



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Allefin</u>
Time	<u>11:14</u>
Date	<u>12/6/95</u>

DEC 05 1995

The Honorable Ted S. Nelson
Acting Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Office of VICE-SPEAKER TED S. NELSON	
Received by	
<u>Robbi</u>	<u>bc</u>
Print Name	Initial
Date: <u>12.6.95</u>	Time: <u>10:02</u>

Dear Speaker Nelson:

Enclosed please find a copy of Bill No. 277 (LS), "AN ACT TO AMEND SUBSECTION (a) OF §62105 AND TO AMEND §62108.1, RELATIVE TO AGRICULTURAL SUBDIVISION REQUIREMENTS, AND TO AMEND SUBSECTION (c) OF §61501, RELATIVE TO MINIMUM YARDS AND LOT AREAS, ALL IN TITLE 21 OF THE GUAM CODE ANNOTATED", which I have signed into law today as **Public Law No. 23-59**.

While somewhat awkwardly phrased, this legislation corrects some discrepancies in the zoning law which occurred with the passage of Public Law 22-161. That public law reduced the minimum lot size required in an agricultural subdivision from 20,000 square meters to 10,000 square meters. Rather inconsistently with the reduction in minimum lot size, the setback requirements, however, were increased to those in effect prior to Public Law 21-72: 25 feet front, 15 feet rear, and 8 feet for side yards. These had been reduced by Public Law 21-72 to 15 feet front, 10 feet rear, and 8 feet for the side yards.

Another discrepancy introduced in Public Law 22-161 is that a subdivider of Agricultural lots must provide, in addition to the base requirements of water, power, telephone, fire hydrants, and roads, such indices of residential subdivisions as concrete curbs, gutters, sidewalks, and paved roads. This turns an agricultural subdivision into a residential subdivision and makes it cost-prohibitive to subdivide agricultural lots. Bill No. 277 removes the requirement of placing concrete curbs, gutters, sidewalks, and

paved roads in an agricultural subdivision, while still maintaining the other requirements.

Bill No. 277 also allows the current GEPA requirements to be applied to agricultural lots throughout the island, except for agricultural lots located over the Northern Aquifer. For example, normally, where no sewer is available, lots must be 10,000 square feet to accommodate a septic tank and leaching field. The Guam Environmental Protection Agency, however, may inspect a particular property and, if percolation is adequate, a lot size as small as 7,000 square feet may be allowed to have a septic tank and leaching field. Over the Northern Aquifer, Bill No. 277 requires a 10,000 square foot minimum lot size, and this 10,000 square foot minimum lot must be connected to a sewer system.

This legislation can be further improved by specifying that the sewer requirements apply to lots located over the "Ground Water Protection Zone", rather than the "Northern Aquifer". This terminology is consistent with the exact areas of Guam's water supply that are protected. This terminology is used in the Ground Water Lens Study completed in 1982.

Very truly yours,



Carl T. C. Gutierrez

Attachment

230891

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 277 (LS), "AN ACT TO AMEND SUBSECTION (a) OF §62105 AND TO AMEND §62108.1, RELATIVE TO AGRICULTURAL SUBDIVISION REQUIREMENTS, AND TO AMEND SUBSECTION (c) OF §61501, RELATIVE TO MINIMUM YARDS AND LOT AREAS, ALL IN TITLE 21 OF THE GUAM CODE ANNOTATED," was on the 22nd day of November, 1995, duly and regularly passed.



DON PARKINSON
Speaker

Attested:




JUDITH WON PAT-BORJA
Senator and Legislative Secretary

This Act was received by the Governor this 29th day of November,
1995, at 4:55 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 12-5-95

Public Law No. 23-59

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 277 (LS)

Introduced by:

A. L. G. Santos
T. S. Nelson
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. S. Brown
F. P. Camacho
M. C. Charfauros
H. A. Cristobal
M. Forbes
A. C. Lamorena V
C. Leon Guerrero
L. Leon Guerrero
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

AN ACT TO AMEND SUBSECTION (a) OF §62105 AND
TO AMEND §62108.1, RELATIVE TO AGRICULTURAL
SUBDIVISION REQUIREMENTS, AND TO AMEND
SUBSECTION (c) OF §61501, RELATIVE TO MINIMUM
YARDS AND LOT AREAS, ALL IN TITLE 21 OF THE
GUAM CODE ANNOTATED.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1. Legislative Statement.** The Guam Legislature finds that
3 certain amendments contained in Public Law 22-161 affecting agricultural

1 subdivisions and minimum yards and lot areas contradict and defeat the
2 intent behind those amendments. In order for owners of real property zoned
3 Agricultural or within an agricultural subdivision to enjoy full rights and
4 privileges, the contradictory language in Section 5 of Public Law 22-161 must
5 be amended.

6 **Section 2.** Subsection (a) of §62105, Title 21, Guam Code Annotated, is
7 amended to read:

8 "(a) *Agricultural Subdivision* shall mean a subdivision having no lots,
9 parcels or sites smaller than ten thousand (10,000) square feet, except when
10 located on top of the Northern Aquifer, the minimum ten thousand (10,000)
11 square foot lot must be connected to a public or other EPA-approved sewer
12 system, and in which all lots, parcels or sites are used principally for
13 agriculture, single family resident sites or as an agriculture-homesite
14 combination; except that the term *Agricultural Subdivision* shall include a
15 subdivision resulting from distribution by the court pursuant to §62104(a) or
16 (b) of this Chapter with no lots, parcels or sites smaller than ten thousand
17 (10,000) square feet, with sewer connection or other EPA-certified sewage
18 disposal only if located over the Northern Aquifer, and in which all lots,
19 parcels or sites are used principally for agriculture, single family sites, or as
20 an agricultural homestead combination."

