



Territory of Guam
Territorial Guam

OFFICE OF THE GOVERNOR
SAN MANUEL
AGANA, GUAM

REFER TO
LEGISLATIVE SECRETARY

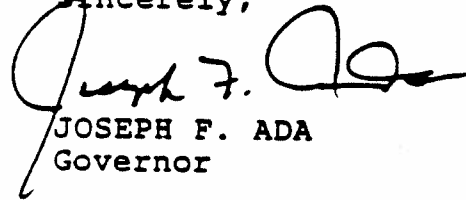
NOV 27 1991

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 408, which I have signed
into law this date as Public Law 21-72.

Sincerely,


JOSEPH F. ADA
Governor

Attachment

210545



Commonwealth No

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

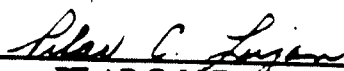
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 408 (COR), "AN OMNIBUS ACT TO REZONE CERTAIN PARCELS OF LAND IN THE FINILE AREA OF AGAT, IN THE UNGAGUAN AREA OF DEDEDO, IN YIGO, IN LEYANG, BARRIGADA, IN MANGILAO, IN CHALAN PAGO, IN YLIG, YOÑA, IN BARRIGADA, IN INARAJAN, ON ASARDAS DRIVE, YIGO, IN CHALAN PAGO, IN BARRIGADA, IN SINAJAÑA, IN TAMUNING, IN YIGO, AND IN AGAT, TO REPEAL SECTION 2 OF PUBLIC LAW 21-56, TO REPEAL AND REENACT §61501, TITLE 21, GUAM CODE ANNOTATED, TO REDUCE SET BACK REQUIREMENTS IN AGRICULTURAL ZONES, TO REPEAL AND REENACT SECTIONS 6, 7, 8, 9, AND 16 OF PUBLIC LAW 21-60 ON SUBDIVIDING CERTAIN GOVERNMENT LAND IN YIGO AND ELSEWHERE, TO REPEAL AND REENACT §61304 OF TITLE 21, GUAM CODE ANNOTATED, TO BROADEN THE DEFINITION OF THE RURAL ("A") ZONE, TO AMEND PUBLIC LAW 20-133 TO CORRECT CERTAIN DEFICIENCIES THEREIN, AND TO ADD SUBPARAGRAPH (c) TO §61615 OF TITLE 21, GUAM CODE ANNOTATED, REQUIRING FOUR AFFIRMATIVE VOTES FOR ACTIONS BY THE TERRITORIAL LAND USE COMMISSION," was on the 8th day of November, 1991, duly and regularly passed.



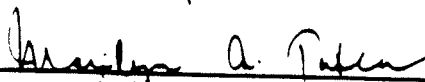
JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 15th day of November 1991, at
3:30 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: November 27, 1991

Public Law No. 21-72

TWENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

Bill No. 408 (COR)

As substituted by the
Committee on Rules

Introduced by:

F. R. Santos
J. P. Aguon
E. P. Arriola

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

AN OMNIBUS ACT TO REZONE CERTAIN PARCELS OF LAND IN THE FINILE AREA OF AGAT, IN THE UNGAGUAN AREA OF DEDEDO, IN YIGO, IN LEYANG, BARRIGADA, IN MANGILAO, IN CHALAN PAGO, IN YLIG, YOÑA, IN BARRIGADA, IN INARAJAN, ON ASARDAS DRIVE, YIGO, IN CHALAN PAGO, IN BARRIGADA, IN SINAJAÑA, IN TAMUNING, IN YIGO, AND IN AGAT, TO REPEAL SECTION 2 OF PUBLIC LAW 21-56, TO REPEAL AND REENACT §61501, TITLE 21, GUAM CODE ANNOTATED, TO REDUCE SET BACK REQUIREMENTS IN AGRICULTURAL ZONES, TO REPEAL AND REENACT SECTIONS 6, 7, 8, 9, AND 16 OF

PUBLIC LAW 21-60 ON SUBDIVIDING CERTAIN GOVERNMENT LAND IN YIGO AND ELSEWHERE, TO REPEAL AND REENACT §61304 OF TITLE 21, GUAM CODE ANNOTATED, TO BROADEN THE DEFINITION OF THE RURAL ("A") ZONE, TO AMEND PUBLIC LAW 20-133 TO CORRECT CERTAIN DEFICIENCIES THEREIN, AND TO ADD SUBPARAGRAPH (c) TO §61615 OF TITLE 21, GUAM CODE ANNOTATED, REQUIRING FOUR AFFIRMATIVE VOTES FOR ACTIONS BY THE TERRITORIAL LAND USE COMMISSION.

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

2 Section 1. (a) Legislative findings. The Legislature has be
3 petitioned by the owners of interests in parcels of Basic Lot 170-1New-I
4 Agat, Guam, subdivided as an agricultural subdivision in 1969, to have t
5 parcels rezoned from agricultural to single family residential. The individu
6 parcels laid out within the subdivision are one acre and half acre parcels. T
7 Legislature finds that most of these parcels were purchased by individua
8 acting on behalf of several members of a group of friends or family, ea
9 member of the group having a interest in the parcel equivalent to a sing
10 residential lot, but when the joint owners of these parcels attempted
11 further subdivide the parcels into such residential lots, the reparceling w
12 not approved because of the agricultural zoning of the subdivision. A furth
13 problem facing the individual owners is that they are unable to obta
14 certificates of titles for their interests and therefore are unable to obtain a
15 form of financing for constructing their dwellings thereon. The Legislatu
16 therefore finds that the rezoning of these parcels from agricultural to sing
17 family residential is justified and in the public interest.

1 (b) Rezoning. The following parcels and lots situated in the Finile
2 of the Municipality of Agat, are hereby rezoned from Agricultural ("A")
3 Single Family Residential ("R1"):

4 Lots Nos. 1 through 19 of Tract 233 (formerly Lot 170-1New-R4);
5 Lot No. 170-1New-1;
6 Lot No. 170-1New-2;
7 Lot No. 170-1New-3;
8 Lot No. 170-1New-4-1;
9 Lot No. 170-1New-4-2;
10 Lot No. 170-1New-4-3;
11 Lot No. 170-1New-4-4;
12 Lot No. 170-1New-4-5;
13 Lot No. 170-1New-4-6; and
14 Lot No. 180-2-R5.

15 **Section 2.** Lot 3, Block 3, Tract 137, Villa Santa Barbara, containing a
16 area of 710 square meters, located in Ungaguan, municipality of Dedede
17 Guam, shown in Land Management Drawing No. ISL11-65D402, owned by
18 Roy F. Ichihara, is hereby rezoned from Single Family Residential ("R-1") to
19 Multi-family Residential ("R-2").

20 **Section 3.** Lot No. 7037-3-5-5, situated in Yigo, certificate of title No
21 77402, estate No. 61812, Suburban, containing an area of 2,039± square
22 meters, as shown on map drawing No. DRP-4-28-85Y, owned by John Jerry
23 Ignacio, is hereby rezoned from Agriculture ("A") to Multi-family Residential
24 ("R-2").

25 **Section 4.** Lot No. 2333-1A-1, situated in Layang, municipality of
26 Barrigada, Guam, owned by Johnny S.A. Leon Guerrero, is hereby rezoned
27 from Agriculture ("A") to Single Family Residential ("R-1").

1 Section 5. Lot No. 19.75-9NEW-R-1, situated in Mangilao, Gua
2 certificate of title No. 88243, Estate No. 65925, Suburban, containing an a
3 of 16,314± square meters, as shown on map drawing No. CSS-08-22-90,
4 M. No. 024-FY91, owned by Young C. Sanchez and In Hwan Park, is here
5 rezoned from Single Family Residential ("R-1") to Multi-family Resident
6 ("R-2").

