I believe that had the action for the proposed Zone Change on Lot No. 105-5 was known, it would have provided an avenue for the various Government of Guam agencies with sufficient time in analyzing and determining if the proposed Zone Change and future development on the property including the impact on surrounding areas would create any negative impact. Additionally, it would have provided the Government with courses of action to implement in protecting the community's interest and welfare.

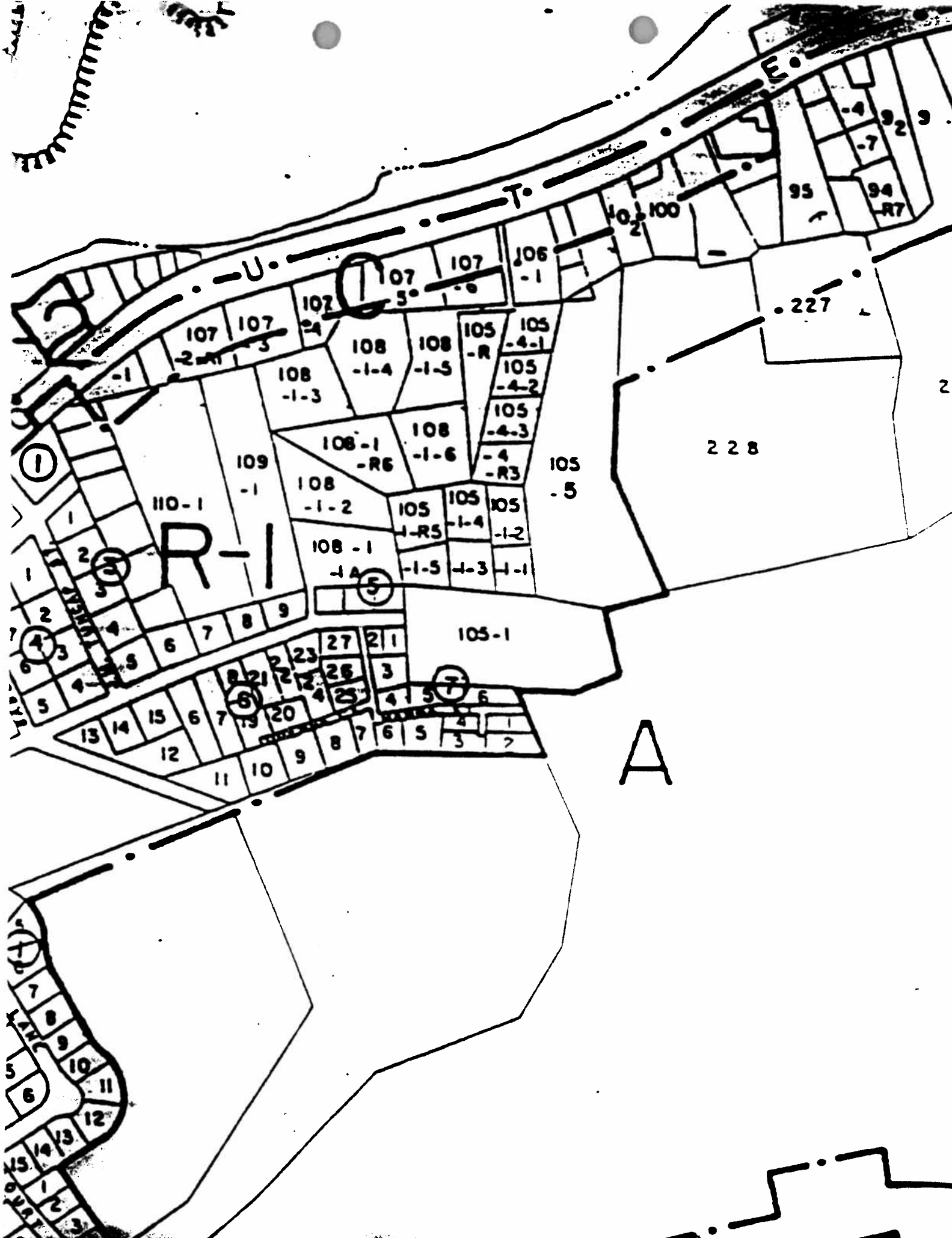
Because the Government has not been given the opportunity to assess and make an analysis on any impact of the proposed Zone Change, I am requesting that Bill No. 128 not be passed into law.

Sincerely,

F. L.G. CASTRO
Director, Department of
Land Management

Attachment: Map





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110-1

R-1

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30


Introduced

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

FEB 16 '91

Bill No. 128 (COR)

Introduced by:


F.R. Santos

AN ACT TO CHANGE THE ZONE OF LOT NO.
105-5 IN THE MUNICIPALITY OF PITI FROM
AGRICULTURE (A) TO MULTI-FAMILY
DWELLINGS (R-2).

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

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5 Section 1. The zoning designation for Lot No. 105-5, situated in the
6 municipality of Piti, is hereby changed from Agriculture (A) to Multi-
7 Family Dwellings (R-2).