21 **Section 3.** §62108.1 of Title 21, Guam Code Annotated, is amended to
22 read:

23 "§62108.1. **Agricultural subdivision requirements.** (a) Any person or
24 persons subdividing agriculturally-zoned land into six (6) or more lots,
25 parcels or sites that are less than twenty thousand (20,000) square feet per lot
26 with the intention of selling three (3) or more of the subdivided lots shall be

1 required to make improvements consistent with §62108 of Title 21 of the
2 Guam Code Annotated.

3 (b) In agriculturally zoned areas and agricultural subdivisions with lots,
4 parcels or sites less than twenty thousand (20,000) square feet, when located
5 over the Northern Aquifer, all lots must meet the requirements set forth in
6 §12214.2(c), of Chapter B, Title 13, of the Administrative Rules and
7 Regulations of the government of Guam before final approval on adequate
8 lot sizes can be given."

9 **Section 4.** §61501 of Title 21, Guam Code Annotated, is amended to
10 read:

11 "§61501. **Minimum Yards and Lot Areas Established.** No building or
12 structure shall be erected or maintained, nor shall any existing building or
13 structure be altered, enlarged, moved or maintained, on any lot, unless a
14 front yard, a rear yard and two (2) side yards are provided and maintained on
15 such a lot. The depth of such front and rear yards and the width of such side
16 yards shall not be less than the depth and width specified in the following
17 Yards and Lot Area table. Further, no lot width or lot area, nor any lot area
18 per dwelling shall be less than that specified in said table. A commercial
19 building to occupy the whole width of a lot must be of four-hour fire resistive
20 construction. If party walls are to be erected, the written consent of the
21 owners of adjacent lots must be obtained as a prerequisite for the issuance of
22 a building permit to start construction. If the building to be erected is not of
23 fireproof construction, the side yards of eight (8) feet must be provided. In the
24 rural (A) Zone, all structures shall have a front yard of fifteen (15) feet, a rear
25 yard of ten (10) feet, and side yards of eight (8) feet. The width of each lot
26 shall be no less than fifty (50) feet with an area equal to or greater than ten
27 thousand square feet, provided that no lot shall have a length to width

1 relationship that exceeds a 3 to 1 ratio. The lot area per dwelling unit in the
2 Rural Zone (A) shall not be less than ten thousand (10,000) square feet without
3 sewer connection only if located on top of the Northern Aquifer."

TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 11/22/95

VOTING SHEET

Bill No. 277

Resolution No. _____

Question: on the passage

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, -MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.				✓
UNPINGCO, Antonio R.				✓
WONPAT-BORJA, Judith	✓			

TOTAL 19 0 0 2

CERTIFIED TRUE AND CORRECT:

Recording Secretary

Memo to Director, DPW
April 26, 1996
Page 2

The Superior Court of Guam has issued its Decision of Appeal and Order of Reversal and Remand in Yard and Lot Area Table Case No. 96-1082-01. In part, that Order reads:

Plaintiff's (herein) claim that defendant's (herein) actions were taken by or for defendant's employees in violation of the provisions of Title 48, Chapter 10, Section 101501 of the Guam Code of Regulations is without merit because it is not a public employee. Plaintiff's claim that defendant's actions were taken in violation of Title 48, Chapter 10, Section 101501 of the Guam Code of Regulations is also without merit because it is not a public employee. (Emphasis added.)

The Director of the Department of Land Management inquired whether the Yard and Lot Area Table is still in effect.

Director:

Given the current state of the law and considering the Department's position, it is our view it would be difficult to continue to enforce the requirements of the Yard and Lot Area Table.

Therefore, until the consequences of a writ of mandamus are fully resolved, it appears as though the government is without authority to enforce the Yard and Lot Area Table. This does not mean, however, that the government has a lack of enforcement authority until the consequences of the writ are fully resolved. The matter is currently at least two years old. The current language of Title 48, Chapter 10, Section 101501 of the Guam Code of Regulations was amended in 1994. It is unclear whether the amendments were intended to apply to the Table. We believe the first amendment of 1994 was intended to apply to the Table.

It is recommended that the Department be advised of the current state of the law and that the Department be advised of the consequences of a writ of mandamus. It is also recommended that the Department be advised of the consequences of a writ of mandamus. It is also recommended that the Department be advised of the consequences of a writ of mandamus.

Given the current state of the law and considering the Department's position, it is our view it would be difficult to continue to enforce the requirements of the Yard and Lot Area Table.

1947-1948

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1947-1948

1947-1948

1947-1948

1947-1948

1947-1948

Article 5
 Yard and Area Regulations

- Part
1. Yard and Area.
 2. Accessory Buildings.
 3. Nonconforming Buildings and Uses.
 4. Automobile Parking and Loading Space Regulations.
 5. Sign Regulations.
 6. Junk Yards.