7 Section 6. Lots Nos. 3383-7-1, 3383-7-R1, 3383-6-3, 3383-6-4, 3383-6-
8 3383-8-R1, and 3418, situated adjacent to each other except for Lot No. 341
9 which is located across Maimai Road, all in Chalan Pago, municipality of
10 Sinajaña, Guam, owned, respectively, by Roy A. Muna, Daniel S. Muna,
11 Daniel S. Muna, Daniel S. Muna, Albert S. Muna, Margaret M. Taitano,
12 Jose C. Taitingfong, are hereby rezoned from Agriculture ("A") to Singl
13 Family Residential ("R-1").

14 Section 7. (a) Legislative intent. Asardas Drive in Yigo intersects
15 Marine Drive, and properties on both sides are presently zoned Agriculture
16 ("A"). In the design and construction of the Yigo sanitary sewer system,
17 residential areas on both sides were served by this infrastructure project, but
18 Asardas Drive was bypassed, although well inhabited, and despite the fact
19 that the government maintains a potable water well adjacent to homes
20 serviced only by septic tanks. The residents have petitioned the Legislature to
21 allow the orderly improvement of their homes through access to a sanitary
22 sewer system. There is no public policy to maintain these properties as an
23 agricultural area. It is therefore in the public interest to rezone Asardas
24 Drive to allow the installation of a sewer line.

25 (b) Rezoning. The lots and properties served by Asardas Drive,
26 Municipality of Yigo, Guam, are hereby rezoned from Agriculture ("A") to
27 Single Family Residential ("R-1").

1 (c) Design of sewer line. The Public Utility Agency of Guam ("PUA
2 is authorized to expend such sums as may be necessary to design a sewer
3 to serve Asardas Drive, Yigo. PUAG shall submit to the Legislature a request
4 for the funds necessary to commence and complete construction of such sewer
5 line upon completion of the design and cost estimates.

6 **Section 8. (a) Legislative findings.** The Legislature is aware that
7 residents are purchasing parcels of land situated in Agricultural ("A") zones
8 containing areas of less than one-half acre, but which parcels meet the
9 requirements for single family residential lots, in order to build their homes.
10 The Legislature finds that the majority of the purchases are by individual
11 families whose sole purpose in the purchase of said property is the
12 construction of a home for their families. These families have petitioned the
13 Legislature for assistance in rezoning their property in order that they may
14 obtain title to their lots in order to secure mortgage loans to build their
15 homes. The Legislature finds that the request is not unreasonable and that
16 because it addresses a critical need being experienced in other areas of the
17 island, finds that the rezoning is in the public interest.

18 (b) Rezoning. Lot No. 5420-1-5-R2, Mangilao, as designated on Land
19 Management Drawing No. DWG RTDC-01-1290 and which belongs to
20 Tomas Fergurgur and wife, is hereby rezoned from Agricultural ("A") to
21 Single Family Residential ("R-1").

22 **Section 9. (a) Finding.** The Legislature is aware of the increase in the
23 number of residential dwellings built and being built along Route 17, in the
24 Yoña-Windward Hills-Talofofu area, and the increasing number of families
25 electing to live in the relative peace and quiet of that area. Likewise, the
26 Legislature is aware of an increasing need for child care facilities, i.e.,
27 nurseries and day care centers, in the area in order that working parents may

1 be able to have their children, in particular, pre-school children, cared
2 during the regular working day. The owners of Lots Nos. 90-C-1-4 and
3 C-1-4 in Yoña, Alfred and Rose Bordallo, have expressed their desire to bu
4 a day care center on their property situated on Route 17 which property
5 advantageously located relative to the Baza Gardens subdivision
6 Windward Hills and the soon to open Miyama Hills project and to traffic
7 and from Talofofo and other southern areas. The advantageous location
8 these parcels to vehicular traffic makes these parcels extremely suitable for
9 day care center, particularly for those residents of the south commuting t
10 and from their work sites in the northern sectors of the island. Th
11 Legislature finds that this suitability and the desire of the owners to build
12 day care center will provide a much needed service to the people of that area
13 of Guam.

14 (b) Rezoning. The following lots in Ylig, Municipality of Yoña, and
15 owned by Alfred T. Bordallo and Rose L. Bordallo, are hereby rezoned from
16 Agricultural ("A") to Commercial ("C"):

17	Lot Numbers:	Areas in square meters:
18	90-C-1-4	1,886 +/- square meters
19	90-C-1-R4	1,866 +/- square meters.

20 **Section 10. Rezoning in Barrigada.** (a) Lot No. 4-2, Block No. 4, Tract
21 115, Barrigada, Guam, Estate No. 62969, Suburban, containing an area of
22 1,858 square meters, and owned by Mariana Espangel, is hereby rezoned
23 from Agriculture ("A") to Multi-family Residential ("R-2").

24 (b) Lot No. 1087-REM, Barrigada, Guam, as shown on Department of
25 Land Management Instrument No. 25354, with an area of 3,746.05 square
26 meters, and owned by Frank D. Perez, is hereby rezoned from Single Family
27 Residential ("R-1") to Commercial ("C").

1 (c) Lot No. 1020 REM-3, Barrigada, Guam, as shown on Departm
2 of Land Management Instrument No. 428817, with an area of 801± squ
3 meters, and owned by Luis L. Dueñas, is hereby rezoned from Single Fam
4 Residential ("R-1") to Commercial ("C").

5 (d) Lot No. 1020 REM-R3, Barrigada, Guam, as shown on Departm
6 of Land Management Instrument No. 335161, with an area of 22, 611± squa
7 meters, and owned by María Camacho Damian, is hereby rezoned fro
8 Single Family Residential ("R-1") to Commercial ("C")

9 **Section 11. Rezoning in Inarajan.** Lot No. 138-R1, Municipality
10 Inarajan, containing an area of Seven Hundred Twenty-Nine and Eight
11 Three One Hundredths (729.83) square meters, and owned by Mr. Billy C
12 and Mrs. Madlyn J. Kirkland, is hereby rezoned from Agricultural ("A") t
13 Single Family Residential ("R-1").

14 **Section 12. (a) Legislative findings.** The Legislature finds that Mr. and
15 Mrs. Gonzalo S. Alegarbes have been conducting a business on their parcel o
16 property situated along Route 10 at the intersection of Route 10 and Route 4
17 since 1963 to the present. The Legislature has been apprised that for the las
18 twenty-eight years the zoning on that parcel of property has been as single
19 family residential and so the Alegarbes have been forced to secure their
20 business license on a year-to-year conditional basis. The Legislature finds
21 that this is unjust to the Alegarbes and that a permanent rezoning of the
22 property on which the Alegarbes conduct their business is justified.

23 (b) **Rezoning.** Lots Nos. 3262-1B-1NEW and 3262-1B-2, situated in
24 Chalan Pago, Municipality of Sinajaña, and belonging to Mr. and Mrs.
25 Gonzalo S. Alegarbes, are hereby rezoned from Single Family Residential
26 ("R-1") to Commercial ("C").

1 Section 13. Rezoning. Lot No. 3-1, Block D, Tract 9, Barrigada
2 Heights, Municipality of Barrigada, as shown on Land Management Map
3 No. 441271, and containing an area of 3,716 square meters, belonging
4 Francisco A. Rivera, is hereby rezoned from Agricultural ("A") to Multi-family
5 Residential ("R-2").

6 Section 14. Rezoning. Lot No. 3218-4-1NEW-1 and 3218-4-1U-R
7 Chalan Pago, Municipality of Sinajaña, estate No. 65315, each containing a
8 area of 1,347± square meters respectively, as shown on Land Management
9 Map No. 376-FY88, which lots belong to Mr. and Mrs. Patrick Cepeda and
10 Mr. and Mrs. Jose Cepeda, both presently residing thereon, are hereby
11 rezoned from Single Family Residential ("R-1") to Multi-family Residential
12 ("R-2").