 Part 1
 Yard and Area

- §61501. Minimum Yards and Lot Areas Established.
 §61502. General Yard and Area Requirements.
 §61503. Exceptions to Yard and Area Regulations.
 §61504. Statement of Purpose: Building and Building Height Restrictions in Beach Areas.

A 23-59:4 → §61501. 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 a 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 party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite

for the issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, the side yards of eight (8) feet must be provided. In the rural (A) Zone, all structures shall have a front yard of twenty-five (25) feet, a rear yard of fifteen (15) feet and side yards of eight (8) feet. The width of each lot shall be one hundred (100) feet in an area of not less than ten thousand square feet. The lot area per dwelling unit in the Rural Zone (A) shall not be less than five thousand (5,000) square feet with sewer connection (if located on top of the Northern Aquifer).

SOURCE: Repealed/reenacted by P.L. 21-72:20(b) (11/27/91). Amended by P.L. 22-161:5(c) (12/30/94).

NOTE: Prior to this latest repeal and reenactment, 21 GCA §61501 contained a table of Yard and Lot Areas, which were a part of §17200 of the Govt. Code (the source of this Section) as amended by P.L. 15-57:7. This section, as repealed and reenacted, contains no such table. Because this table still has potential use, the Compiler has included the Table as adopted by P.L. 15-57 below.

YARD AND LOT AREA

	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Lot Width	Lot Area	Lot Area Per Dwelling Unit
Single Family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	5,000 sq. ft.
Multi-family	15 ft.	10 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
Commercial	-----	20 ft.	-----	20 ft.	2,000 sq. ft.	400 sq. ft.
Light Industrial	-----	20 ft.	8 ft.	50 ft.	5,000 sq. ft.	1,250 sq. ft.
Heavy Industrial	25 ft.	25 ft.	15 ft.	120 ft.	40,000 sq. ft.	-----

Unless facilities are otherwise provided for loading, the rear yard must be no less than 20 feet in depth.



Ufisinan I TaoTao Tano'
Senator Angel L.G. Santos
Chairman, Committee on Community,
Housing, and Cultural Affairs
23rd Guam Legislature

September 1, 1995

Speaker Don Parkinson
Twenty-Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

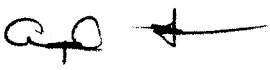
Dear Mr. Speaker:

The Committee on Community, Housing, and Cultural Affairs hereby reports back to the Legislature on its action and findings relative to **Bill No. 277**- An act to amend subsection (a) of §62105 and to amend §62108.1, relative to agricultural subdivision requirements, and to amend subsection (c) of §61501, relative to minimum yards and lot areas, all in Title 21 of the Guam Code Annotated.

The voting record is as follows:

TO PASS	<u>7</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
INACTIVE FILE	<u>0</u>

The Committee Report and supporting documents are attached.


ANGEL L.G. SANTOS
attachments



Commonwealth Pa'go!



Ufisinan I TaoTao Tano'
Senator Angel L.G. Santos

Chairman, Committee on Community,
Housing, and Cultural Affairs
23rd Guam Legislature

July 20, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report on **Bill No. 277**- An act to amend subsection (a) of §62105 and to amend §62108.1, relative to agricultural subdivision requirements, and to amend subsection (c) of §61501, relative to minimum yards and lot areas, all in Title 21 of the Guam Code Annotated.

Transmitted herewith for your consideration and action is our Committee Report on the subject matter.

Please indicate your choice on the attached VOTING RECORD and return the documents to my office for transmittal to the other members.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Your attention and cooperation in this matter are greatly appreciated.

ANGEL L.G. SANTOS
attachments



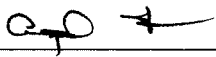
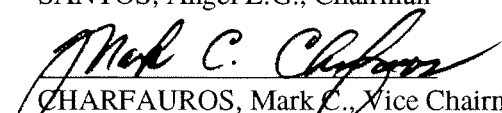
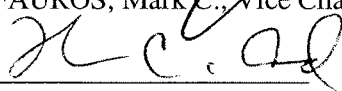
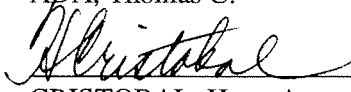

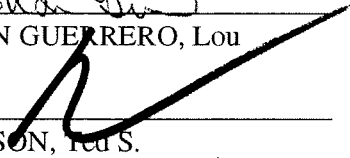

Commonwealth Pa'gol

COMMITTEE ON COMMUNITY, HOUSING, AND CULTURAL AFFAIRS

23rd Guam Legislature

VOTING RECORD

Bill No. 277- An act to amend subsection (a) of §62105 and to amend §62108.1, relative to agricultural subdivision requirements, and to amend subsection (c) of §61501, relative to minimum yards and lot areas, all in Title 21 of the Guam Code Annotated.