13 Section 15. Rezoning. Lot No. 2149-12, situated along Farenholtz
14 Avenue, Oka, Tamuning, Municipality of Dededo, and owned by Mr. and
15 Mrs. Luis and Leonila L.G. Herrero, is hereby rezoned from Multi-family
16 Residential ("R-2") to Commercial ("C").

17 Section 16. (a) Legislative finding. The Legislature has been advised
18 that when properties along and parallel to Route 1 (Marine Drive) were
19 rezoned from Agricultural ("A") to Commercial ("C") to permit the
20 commercialization of the property along Guam's major thoroughfare and
21 highway, the rezoning created problems for those properties whose depth is
22 greater than one hundred feet (100') because the rezoning specified that the
23 rezoning would be applicable only to the front one hundred feet (100') along
24 Route 1. Thus, properties which were more than one hundred feet (100') in
25 depth were effectively "split" zoned with the first one hundred feet (100')
26 zoned as Commercial ("C") and the remaining property remained zoned as
27 Agricultural ("A"). Mrs. Laurent F. Dueñas petitioned the Legislature to

1 consolidate the zoning of her property to the zoning applicable to that port.
2 of the property parallel to Route 1 (Marine Drive). Mrs. Dueñas wishes
3 utilize her property for commercial ventures to enable her to realize the
4 benefits of the property handed down to her by her parents. However, when
5 Mrs. Dueñas went to the Territorial Land Use Commission ("TLUC") on this
6 matter, she was informed that the process would take no less than six months
7 and that it would cost Mrs. Dueñas approximately \$25,000 to hire a large
8 consultant to prepare the applications and appropriate documentation for
9 action by the TLUC. The Legislature finds this unreasonable and
10 unacceptable as the need for the rezoning was created by the government
11 when it permitted the "split zoning". This section therefore amends the
12 zoning map in order to provide just and consistent treatment of Mrs. Dueñas'
13 property.

14 (b) **Rezoning.** The following lots, situated along Route 1 in the
15 Municipality of Yigo, are hereby rezoned from Agricultural ("A") to
16 Commercial ("C"):

17	Lots:	Owner:
18	Lot No. 7023-1-2-2A-R1	Mrs. Laurent F. Dueñas
19	Lot No. 7023-1-2-2A-1	Mrs. Laurent F. Dueñas

20 **Section 17. (a) Legislative finding.** The Legislature finds that certain
21 parcels of land in Inarajan were rezoned for the construction of the hotel
22 known as "Inarajan Shores". Because of this rezoning, the Legislature has
23 been petitioned by several residents in the area requesting equal treatment in
24 the rezoning of their property in order that they may utilize it for its highest
25 and best uses. The Legislature finds that the rezoning of such property in the
26 same area as "Inarajan Shores" poses no problems as existing regulations

1 and building permit procedures are designed to insure compliance w
2 environmental regulations for each project.

3 (b) **Rezoning.** Lot No. 94, situated along Route 4, Inarajan, a
4 belonging to Mariano D. Leon Guerrero and Ana Leon Guerrero, is here
5 rezoned from Agricultural ("A") to Commercial ("C").

6 (c) **Rezoning.** Lot No. 191-1W, situated in Malojloj, Inarajan, record
7 in the Department of Land Management as Instrument No. 27101
8 containing an area of 16,511.77 square feet, owned by Pedro Mantanoi
9 Asanoma and Jane Naputi Asanoma, is hereby rezoned from Single Fami
10 Residential ("R-1") to Multi-family Residential ("R-2").

11 (d) **Rezoning.** Tract 212, Block 7, Lot No. 6-2, situated in Malojlo
12 Inarajan, containing an area of 65,472 square feet, and owned by Ignacio I
13 and Lucille F. Leon Guerrero, is hereby rezoned from Agricultural ("A") t
14 Commercial ("C").

15 (e) **Rezoning.** Lot No. 119, situated in Peca, Inarajan, containing an
16 area of 18,000 square meters, and owned by Ignacio R. and Lucille F. Leon
17 Guerrero, is hereby rezoned from Agricultural ("A") to Commercial ("C").

18 (f) **Rezoning.** Lot 3, Block 3, Tract 212, situated in the Malojloj
19 Subdivision, Inarajan, containing an area of 63,885 square feet, and owned by
20 John T. and Josephine M. Naputi, is hereby rezoned from Agricultural ("A") to
21 Commercial ("C").

22 **Section 18. Rezoning in Agat.** Lots Nos. 194-2-2-1 and 194-2-2-2,
23 situated in the Municipality of Agat, and containing areas of 8,361± square
24 meters and 1,858± square meters, respectively, as shown on Land
25 Management Check Map 370FY72, and belonging to Charles Makapugay,
26 are hereby rezoned from Single Family Residential ("R-1") to Commercial
27 ("C").

1 Section 19. Amendment to zoning maps. The Director of La
2 Management is hereby directed to amend the official zoning maps and
3 other pertinent documents to reflect the zone change made in this Act.

4 Section 20. (a) Findings. The Legislature finds that the setback
5 requirements for the construction of buildings within an agricultural zone are
6 unreasonably restrictive and prevent many citizens of Guam from
7 constructing their homes within lots so zoned. This is particularly true and
8 applicable in parental subdivisions created from agriculturally zoned tracts
9 as well as in single lots purchased in areas where agriculturally zoned tracts
10 were subdivided into acre and half acre lots. The setback requirements that
11 they now exist cause an inefficient utilization of available land absent an
12 overriding necessity for such. Therefore, in order to permit these residents
13 and their families to build homes within agricultural zones, the Legislature
14 finds that it is reasonable to amend the minimum setback requirements for the
15 construction of buildings in agriculturally zoned areas, and in such a manner
16 and to such degree as to permit these individuals and families to build within
17 their properties.

18 (b) Amendment to setback law. §61501 of Title 21, Guam Code
19 Annotated, is hereby repealed and reenacted to read:

20 "§61501. (a) Minimum Yards and Lot Areas Established.
21 No building or structure shall be erected or maintained, nor shall
22 any existing building or structure be altered, enlarged, moved or
23 maintained, on any lot, unless a front yard, a rear yard and two
24 (2) side yards are provided and maintained on such lot. The depth
25 of such front and rear yards and the width of such side yards shall
26 not be less than the depth and width specified in the following
27 Yards and Lot Area table. Further, no lot width or lot area, nor

1 any lot area per dwelling shall be less than that specified in said
2 table. A commercial building to occupy the whole width of a lot
3 must be of four-hour fire resistive construction. If the building to
4 be erected is not of fireproof construction, the side yards of eight
5 feet (8') wide must be provided. In Agricultural ("A") zones, all
6 structures shall have front yards of fifteen feet (15'), rear yards of
7 ten feet (10') from the respective property lines and side yards of
8 not less than eight feet (8') from the respective property lines.

9 (b) The minimum lot width requirement for a parental
10 subdivision within an Agricultural ("A") zone, shall be no less than
11 fifty feet (50'); provided, however, that the total area of the lot
12 shall not be less than five thousand (5,000) square feet.

13 (c) The minimum lot opening for panhandle lots is reduced
14 from twenty feet (20') to fifteen feet (15') for all lots within both
15 agricultural ("A") and residential ("R-1") and ("R-2") zones.

16 (d) The minimum requirement for easements and public
17 rights of way within parental subdivisions shall be no less than
18 forty feet (40')."

19 **Section 21.** Sections 6, 7, 8 and 9 of Public Law 21-60 are hereby
20 repealed and reenacted to read:

21 "Section 6. Authorization to sell. Notwithstanding any
22 other provision of law or of administrative actions taken with
23 respect to the government of Guam lands described in this Act and
24 enacted or taken prior to the enactment of this Act, the Governor
25 of Guam is hereby authorized to subdivide (i) Lot No. 7138-R2,
26 Yigo, containing an area of 928,566 square meters, as shown on
27 Map No. 463FY-91, Municipality of Yigo, (ii) Lot No. 350-R5,

1 containing an area of 565,082 square meters, as shown on Map
2 No. 289FY-79, Municipality of Agat, (iii) Lot No. 10125-R10,
3 containing an area of 1,802,395 square meters, as shown on Map
4 No. 212-FY91, Municipality of Dededo, and (iv) Lot No. 10125-9,
5 containing an area of 283,281 square meters, as shown on Map
6 No. 212-FY91, Municipality of Dededo, into residential lots not
7 exceeding ten thousand (10,000) square feet per lot and to sell such
8 lots at Two Thousand Five Hundred Dollars (\$2,500) each to
9 eligible landless residents of Guam who are U.S. citizens or
10 permanent resident aliens in the order of priority established in
11 this Act.

12 **Section 7. Specific Descriptions of Property.** More
13 specifically, the lots to be subdivided in accordance with Section 6
14 hereof are described as follows:

15 a) Lot No. 7138-R2, Yigo, containing an area of 928,566
16 square meters, as shown on Map No. 463FY-91, Municipality of
17 Yigo.

18 b) Lot No. 350-R5, containing an area of 565,082 square
19 meters, as shown on Map No. 289FY-79, Municipality of Agat.

20 c) Lot No. 10125-R10, containing an area of 1,802,395
21 square meters, as shown on Map No. 212-FY91, Municipality of
22 Dededo.

23 d) Lot No. 10125-9, containing an area of 283,281 square
24 meters, as shown on Map No. 212-FY91, Municipality of Dededo.

25 **Section 8. Base Qualifications.** All applicants for lots
26 within the subdivisions established herein must be:

27 a) U.S. citizens or permanent resident aliens;

- 1 b) legal residents of Guam;
2 c) have attained the age of majority;
3 d) and must not have, or have had, any interest, share or
4 claim in any land or property within the last five (5) years prior to
5 submitting an application hereunder.

6 Applications submitted hereunder shall be considered and
7 construed as affidavits to the effect that the applicant
8 acknowledges the provisions herein and attests to the truthfulness
9 of the statements contained in the application.

10 The Director of Land Management shall cause to be verified
11 all applications through the records of the Department of Land
12 Management to determine and verify that the applicant, in fact,
13 holds no interest, claim or title to any land or property. Any
14 violation or false statements made on the application therefor
15 shall be grounds for the immediate disqualification from eligibility
16 to purchase a lot in the subdivisions created herein.

17 Section 9. Order of Priority. The order of priority
18 preference for the sale of the subdivided lots shall be as follows:

19 a) Those U.S. citizens and/or permanent resident aliens
20 who are legal residents of Guam and are living upon the
21 subdivision sites herein established under a residential land use
22 permit shall be given first preference.

23 b) All U.S. citizens and/or permanent resident aliens who
24 are legal residents of Guam, are landless and are living upon a
25 Land Use Permit site whose homes were damaged by Typhoon
26 Russ, whose disaster relief loan applications were approved and
27 are pending with the U.S. Small Business Administration and are

1 willing to relocate to the subdivision sites established herein shall
2 be given second preference.

3 c) All persons who qualify and are landless, who have
4 lived in the municipality in which the said subdivision is located
5 for a period of no less than ten (10) years shall be given third
6 preference to purchase lots within the subdivisions established
7 herein;

8 d) All persons who qualify and are landless, who are
9 living in the municipality in which the said subdivision is located
10 shall be given fourth preference to purchase lots within said
11 subdivision.

12 e) All bona fide residents of Guam who qualify and are
13 landless and who are residing anywhere on Guam shall be given
14 fifth preference to purchase lots within the subdivisions
15 established herein.

16 f) Only one (1) member per household shall be eligible to
17 purchase a lot within the subdivisions established herein."

18 Section 22. Section 16 of Public Law 21-60 is hereby repealed and
19 reenacted to read:

20 "Section 16. Appropriation. Nine Hundred Thirty-Three
21 Thousand Seven Hundred Fifty Dollars (\$933,750) are
22 appropriated from the General Fund to the Department of Land
23 Management for the perimeter surveying of the subdivision sites
24 authorized in this Act; for topographic surveys and mapping of all
25 the areas; for the development of subdivision schemes; for the
26 lots, blocks and road rights-of-way surveys and maps; and, for
27 the engineering study and cost estimate for infrastructure

1 requirements for the sites. Upon receipt of the cost estimates for
2 infrastructure requirements for both sides, the Director of Land
3 Management shall submit to the Legislature the estimated cost
4 for such requirements and a request for additional appropriations
5 as needed for the purposes established in this Act."

6 Section 23. §61304 of Chapter 61, Title 21, Guam Code
7 Annotated, is hereby repealed and re-enacted to read:

8 "§61304. "A" Rural Zone.

9 (a) Uses permitted:

- 10 (1) One-family dwellings and duplexes.
11 (2) Farming and fisheries, including all types of activities
12 and pursuits customarily carried on in the field of
13 agriculture and fisheries, including the raising of crops and
14 fruits, poultry and livestock, grazing and dairying, tree and
15 other vegetative production whether for commercial or
16 personal uses.
17 (3) Cockpits.
18 (4) Uses customarily accessory to any of the above uses
19 including home occupations, and private automobile
20 parking areas as well as accessory buildings and structures
21 such as private garages, warehouses, barns, corrals or other
22 similar structures.

23 (b) Conditional Uses:

- 24 (1) Parks, playgrounds and community centers.
25 (2) Biological gardens.
26 (3) Schools and churches.
27 (4) Hospitals, sanitariums, and institutional uses.

- 1 (5) Cemeteries.
- 2 (6) Recreational use including golf courses, marinas,
- 3 beaches, swimming pools and accessory residential and
- 4 commercial use.
- 5 (7) Extractive industry.
- 6 (8) Utilities and public facilities.
- 7 (9) Wholesale and retail stores, shops and businesses.
- 8 (10) Automobile service stations, including service shops.
- 9 (11) Accessory uses and structures for the above."

10 **Section 24. (a) Legislative finding.** The Legislature has been
11 advised by the Attorney General and the Governor that certain
12 provisions of Public Law 20-133 make it impossible to issue certificates
13 of titles to those individuals qualified and selected to purchase
14 government land in the Umatac "Land for the Landless" subdivision,
15 and that the following corrective action must be taken in order for these
16 qualified individuals to receive the full benefit of the law.

17 **(b) Repeal and reenactment.** Sections 2 and 3 of Public Law 20-133
18 are hereby repealed and a new Section 2 is enacted to read:

19 "Section 2. Sale of lots. The Governor is authorized to sell
20 the available lots within Tracts 104 and 3241 to those applicants
21 whose eligibility therefor is determined by the Attorney General
22 and the Director of Land Management acting on the basis of the
23 priorities set out in this section, the sale price of each not to exceed
24 Two Thousand Five Hundred Dollars (\$2,500); provided, that
25 those deemed eligible to purchase and who were, on June 28, 1980,
26 residing on any lots in Tract Nos. 104 or 3241 under a Land
27 Management Land Use Permit and continue to reside there, shall

1 receive first preference, and that the lots shall be sold only to
2 persons who are least eighteen (18) years of age, who own no
3 land in Guam, and who are qualified to own land in Guam;
4 provided, however, if a person owns property in Umatac which is
5 not developable as a residential site, then such person may
6 exchange property equal in value for a lot if such person meets the
7 other qualifications set forth in this Act."