	<u>TO</u> <u>PASS</u>	<u>NOT TO</u> <u>PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE</u> <u>FILE</u>
 SANTOS, Angel L.G., Chairman	✓	_____	_____	_____
 CHARFAUROS, Mark C., Vice Chairman	✓	_____	_____	_____
 ADA, Thomas C.	✓	_____	_____	_____
 CRISTOBAL, Hope A.	✓	_____	_____	_____
 LEON GUERRERO, Lou	✓	_____	_____	_____
 NELSON, Ted S.	✓	_____	_____	_____
 PANGELINAN, Vicente C.	✓	_____	_____	_____
WON-PAT BORJA, Judith	_____	_____	_____	_____
BLAZ, Anthony C.	_____	_____	_____	_____
FORBES, Mark	_____	_____	_____	_____
LAMORENA V, Alberto	_____	_____	_____	_____
LEON GUERRERO, Carlotta	_____	_____	_____	_____
PARKINSON, Don, Ex-Officio	_____	_____	_____	_____



COMMITTEE ON COMMUNITY, HOUSING,
AND CULTURAL AFFAIRS
Twenty-Third Guam Legislature



REPORT
on
Bill No. 277

An act to amend subsection (a) of §62105 and to amend §62108.1, relative to agricultural subdivision requirements, and to amend subsection (c) of §61501, relative to minimum yards and lot areas, all in Title 21 of the Guam Code Annotated.

July 20, 1995

COMMITTEE MEMBERS

Angel L.G. Santos, Chairman

Mark C. Charfauros, Vice-Chairman

Thomas C. Ada

Anthony C. Blaz

Hope A. Cristobal

Mark Forbes

Alberto Lamorena V

Carlotta Leon Guerrero

Lou Leon Guerrero

Vice Speaker Ted S. Nelson

Vicente C. Pangelinan

Judy Won Pat-Borja

Speaker Don Parkinson, Ex-Officio

I. OVERVIEW

The Committee on Community, Housing and Cultural Affairs conducted a public hearing on June 26, 1995 at 10:00 AM at the Legislative Public Hearing Room, Agana, to receive public input on Bill No. 277. Public notice was given in the Pacific Daily News on June 21, 1995.

Originally scheduled for June 23, 1995, this hearing was rescheduled because the Speaker, on June 22nd, called a special session for the next day. Due to the short suspense time, a press release was issued to alert the public of the change and the affected parties were notified by telephone.

Committee members present were:

Senator Angel Santos, Chairman

Senator Ted Nelson Senator Anthony Blaz

Senator Carlotta Leon Guerrero

Appearing to testify in support of the Bill was:

John Anderson, Territorial Planner, Department of Land Management.

II. SUMMARY OF THE HEARING

Mr. Anderson provided the basic rationale for the changes being proposed in this Bill. Those comments are incorporated in the findings and recommendations below. Written testimony in support of the Bill was also received from Michael P. Flaherty, President, American Realty Inc.

III. FINDINGS AND RECOMMENDATION

Prior to the enactment of Public Law 22-161, the minimum lot size per lot within an agricultural subdivision (six or more lots) was 20,000 square feet with a minimum lot width of 100 feet. Additionally, with the exception of those lots over the Northern Aquifer, for every 10,000 square feet of land area, one single family dwelling may be constructed; for example, two houses could be built on a single 20,000 square foot lot. Also, the setbacks for residential dwellings within this type of subdivision previously required a front and rear yard setback of 25 feet with sideyards setback of 15 feet. Public Law 21-72:20 reduced these setbacks to that of 15 feet for front, 10 feet for the rear and 8 feet for the sideyards. The only improvements required within an agricultural subdivision, by law, was that a stabilized coral base be provided.

Subsequently, by enactment of Public Law 22-161, several changes occurred.

1. the minimum lot size decreased from 20,000 square feet to 10,000 square feet. This decrease was welcomed by landowners and developers alike.

2. However, in doing so, the minimum lot width of 100 feet was maintained, making it extremely difficult to create a 10,000 square foot lot subdivision. Essentially, the width requirement forces the creation of a square lot measuring 100 feet by 100 feet. Logically, if the minimum lot width for a 20,000 square foot lot is 100 feet and the minimum lot width for a 5,000 square foot lot is 50 feet, then a 10,000 square foot lot would have a minimum lot width between those two lengths. Since the majority of lots are not square here on our island, allowing a minimum width of 50 feet, and injecting a ratio of 3:1 for the lot length-to-width relationship, would allow for the majority of land owners to maximize the usage (creation of lots) of their agricultural-zoned property.

3. Public Law 22-161 increased the setbacks from 15 feet front and 10 feet rear yards with side yards unchanged at 8 feet to 25 front and 15 rear. Again, logically when reducing the minimum lot size permitted by law, either the existing setbacks are maintained or reduced but certainly not increased.

4. Public Law 22-161 also added a requirement that, in the creation of a subdivision (six or more lots) with the intent of selling at least three lots, improvements to the property would be required. One set of improvements, mandated under §62108, Chapter 62, Title 21 of the Guam Code Annotated, include the installation of water, power and telephone lines, fire hydrants and roads - essential infrastructure for buyers who wish to build homes. However, it also requires compliance with Article 5 of Chapter 62, 21 GCA, which requires **full** improvements, improvements normally associated with residential subdivisions in an R1 (One-Family Dwelling) and R2 (Multiple Dwellings) such as **concrete curbs, gutters, sidewalks and paved roads**. There is a distinct difference between an *agricultural subdivision* which requires minimal improvement and a *residential subdivision* which must have total or near-total improvement (with public sewer exemption in some cases). It is illogical from a planning or economic perspective to create a subdivision with total or near-total improvement on 10,000 square foot lots when the same requirements apply to residential subdivisions in R1 and R2 zones whose minimum lot sizes are 5,000 square feet. Apparently, the original intent behind what became Public Law 22-161 was simply to **reduce the minimum lot size** required in an agricultural lot and nothing more. Somewhere along the way, other requirements were added.