8 **Section 25. TLUC affirmative vote requirements.** A new subparagraph
9 (c) is hereby added to §61615 of Title 21, Guam Code Annotated, to read:

10 "(c) Four (4) affirmative votes of its members shall be
11 required to approve any action by the Territorial Land Use
12 Commission, and the chairperson thereof is required to vote on all
13 matters."

PUBLIC LAW NO. 21-72

Bill No. 408 (COR)	Introduced by:	F.R. Santos
Date Became Law: Nov. 27, 1991	J.P. Aguon	E.P. Arriola
Governor's Action: Approved	J.G. Bamba	A.C. Blaz
	M.Z. Bordallo	D.F. Brooks
	H.D. Dierking	E.R. Duenas
	E.M. Espaldon	C.T.C. Gutierrez
	P.C. Lujan	G. Mailloux
	M.D.A. Manibusan	D. Parkinson
	M.J. Reidy	M.C. Ruth
	J.T. San Agustin	D.L.G. Shimizu
	T.V.C. Tanaka	A.R. Unpingco

AN OMNIBUS ACT TO REZONE CERTAIN PARCELS OF LAND IN THE FINILE AREA OF AGAT, IN THE UNGAGUAN AREA OF DEDEDO, IN YIGO, IN LEYANG, BARRIGADA, IN MANGILAO, IN CHALAN PAGO, IN YLIG, YONA, IN BARRIGADA, IN INARAJAN, ON ASARDAS DRIVE, YIGO, IN CHALAN PAGO, IN BARRIGADA, IN SINAJANA, IN TAMUNING, IN YIGO, AND IN AGAT, TO REPEAL SECTION 2 OF PUBLIC LAW 21-56, TO REPEAL AND REENACT §61501, TITLE 21, GUAM CODE ANNOTATED, TO REDUCE SET BACK REQUIREMENTS IN AGRICULTURAL ZONES, TO REPEAL AND REENACT SECTIONS 6, 7, 8, 9, AND 16 OF PUBLIC LAW 21-60 ON SUBDIVIDING CERTAIN GOVERNMENT LAND IN YIGO AND ELSEWHERE, TO REPEAL AND REENACT §61304 OF TITLE 21, GUAM CODE ANNOTATED, TO BROADEN THE DEFINITION OF THE RURAL ("A") ZONE, TO AMEND PUBLIC LAW 20-133 TO CORRECT CERTAIN DEFICIENCIES THEREIN, AND TO ADD SUBPARAGRAPH (c) TO §61615 OF TITLE 21, GUAM CODE ANNOTATED, REQUIRING FOUR AFFIRMATIVE VOTES FOR ACTIONS BY THE TERRITORIAL LAND USE COMMISSION.

- Section 1 ... Legislative Findings.
- Section 2 ... Rezoning parcels of land in Sta. Barbara, Dededo.
- Section 3 ... Rezoning parcels of land in Asarda Drive, Yigo
- Section 4 ... Rezoning parcels of land in Barrigada.
- Section 5 ... Rezoning parcels of land in Mangilao.

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- Section 6 ... Rezoning parcels of land in Maimai Road, Chalan Pago.
- Section 7 ... Legislative Intent.
- Section 8 ... Legislative Findings.
- Section 9 ... Legislative Findings.
- Section 10 ... Rezoning parcels of land in Barrigada.
- Section 11 ... Rezoning parcels of land in Inarajan.
- Section 12 ... Legislative Findings.
- Section 13 ... Rezoning parcels of land in Barrigada Heights.
- Section 14 ... Rezoning parcels of land in Sinajana.
- Section 15 ... Rezoning parcels of land in Tamuning.
- Section 16 ... Legislative Finding.
- Section 17 ... Legislative Finding.
- Section 18 ... Rezoning parcels of land in Agat.
- Section 19 ... Amendment to zoning maps.
- Section 20 ... Legislative Findings.
- Section 21 ... P.L. 21-60:6,7,8 and 9 Repealed and Reenacted.
- Section 22 ... P.L. 21-60:16 Repealed and Reenacted.
- Section 23 ... Title 21 GCA, Chapter 61, §61304 Repealed and Reenacted.
- Section 24 ... Legislative Findings.
- Section 25 ... TLUC affirmative vote requirements.

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

Section 1. (a) **Legislative findings.** The Legislature has been petitioned by the owners of interests in parcels of Basic Lot 170-1New-R4, Agat, Guam, subdivided as an agricultural subdivision in 1969, to have the parcels rezoned from agricultural to single family residential. The individual parcels laid out within the subdivision are one acre and half acre parcels. The Legislature finds that most of these parcels were purchased by individuals acting on behalf of several members of a group of friends or family, each member of the group having a interest in the parcel equivalent to a single residential lot, but when the joint owners of these parcels attempted to further subdivide the parcels into such residential lots, the reparceling was not approved because of the agricultural zoning of the subdivision. A further problem facing the individual owners is that they are unable to obtain certificates of titles for their interests and therefore are unable to obtain any form of financing for constructing their dwellings thereon. The Legislature therefore finds that the rezoning of these parcels from agricultural to single family residential is justified and in the public interest.

(b) **Rezoning.** The following parcels and lots situated in the **Finile** area of the Municipality of Agat, are hereby rezoned from Agricultural ("A") to Single Family Residential ("R1"):

Lots Nos. 1 through 19 of Tract 233 (formerly Lot 170-1New-R4);

Lot No. 170-1New-1;

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Lot No. 170-1New-2;
Lot No. 170-1New-3;
Lot No. 170-1New-4-1;
Lot No. 170-1New-4-2;
Lot No. 170-1New-4-3;
Lot No. 170-1New-4-4;
Lot No. 170-1New-4-5;
Lot No. 170-1New-4-6; and
Lot No. 180-2-R5.

Section 2. Lot 3, Block 3, Tract 137, Villa Santa Barbara, containing an area of 710 square meters, located in Ungaguan, municipality of Dededo, Guam, shown in Land Management Drawing No. ISL11-65D402, owned by Roy F. Ichihara, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

Section 3. Lot No. 7037-3-5-5, situated in Yigo, certificate of title No. 77402, estate No. 61812, Suburban, containing an area of 2,039± square meters, as shown on map drawing No. DRP-4-28-85Y, owned by John Jerry Ignacio, is hereby rezoned from Agriculture ("A") to Multi-family Residential ("R-2").

Section 4. Lot No. 2333-1A-1, situated in Leyang, municipality of Barrigada, Guam, owned by Johnny S.A. Leon Guerrero, is hereby rezoned from Agriculture ("A") to Single Family Residential ("R-1").

Section 5. Lot No. 19.75-9NEW-R-1, situated in Mangilao, Guam, certificate of title No. 88243, Estate No. 65925, Suburban, containing an area of 16,314± square meters, as shown on map drawing No. CSS-08-22-90, L. M. No. 024-FY91, owned by Young C. Sanchez and In Hwan Park, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

Section 6. Lots Nos. 3383-7-1, 3383-7-R1, 3383-6-3, 3383-6-4, 3383-6-2, 3383-8-R1, and 3418, situated adjacent to each other except for Lot No. 3418 which is located across Maimai Road, all in Chalan Pago, municipality of Sinajana, Guam, owned, respectively, by Roy A. Muna, Daniel S. Muna, Daniel S. Muna, Daniel S. Muna, Albert S. Muna, Margaret M. Taitano, Jose C. Taitingfong, are hereby rezoned from Agriculture ("A") to Single Family Residential ("R-1").

Section 7. (a) Legislative intent. Asardas Drive in Yigo intersects Marine Drive, and properties on both sides are presently zoned Agricultural ("A"). In the design and construction of the Yigo sanitary sewer system, residential areas on both sides were served by this infrastructure project, but Asardas Drive was bypassed, although well inhabited, and despite the fact that the government maintains a potable water well adjacent to homes serviced only by septic tanks. The residents have petitioned the Legislature to allow the orderly improvement of their homes through access to a sanitary

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sewer system. There is no public policy to maintain these properties as an agricultural area. It is therefore in the public interest to rezone Asardas Drive to allow the installation of a sewer line.

(b) **Rezoning.** The lots and properties served by Asardas Drive, Municipality of Yigo, Guam, are hereby rezoned from Agriculture ("A") to Single Family Residential ("R-1").

(c) **Design of sewer line.** The Public Utility Agency of Guam ("PUAG") is authorized to expend such sums as may be necessary to design a sewer line to serve Asardas Drive, Yigo. PUAG shall submit to the Legislature a request for the funds necessary to commence and complete construction of such sewer line upon completion of the design and cost estimates.

Section 8. (a) Legislative findings. The Legislature is aware that residents are purchasing parcels of land situated in Agricultural ("A") zones, containing areas of less than one half acre, but which parcels meet the requirements for single family residential lots, in order to build their homes. The Legislature finds that the majority of the purchases are by individual families whose sole purpose in the purchase of said property is the construction of a home for their families. These families have petitioned the Legislature for assistance in rezoning their property in order that they may obtain title to their lots in order to secure mortgage loans to build their homes. The Legislature finds that the request is not unreasonable and that because it addresses a critical need being experienced in other areas of the island, finds that the rezoning is in the public interest.

(b) **Rezoning.** Lot No. 5420-1-5-R2, Mangilao, as designated on Land Management Drawing No. DWG RTDC-01-1290 and which belongs to Tomas Fergurgur and wife, is hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

Section 9. (a) Finding. The Legislature is aware of the increase in the number of residential dwellings built and being built along Route 17, in the Yona-Windward Hills-Talofofu area, and the increasing number of families electing to live in the relative peace and quiet of that area. Likewise, the Legislature is aware of an increasing need for child care facilities, i.e., nurseries and day care centers, in the area in order that working parents may be able to have their children, in particular, pre-school children, cared for during the regular working day. The owners of Lots Nos. 90-C-1-4 and 90-C-1-4 in Yona, Alfred and Rose Bordallo, have expressed their desire to build a day care center on their property situated on Route 17 which property is advantageously located relative to the Baza Gardens subdivisions, Windward Hills and the soon to open Miyama Hills project and to traffic to and from Talofofu and other southern areas. The advantageous location of these parcels to vehicular traffic makes these parcels extremely suitable for a day care center, particu-

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larly for those residents of the south commuting to and from their work sites in the northern sectors of the island. The Legislature finds that this suitability and the desire of the owners to build a day care center will provide a much needed service to the people of that area of Guam.

(b) **Rezoning.** The following lots in Ylig, Municipality of Yona, and owned by Alfred T. Bordallo and Rose L. Bordallo, are hereby rezoned from Agricultural ("A") to Commercial ("C"):

Lot Numbers:	Areas in square meters:
90-C-1-4	1,886 ± square meters
90-C-1-R4	1,866 ± square meters.

Section 10. Rezoning in Barrigada. (a) Lot No. 4-2, Block No. 4, Tract 115, Barrigada, Guam, Estate No. 62969, Suburban, containing an area of 1,858 square meters, and owned by Mariana Espangel, is hereby rezoned from Agriculture ("A") to Multi-family Residential ("R-2").

(b) Lot No. 1087-REM, Barrigada, Guam, as shown on Department of Land Management Instrument No. 25354, with an area of 3,746.05 square meters, and owned by Frank D. Perez, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

(c) Lot No. 1020 REM-3, Barrigada, Guam, as shown on Department of Land Management Instrument No. 428817, with an area of 801± square meters, and owned by Luis L. Duenas, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

(d) Lot No. 1020 REM-R3, Barrigada, Guam, as shown on Department of Land Management Instrument No. 335161, with an area of 22, 611± square meters, and owned by Maria Camacho Damian, is hereby rezoned from Single Family Residential ("R-1") to Commercial ("C")

Section 11. Rezoning in Inarajan. Lot No. 138-R1, Municipality of Inarajan, containing an area of Seven Hundred Twenty-Nine and Eighty-Three One Hundredths (729.83) square meters, and owned by Mr. Billy G. and Mrs. Madlyn J. Kirkland, is hereby rezoned from Agricultural ("A") to Single Family Residential ("R-1").

Section 12. (a) Legislative findings. The Legislature finds that Mr. and Mrs. Gonzalo S. Alegarbes have been conducting a business on their parcel of property situated along Route 10 at the intersection of Route 10 and Route 4, since 1963 to the present. The Legislature has been apprised that for the last twenty-eight years the zoning on that parcel of property has been as single family residential and so the Alegarbes have been forced to secure their business license on a year-to-year conditional basis. The Legislature finds that this is unjust to the Alegarbes and that a permanent rezoning of

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the property on which the Alegarbes conduct their business is justified.

(b) **Rezoning.** Lots Nos. 3262-1B-1NEW and 3262-1B-2, situated in Chalan Pago, Municipality of Sinajana, and belonging to Mr. and Mrs. Gonzalo S. Alegarbes, are hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

Section 13. Rezoning. Lot No. 3-1, Block D, Tract 9, Barrigada Heights, Municipality of Barrigada, as shown on Land Management Map No. 441271, and containing an area of 3,716 square meters, belonging to Francisco A. Rivera, is hereby rezoned from Agricultural ("A") to Multi-family Residential ("R-2").

Section 14. Rezoning. Lot No. 3218-4-1NEW-1 and 3218-4-1U-R1, Chalan Pago, Municipality of Sinajana, estate No. 65315, each containing an area of 1,347± square meters respectively, as shown on Land Management Map No. 376-FY88, which lots belong to Mr. and Mrs. Patrick Cepeda and Mr. and Mrs. Jose Cepeda, both presently residing thereon, are hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

Section 15. Rezoning. Lot No. 2149-12, situated along Farenholt Avenue, Oka, Tamuning, Municipality of Dededo, and owned by Mr. and Mrs. Luis and Leonila L.G. Herrero, is hereby rezoned from Multi-family Residential ("R-2") to Commercial ("C").

Section 16. (a) Legislative finding. The Legislature has been advised that when properties along and parallel to Route 1 (Marine Drive) were rezoned from Agricultural ("A") to Commercial ("C") to permit the commercialization of the property along Guam's major thoroughfare and highway, the rezoning created problems for those properties whose depth is greater than one hundred feet (100') because the rezoning specified that the rezoning would be applicable only to the front one hundred feet (100') along Route 1. Thus, properties which were more than one hundred feet (100') in depth were effectively "split" zoned with the first one hundred feet (100') zoned as Commercial ("C") and the remaining property remained zoned as Agricultural ("A"). Mrs. Laurent F. Duenas petitioned the Legislature to consolidate the zoning of her property to the zoning applicable to that portion of the property parallel to Route 1 (Marine Drive). Mrs. Duenas wishes to utilize her property for commercial ventures to enable her to realize the benefits of the property handed down to her by her parents. However, when Mrs. Duenas went to the Territorial Land Use Commission ("TLUC") on this matter, she was informed that the process would take no less than six months and that it would cost Mrs. Duenas approximately \$25,000 to hire a land consultant to prepare the applications and appropriate documentation for action by the TLUC. The Legislature finds this unreasonable and unacceptable as the need for the rezoning was created by the government when it

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permitted the "split zoning". This section therefore amends the zoning map in order to provide just and consistent treatment of Mrs. Duenas' property.