The amendments proposed by Bill 277 will not only accomplish the intent of P.L. 22-161 but will at the same time protect the Northern Aquifer whenever a development is proposed in that area. Also, when creating six or more lots with the intent of selling three or more, minimum improvements such as water, power, telephone, fire hydrants and roads should be required since the density (number of lots that can be created) is being doubled regardless of location. Any developer proposing to create an agricultural subdivision whose minimum lot size is 20,000 square feet should not be required to provide any improvement other than a stabilized coral base road as was the case prior to the enactment of P.L. 22-161.

Another change proposed by the Bill is the increase in the minimum lot size in a court-distributed subdivision. For the sake of consistency and practicality, where sewer is not available, the law requires a minimum lot size of 10,000 square feet although the Administrator of the Guam Environmental Protection Agency may allow for an area of not less than 7,000 square feet where percolation is adequate. To allow for the creation/distribution of land in the absence of sewer where the minimum lot size is 5,000 square feet is an exercise in futility because the land owner would not be able to construct a dwelling on the lot without public sewer. A 5,000 square foot lot will not accommodate a sewer disposal system consisting of septic tanks/leaching field.

Also, to insure that the quality of the water within the Northern Aquifer is acceptable, 10,000 square feet per lot (inclusive of court-distributed subdivision) should be the minimum size. The same rationale applies for the density of one dwelling unit for every 10,000 square feet in an agricultural zone whenever sewer is not available, regardless of location. To specify a minimum lot size of 10,000 square feet and allowing for more than one dwelling unit on the lot defeats the purpose of the minimum lot size requirement. In the long run, the best interest of Guam's residents are protected by this restriction.

While gratified by Mr. Flaherty's support for the Bill, the Committee could not accept his recommendation to exclude telephone lines as part of the minimum improvements for an agricultural subdivision. Telephones serve the same public welfare and safety as fire hydrants and, based on the Committee's interaction with constituents, they are a life-saving link to emergency services such as ambulance, police and fire.

Accordingly, the Committee on Community, Housing, and Cultural Affairs, to which was referred Bill No. 277, submits its findings and recommendation to the Twenty-Third Guam Legislature to "DO PASS" this measure.



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910

received
7/6/95

Alvin has
packet!

N. J. Jolden

June 27, 1995

MEMORANDUM

TO: Chairman, Committee on Community, Housing and
Cultural Affairs

FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 277

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.


SONNY LUJAN ORSINI

Attachment:

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 277

Introduced by

A.L.G. Santos 

AN ACT TO AMEND SUBSECTION (a) OF §62105 AND TO AMEND §62108.1, RELATIVE TO AGRICULTURAL SUBDIVISION REQUIREMENTS, AND TO AMEND SUBSECTION (c) OF §61501, RELATIVE TO MINIMUM YARDS AND LOT AREAS, ALL IN TITLE 21 OF THE GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative statement.** The Guam Legislature finds that certain
3 amendments contained in Public Law 22-161 affecting agricultural subdivisions
4 and minimum yards and lot areas contradict and defeat the intent behind those
5 amendments. In order for owners of real property zoned Agricultural or within an
6 agricultural subdivision to enjoy full rights and privileges, the contradictory
7 language in Section 5 of Public Law 22-161 must be amended.

8 **Section 2. Subsection (a) of §62105, Title 21, Guam Code Annotated is**
9 **amended to read:**

10 *“(a) Agricultural Subdivision* shall mean a subdivision having no lots, parcels
11 or sites smaller than ten thousand (10,000) square feet, except when located on top
12 of the Northern Aquifer, the minimum ten thousand (10,000) square foot lot must
13 be connected to public or other EPA-approved sewer system, with sewer
14 connection (if located on top of the Northern Aquifer) and in which all lots,
15 parcels or sites are used principally for agriculture, single family resident sites or

1 as an agriculture-homestead combination; except that the term *Agricultural*
2 *Subdivision* shall include a subdivision resulting from distribution by the court
3 pursuant to §62104(a) or (b) of this Chapter with no lots, parcels or sites smaller
4 than ~~five thousand~~ ten thousand (10,000) square feet with sewer connection or
5 other EPA-certified sewage disposal only if located over the Northern Aquifer (~~if~~
6 ~~located on top of the Northern Aquifer~~) and in which all lots, parcels or sites are
7 used principally for agriculture, single family sites or as an agricultural homestead
8 combination."

9 **Section 3. §62108.1, Title 21, Guam Code Annotated is amended to read:**

10 "§62108.1. **Agricultural subdivision requirements.** (a) Any person or persons
11 subdividing agriculturally-zoned land into six (6) or more lots, parcels or sites that
12 are less than twenty thousand (20,000) square feet per lot with the intention of
13 selling three (3) or more of the subdivided lots shall be required to make
14 improvements consistent with §62108 ~~and Article 5~~ of Title 21 of the Guam Code
15 Annotated.