(b) **Rezoning.** The following lots, situated along Route 1 in the Municipality of Yigo, are hereby rezoned from Agricultural ("A") to Commercial ("C"):

Lots:	Owner:
Lot No. 7023-1-2-2A-R1	Mrs. Laurent F. Duenas
Lot No. 7023-1-2-2A-1	Mrs. Laurent F. Duenas

Section 17. (a) Legislative finding. The Legislature finds that certain parcels of land in Inarajan were rezoned for the construction of the hotel known as "Inarajan Shores". Because of this rezoning, the Legislature has been petitioned by several residents in the area requesting equal treatment in the rezoning of their property in order that they may utilize it for its highest and best uses. The Legislature finds that the rezoning of such property in the same area as "Inarajan Shores" poses no problems as existing regulations and building permit procedures are designed to insure compliance with environmental regulations for each project.

(b) **Rezoning.** Lot No. 94, situated along Route 4, Inarajan, and belonging to Mariano D. Leon Guerrero and Ana Leon Guerrero, is hereby rezoned from Agricultural ("A") to Commercial ("C").

(c) **Rezoning.** Lot No. 191-1W, situated in Malojloj, Inarajan, recorded in the Department of Land Management as Instrument No. 271017, containing an area of 16,511.77 square feet, owned by Pedro Mantanona Asanoma and Jane Naputi Asanoma, is hereby rezoned from Single Family Residential ("R-1") to Multi-family Residential ("R-2").

(d) **Rezoning.** Tract 212, Block 7, Lot No. 6-2, situated in Malojloj, Inarajan, containing an area of 65,472 square feet, and owned by Ignacio R. and Lucille F. Leon Guerrero, is hereby rezoned from Agricultural ("A") to Commercial ("C").

(e) **Rezoning.** Lot No. 119, situated in Peca, Inarajan, containing an area of 18,000 square meters, and owned by Ignacio R. and Lucille F. Leon Guerrero, is hereby rezoned from Agricultural ("A") to Commercial ("C").

(f) **Rezoning.** Lot 3, Block 3, Tract 212, situated in the Malojloj Subdivision, Inarajan, containing an area of 63,885 square feet, and owned by John T. and Josephine M. Naputi, is hereby rezoned from Agricultural ("A") to Commercial ("C").

Section 18. Rezoning in Agat. Lots Nos. 194-2-2-1 and 194-2-2-2, situated in the Municipality of Agat, and containing areas of 8,361± square meters and 1,858± square meters, respectively, as

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shown on Land Management Check Map 370FY72, and belonging to Charles Makapugay, are hereby rezoned from Single Family Residential ("R-1") to Commercial ("C").

Section 19. Amendment to zoning maps. The Director of Land Management is hereby directed to amend the official zoning maps and all other pertinent documents to reflect the zone change made in this Act.

Section 20. (a) Findings. The Legislature finds that the setback requirements for the construction of buildings within an agricultural zone are unreasonably restrictive and prevent many citizens of Guam from constructing their homes within lots so zoned. This is particularly true and applicable in parental subdivisions created from agriculturally zoned tracts, as well as in single lots purchased in areas where agriculturally zoned tracts were subdivided into acre and half acre lots. The setback requirements as they now exist cause an inefficient utilization of available land absent any overriding necessity for such. Therefore, in order to permit these residents and their families to build homes within agricultural zones, the Legislature finds that it is reasonable to amend the minimum setback requirements for the construction of buildings in agriculturally zoned areas, and in such a manner and to such degree as to permit these individuals and families to build within their properties.

(b) Amendment to setback law. §61501 of Title 21, Guam Code Annotated, is hereby repealed and reenacted to read:

"§61501. (a) Minimum Yards and Lot Areas Established.

No building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved or maintained, on any lot, unless a front yard, a rear yard and two (2) side yards are provided and maintained on such lot. The depth of such front and rear yards and the width of such side yards shall not be less than the depth and width specified in the following **Yards and Lot Area** table. Further, no lot width or lot area, nor any lot area per dwelling shall be less than that specified in said table. A commercial building to occupy the whole width of a lot must be of four-hour fire resistive construction. If the building to be erected is not of fireproof construction, the side yards of eight feet (8') wide must be provided. In Agricultural ("A") zones, all structures shall have front yards of fifteen feet (15'), rear yards of ten feet (10') from the respective property lines and side yards of not less than eight feet (8') from the respective property lines.

(b) The minimum lot width requirement for a parental subdivision within an Agricultural ("A") zone, shall be no less than fifty feet (50'); provided, however, that the total area of the lot shall not be less than five thousand (5,000) square feet.

(c) The minimum lot opening for panhandle lots is reduced from twenty feet (20') to fifteen feet (15') for all lots within

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both agricultural ("A") and residential ("R-1" and "R-2") zones.

(d) The minimum requirement for easements and public rights of way within parental subdivisions shall be no less than forty feet (40')."

Section 21. Sections 6, 7, 8 and 9 of Public Law 21-60 are hereby repealed and reenacted to read:

"Section 6. Authorization to sell. Notwithstanding any other provision of law or of administrative actions taken with respect to the government of Guam lands described in this Act and enacted or taken prior to the enactment of this Act, the Governor of Guam is hereby authorized to subdivide (i) Lot No. 7138-R2, Yigo, containing an area of 928,566 square meters, as shown on Map No. 463FY-91, Municipality of Yigo, (ii) Lot No. 350-R5, containing an area of 565,082 square meters, as shown on Map No. 289FY-79, Municipality of Agat, (iii) Lot No. 10125-R10, containing an area of 1,802,395 square meters, as shown on Map No. 212-FY91, Municipality of Dededo, and (iv) Lot No. 10125-9, containing an area of 283,281 square meters, as shown on Map No. 212-FY91, Municipality of Dededo, into residential lots not exceeding ten thousand (10,000) square feet per lot and to sell such lots at Two Thousand Five Hundred Dollars (\$2,500) each to eligible landless residents of Guam who are U.S. citizens or permanent resident aliens in the order of priority established in this Act.

Section 7. Specific Descriptions of Property. More specifically, the lots to be subdivided in accordance with Section 6 hereof are described as follows:

- a) Lot No. 7138-R2, Yigo, containing an area of 928,566 square meters, as shown on Map No. 463FY-91, Municipality of Yigo.
- b) Lot No. 350-R5, containing an area of 565,082 square meters, as shown on Map No. 289FY-79, Municipality of Agat.
- c) Lot No. 10125-R10, containing an area of 1,802,395 square meters, as shown on Map No. 212-FY91, Municipality of Dededo.
- d) Lot No. 10125-9, containing an area of 283,281 square meters, as shown on Map No. 212-FY91, Municipality of Dededo.

Section 8. Base Qualifications. All applicants for lots within the subdivisions established herein must be:

- a) U.S. citizens or permanent resident aliens;
- b) legal residents of Guam;
- c) have attained the age of majority;
- d) and must not have, or have had, any interest, share or claim in any land or property within the last five (5) years prior to submitting an application hereunder.

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Applications submitted hereunder shall be considered and construed as affidavits to the effect that the applicant acknowledges the provisions herein and attests to the truthfulness of the statements contained in the application.

The Director of Land Management shall cause to be verified all applications through the records of the Department of Land Management to determine and verify that the applicant, in fact, holds no interest, claim or title to any land or property. Any violation or false statements made on the application therefor shall be grounds for the immediate disqualification from eligibility to purchase a lot in the subdivisions created herein.