16 (b) ~~All~~ In agricultural zoned area and subdivisions with lots, parcels or sites
17 less than twenty thousand (20,000) square feet, when located over the Northern
18 Aquifer, all lots must meet the requirements set forth in §12214.2(c), Chapter B,
19 Title 13, of the Administrative Rules and Regulations of the government of Guam
20 before final approval on adequate lot sizes can be given."

21 **Section 4. §61501, Title 21, Guam Code Annotated is amended to read:**

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

1 Area table. Further, no lot width or lot area, nor any lot area per dwelling shall be
2 less than that specified in said table. A commercial building to occupy the whole
3 width of a lot must be of four-hour fire resistive construction. If party walls are to
4 be erected, the written consent of the owners of adjacent lots must be obtained as
5 a prerequisite for the issuance of a building permit to start construction. If the
6 building to be erected is not of fireproof construction, the side yards of eight (8)
7 feet must be provided. In the rural (A) Zone, all structures shall have a front yard
8 of ~~twenty-five (25)~~ fifteen (15) feet, a rear yard of ~~fifteen (15)~~ ten (10) feet and side
9 yards of eight (8) feet. The width of each lot shall be ~~one hundred (100) feet~~ no less
10 than fifty (50) with in an area of ~~not less~~ equal to or greater than ten thousand
11 square feet, and provided that no lot shall have a length to width relationship that
12 exceeds a 3 to 1 ratio. The lot area per dwelling unit in the Rural Zone (A) shall
13 not be less than ~~five thousand (5,000)~~ ten thousand 10,000 square feet without
14 sewer connection only (if located on top of the Northern Aquifer)."

21 GCA - REAL PROPERTY
DIV. 2 - REGULATION OF REAL PROPERTY USES

SOURCE: GC §18003.

§62107. Commission Approval. No subdivision map presented for filing as a record in the Department of Land Management shall be recorded without the prior approval of the Commission. The Commission shall not approve the record map of a subdivision unless such map conforms to all the requirements of this Chapter and any applicable rules, regulations, specifications or standards adopted by the Commission. No subdividers shall subdivide any land except in accordance with this Chapter, or sell, lease or assign, or offer for sale, any subdivision or a proposed subdivision or any part thereof, or any lot, parcel to site therein until the record map has been officially recorded.

SOURCE: GC §18004.

§62108. General Requirements for Subdivisions. In all subdivisions presented for recording under this Chapter the subdivider shall:

(a) Not subdivide or develop land for any purpose contrary to the provisions of the Zoning law, Chapter 61 of this Title of the Guam Code Annotated.

(b) Cause every lot to abut a roadway right-of-way having a minimum width of forty (40) feet; *provided*, however, that in agricultural zones and in parental subdivisions, every lot shall abut a roadway right-of-way having a minimum width of twenty (20) feet..

(c) Except as may be provided for pursuant to §56111, Title 5, Guam Code Annotated, provide for the installation of power, water and telephone lines, fire hydrants, roads and highways within the subdivision in accord with any general or precise plan approved by the Commission.

(d) Where an established framework of local streets exists, provide for the uniformity of street widths and alignment



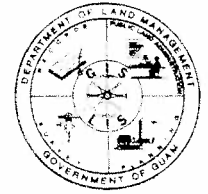
DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')

Government of Guam

P.O. Box 2950

Agana, Guam 96910

Tel: (671) 475-LAND • Fax: (671) 477-0883



CARL T. C. GUTIERREZ
Governor

J. A. MARTINEZ
Director

MADELEINE Z. BORDALLO
Lieutenant Governor

JAMES P. CRUZ
Deputy Director

June 17, 1995

Senator Angel L.G. Santos
Chairman,
Committee on community, Housing
and Cultural Affairs
23rd Guam Legislature
324 W Soledad Ave.
Agana, Guam 96910

Attn: Alvin Duenas

Hafa Adai Senator Santos:

Per your request of June 16, 1995, you will find the justification for the proposed amendment to Public Law 22-161.

As you may be aware, prior to the enactment of P.L. 22-161, the minimum lot size per lot within an Agricultural Subdivision (Six or more lots) was 20,000 sq. ft. with a minimum lot width of 100 feet. Additionally, with the exception of those lots over the Northern Aquifer, for every 10,000 sq.ft. of land area, one single family dwelling may be constructed (e.g. two houses could be built on a single 20,000 sq.ft. lot). Also, the setbacks for residential dwellings within this type of subdivision previously required a front and rear yard setback of 25 feet with sideyards setback of 15 feet. Public Law 21-72:sec.20 reduced these setbacks to that of 15 feet for front, 10 feet for the rear and 8 feet for the sideyards. The only improvements required within an Agricultural Subdivision, by law, was that a stabilized coral base road be provided.

Subsequently, Public Law 22-161 was enacted. The impact that this law has on proposed agricultural subdivisions, re-subdivisions or lot parcellings are:

- 1) It changed the minimum lot size from 20,000 sq. ft. down to 10,000 sq. ft. (no problem here).
- 2) However, in doing so, the minimum lot width of 100 feet was maintained, making it extremely difficult to create a 10,000 sq. ft. lot subdivision. You would in essence need to create a square lot measuring 100 feet by 100 feet. Logically, if the minimum lot width for a 20,000 sq. ft. lot is 100 feet and the minimum lot width for a 5,000



Commonwealth Now!

Ltr. to Sen. Santos

Ref: Justification for requested amendment to P.L. 22-161

June 16, 1995

Page 2

sq. ft. lot is 50 feet, then a 10,000 sq.ft. lot would have a minimum lot width of somewhere in-between. Since the majority of lots are not square here on our island, my subdivision staff and I felt that the minimum width of 50 feet, where the ratio would not exceed a lot length to lot width of 3 to 1, would allow for the majority of land owners to maximize the usage (creation of lots) of their agricultural zoned property.

3) P.L. 22-161 also increased the setbacks from 15 ft. front, 10 feet rear and 8 feet for side yards up to 25 feet front, 15 feet rear, and 8 feet side yards. Again, logically when reducing the minimum lot size permitted by law, you would either maintain the existing setbacks or reduce them, but you certainly would not **increase** them.

4) P.L. 22-161 also added a requirement that in the creation of a subdivision (six or more lots) with the intent of selling at least three lots would require improvements, i.e. Section 62108, Chapter 62, of 21 GCA which requires providing for the installation of water, power, and telephone lines, fire hydrants, and roads (no real problem here). However, it also requires compliance with Article 5 of Chapter 62, 21 GCA which requires full improvements, improvements that are normally associated with Residential Subdivisions in an R-1 (Single-family) and R-2 (Multi-family) zoned areas such as **concrete curbs, gutters, sidewalks and paved roads**. To me, as a Land Use Planner, there is a distinct difference, and there should be, between an Agricultural Subdivision which would require minimum improvements and that of a Residential (R-1 & R-2) Subdivision which does and should require full improvements. It would not be logical from either an economic or planning standpoint to create a subdivision with full or near full improvements (public sewer can be exempted in some cases) on 10,000 sq.ft. lots when the same requirements apply to Residential Subdivisions in R-1 and R-2 zones whose minimum lot sizes are 5, 000 sq.ft.

It is my understanding that the original intent behind what became Public Law 22-161, was simply to **reduce the minimum lot size** required in an Agricultural zone and nothing further. Somewhere along the line, the additional requirements were added on.

The amendment as proposed, will in my opinion, not only accomplished the intent of P.L. 22-161, but will at the same time, protect our Northern Aquifer whenever a development is proposed in that area. Also, when creating six or more lots with the intent of selling three or more, minimum improvements such as water, power, telephone lines and fire hydrants and roads, should be a requirement since the density (number of lots that can be created) is being doubled regardless of location.

Ltr. to Sen. Santos

Ref: Justification for requested amendment to P.L. 22-161

June 16, 1995

Page 3

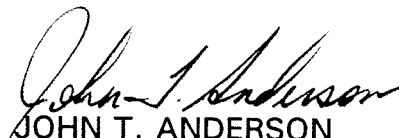
Any developer proposing to create an Agricultural Subdivision whose minimum lot size is 20,000 sq.ft. should not be required to provide any improvements other than a stabilized coral base road as was the case prior to the enactment of P.L. 22-161.

In as far as the purpose in increasing the minimum lot size in a **court-distributed subdivision**, for the sake of consistency and practicality, where sewer is not available, the law requires a minimum lot size of 10,000 sq. ft. (the Administrator of GEPA, may where percolation is adequate, allow for an area of not less than 7,000 sq.ft.). To allow for the creation/distribution of land in the absence of sewer where the minimum lot size is 5,000 sq. ft. is an exercise in futility as the land owners would not be able to construct a dwelling on the lot without public sewer. A 5,000 sq.ft. lot will not accommodate a sewer disposal system of Septic Tank and Leaching Fielding. Additionally, in order to insure that the quality of our Northern Aquifer is, whenever possible, maintained, a minimum of 10,000 sq.ft. lot (inclusive of court distributed subdivision), would ensure this.

The same rationale applies for the density of allowing one dwelling unit for every 10,000 sq.ft. in an Agriculture zone whenever sewer is not available, regardless of location. To restrict the minimum lot size to 10,000 sq. ft. yet allow for more than one dwelling unit on this 10,000 sq.ft. lot defeats the purpose of the minimum lot size of 10,000 sq.ft. In the long run, it is in the best interest of all of Guam's residents by the restriction of one dwelling per every 10,000 sq. ft of land area whenever public sewer is not available or for a smaller lot when approved by GEPA in the absence of public sewer.

I hope that this adequately justifies the need and the reason behind the request to amend Public Law 22-161. However, should you require further clarification and or justification I am available at your convenience.

Sincerely,



JOHN T. ANDERSON

Territorial Planner

Department of Land Management

Real Estate Brokers
Developers
Property Managers



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Agana, Guam 96910
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646-3997
FAX: (671) 649-6048

June 23, 1995

Senator Angel L. G. Santos
Chairman, Committee on Community,
Housing & Cultural Affairs
23rd Guam Legislature
324 W. Soledad Avenue
Agana, Guam 96910

**SUBJECT: Written Public Testimony in Favor of
Proposed Amendments to Public Law 22-
161 with Modifications.**

Hafa Adai Senator Santos:

It is our understanding that your Committee will be hearing public testimony on proposed changes to Public Law 22-161. For the past few weeks, we have been communicating with the Chief Territorial Planner - Mr. John T. Anderson and Director of Land Management - Mr. Tony A. Martinez about the urgent need for these amendments in order to settle the confusion and different interpretations that have arisen pursuant to the passage of Public Law 22-161. We have perused the draft amendments being proposed and overwhelmingly support the same with some modifications, and present the following testimony for your kind consideration.