Section 9. Order of Priority. The order of priority preference for the sale of the subdivided lots shall be as follows:

a) Those U.S. citizens and/or permanent resident aliens who are legal residents of Guam and are living upon the subdivision sites herein established under a residential land use permit shall be given first preference.

b) All U.S. citizens and/or permanent resident aliens who are legal residents of Guam, are landless and are living upon a Land Use Permit site whose homes were damaged by Typhoon Russ, whose disaster relief loan applications were approved and are pending with the U.S. Small Business Administration and are willing to relocate to the subdivision sites established herein shall be given second preference.

c) All persons who qualify and are landless, who have lived in the municipality in which the said subdivision is located for a period of no less than ten (10) years shall be given third preference to purchase lots within the subdivisions established herein;

d) All persons who qualify and are landless, who are living in the municipality in which the said subdivision is located shall be given fourth preference to purchase lots within said subdivision.

e) All bona fide residents of Guam who qualify and are landless and who are residing anywhere on Guam shall be given fifth preference to purchase lots within the subdivisions established herein.

f) Only one (1) member per household shall be eligible to purchase a lot within the subdivisions established herein."

Section 22. Section 16 of Public Law 21-60 is hereby repealed and reenacted to read:

"**Section 16. Appropriation.** Nine Hundred Thirty-Three Thousand Seven Hundred Fifty Dollars (\$933,750) are appropriated from the General Fund to the Department of Land Management for the perimeter surveying of the subdivision sites authorized in this Act; for topographic surveys and mapping of all the areas; for the development of subdivision schemes; for the lots, blocks and road rights-of-way surveys and maps; and,

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for the engineering study and cost estimate for infrastructure requirements for the sites. Upon receipt of the cost estimates for infrastructure requirements for both sides, the Director of Land Management shall submit to the Legislature the estimated cost for such requirements and a request for additional appropriations as needed for the purposes established in this Act."

Section 23. Section 61304 of Chapter 61, Title 21, Guam Code Annotated, is hereby repealed and re-enacted to read:

"§61304. "A" Rural Zone. (a) Uses permitted:

(1) One-family dwellings and duplexes.
(2) Farming and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production whether for commercial or personal uses.

(3) Cockpits.

(4) Uses customarily accessory to any of the above uses including home occupations, and private automobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures.

(b) Conditional Uses:

(1) Parks, playgrounds and community centers.

(2) Biological gardens.

(3) Schools and churches.

(4) Hospitals, sanitariums, and institutional uses.

(5) Cemeteries.

(6) Recreational use including golf courses, marinas, beaches, swimming pools and accessory residential and commercial use.

(7) Extractive industry.

(8) Utilities and public facilities.

(9) Wholesale and retail stores, shops and businesses.

(10) Automobile service stations, including service shops.

(11) Accessory uses and structures for the above."

Section 24. (a) Legislative finding. The Legislature has been advised by the Attorney General and the Governor that certain provisions of Public Law 20-133 make it impossible to issue certificates of titles to those individuals qualified and selected to purchase government land in the Umatac "Land for the Landless" subdivision, and that the following corrective action must be taken in order for these qualified individuals to receive the full benefit of the law.

(b) Repeal and reenactment. Sections 2 and 3 of Public Law 20-133 are hereby repealed and a new Section 2 is enacted to read:

P.L. No. 21-72

"Section 2. Sale of lots. The Governor is authorized to sell the available lots within Tracts 104 and 3241 to those applicants whose eligibility therefor is determined by the Attorney General and the Director of Land Management acting on the basis of the priorities set out in this section, the sale price of each not to exceed Two Thousand Five Hundred Dollars (\$2,500); provided, that those deemed eligible to purchase and who were, on June 28, 1980, residing on any lots in Tract Nos. 104 or 3241 under a Land Management Land Use Permit and continue to reside there, shall receive first preference, and that the lots shall be sold only to persons who are least eighteen (18) years of age, who own no land in Guam, and who are qualified to own land in Guam; provided, however, if a person owns property in Umatac which is not developable as a residential site, then such person may exchange property equal in value for a lot if such person meets the other qualifications set forth in this Act."

Section 25. TLUC affirmative vote requirements. A new subparagraph (c) is hereby added to §61615 of Title 21, Guam Code Annotated, to read:

"(c) Four (4) affirmative votes of its members shall be required to approve any action by the Territorial Land Use Commission, and the chairperson thereof is required to vote on all matters."

PUBLIC LAW NO. 21-73

Bill No. 18 (LS)	Introduced by:	G. Mailloux
Date Became Law: Jan 24, 1992	M.D.A. Manibusan	M.J. Reidy
Governor's Action: Approved	J.P. Aguon	E.P. Arriola
	J.G. Bamba	A.C. Blaz
	M.Z. Bordallo	D.F. Brooks
	H.D. Dierking	E.R. Duenas
	E.M. Espaldon	C.T.C. Gutierrez
	P.C. Lujan	D. Parkinson
	M.C. Ruth	J.T. San Agustin
	F.R. Santos	D.L.G. Shimizu
	T.V.C. Tanaka	A.R. Unpingco

AN ACT TO INSTITUTE A PAINLESS
GOVERNMENT OF GUAM ALUMINUM CAN
RECYCLING PROGRAM.

Section 1... Short Title. "GovGuam Aluminum Container
Recycling Act."
Section 2... Legislative Intent.
Section 3... General Provisions.

21-72

SEVENTY-FIRST GUAM LEGISLATURE
1991 (FIRST) Regular Session

6
Date: 11/8/91

VOTING SHEET

Bill No. 408
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.			✓	

17 2 2

TWENTY FIRST GUAM LEGISLATURE
FIRST REGULAR (1991) SESSION

Introduced

Bill No. 408 (COR)

JUN 04 '91

Introduced by:

F.R. Santos

AN ACT TO REZONE CERTAIN PARCELS OF
PRIVATELY OWNED PROPERTY IN THE FINILE
AREA OF AGAT FROM AGRICULTURAL (A) TO
SINGLE FAMILY DWELLINGS (R1).

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

3
4 Section 1. The Guam Legislature has been approached by the
5 individual owners of interests in parcels of Basic Lot 170-1New-R4,
6 subdivided as an agricultural subdivision in 1969, in an effort to have said
7 parcels rezoned from Agricultural (A) to Single Family Dwellings (R1).
8 When the individual parcels of said subdivision were sold, they were sold
9 as one acre and half acre parcels. The Legislature has subsequently
10 ascertained that the purchase of a majority of those parcels were made by
11 individuals acting on behalf of several members of a group of friends or
12 family; each member retaining a percentage interest the equivalent on a
13 single residential lot. When the owners of these parcels attempted to
14 further subdivide the parcels into residential lots, the parceling was not
15 approved because of the Agricultural zoning of the subdivision. A further
16 problem confronted by the individual owners in interest is that they are
17 unable to obtain certificates of titles for their interests and therefore are
18 unable to obtain any form of financing for the building of homes. As a
19 good majority of these owners have now approached the Legislature
20 requesting assistance in the form of rezoning so that they may be able to
21 secure certificates of title for subsequent home mortgages, the Legislature
22 finds that the rezoning of these parcels from Agricultural (A) to Single
23 Family Dwellings (R1) is justified.

24

1 Section 2. The parcels and lots, hereinafter listed, and situated in
2 the Finile area of the Municipality of Agat, are hereby rezoned from
3 Agricultural (A) to Single Family Dwellings (R1):
4

- 5 a) Lots No. 1 thru 19 of Tract 233 (formerly Lot 170-1New-R4)
- 6 b) Lot No. 170-1New-1;
- 7 c) Lot No.170-1New-2;
- 8 d) Lot No. 170-1New-3;
- 9 e) Lot No. 170-1New-4-1;
- 10 f) Lot No. 170-1New-4-2;
- 11 g) Lot No. 170-1New-4-3;
- 12 h) Lot No. 170-1New-4-4;
- 13 i) Lot No. 170-1New-4-5;
- 14 j) Lot No. 170-1New-4-6;
- 15 k) Lot No. 180-2-R5

16
17 Section 3. The Director of Land Management is hereby instructed to
18 amend official zoning maps and all other pertinent documents to reflect
19 the zone changes authorized herein.