In general, agriculture subdivisions serve a very important purpose in the economic and social well-being of the residents of Guam. Agriculture Subdivisions are those, in which the parcels are used principally for agriculture, single-family residential sites or as an agriculture-homestead combination.

*Written Public Testimony in Favor of Proposed
Amendments to Public Law 22-161 with Modifications;
Page 2 of 3; June 23, 1995.*

The minimal infrastructure requirements for Agriculture Subdivisions are consistent with the uses that are permitted on them, and are reflected in the prices that these parcels command in the open market. Considering the present land economics on Guam, these subdivisions offer the only hope for low-income residents to achieve land-ownership. Agriculture Subdivisions ensure preservation/conservation of open space to a higher degree than other zones, and the flexibility to be upgraded for higher uses as circumstances permit. The government should strive to keep the infrastructure requirements and other development regulations to the reasonable minimum for Agriculture Subdivisions in order to expand land-ownership opportunities for everyone, including promotion of agro-activities, which are symptomatic of Guam's culture.

We support the amendments being proposed by the Department of Land Management in clarifying the minimum yard and lot area requirements for Agriculture Subdivisions. Where infrastructure requirements are concerned, the proposed amendments require installation of water, power, fire hydrants, telephone lines, and roads. While, we agree that water and power are minimum necessities, and fire hydrants are required for public safety, telephone lines are not and therefore should not be mandated. Similarly, road improvements should be limited to a stabilized coral base. In addition, the proposed amendments should distinguish between improvements required for those with minimum lot sizes of 20,000 s.f., and those with 10,000 s.f..

Therefore, it is our request that the following modifications to the proposed amendments be considered and incorporated:

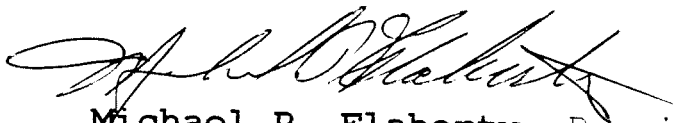
*Written Public Testimony in Favor of Proposed
Amendments to Public Law 22-161 with Modifications;
Page 3 of 3; June 23, 1995.*

1. Clarify the infrastructure requirements for Agriculture Subdivisions with minimum lot sizes of 10,000 s.f. to reflect installation of water, power, fire hydrants, and stabilized coral roads only.
2. Clarify that Agricultural Subdivisions with minimum lot size of 20,000 s.f. should not be required to provide any improvements other than a stabilized coral base road.

It is our contention and belief that passage of the proposed amendments incorporating the suggested modifications to Public Law 22-161 will clear all confusion, and further the intent of the same. This would permit landowners to subdivide their properties without incurring onerous improvement costs, and thus increase the supply of affordable land. Correspondingly, purchasers of property would benefit through increased affordability and provision of basic infrastructure improvements.

We appreciate your consideration of this testimony, and look forward to the passage of the proposed amendments as modified, for the benefit of the people of Guam.

Si Yu'os Ma'ase,



Michael P. Flaherty, President

CC: Tony A. Martinez, Director -DLM
John T. Anderson, Territorial Planner -DLM

21 GCA - REAL PROPERTY

DIV. 2 - REGULATION OF REAL PROPERTY USES

Article 5

Yard and Area Regulations

Part 1. Yard and Area.

2. **Accessory Buildings.**
3. **Nonconforming Buildings and Uses.**
4. **Automobile Parking and Loading Space Regulations.**
5. **Sign Regulations.**
6. **Junk Yards.**

Part 1

Yard and Area

§61501. Minimum Yards and Lot Areas Established.

§61502. General Yard and Area Requirements.

§61503. Exceptions to Yard and Area Regulations.

§61504. Statement of Purpose: Building and Building Height

Restrictions in Beach Areas.

§61501. 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 a 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 party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite for the issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, the side yards of eight

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DIV. 2 - REGULATION OF REAL PROPERTY USES

(8) feet must be provided. In the rural (A) Zone, all structures shall have a front yard of twenty-five (25) feet, a rear yard of fifteen (15) feet and side yards of eight (8) feet. The width of each lot shall be one hundred (100) feet in an area of not less than ten thousand square feet. The lot area per dwelling unit in the Rural Zone (A) shall not be less than five thousand (5,000) square feet with sewer connection (if located on top of the Northern Aquifer).

SOURCE: Repealed/reenacted by P.L. 21-72:20(b) (11/27/91). Amended by P.L. 22-161:5(c) (12/30/94).

NOTE: Prior to this latest repeal and reenactment, 21 GCA §61501 contained a table of Yard and Lot Areas, which were a part of §17200 of the Govt. Code (the source of this Section) as amended by P.L. 15-57:7. This section, as repealed and reenacted, contains no such table. Because this table still has potential use, the Compiler has included the Table as adopted by P.L. 15-57 below.

YARD AND LOT AREA

	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Lot Width	Lot Area	Per Dwelling Unit
Single Family	15 ft.	10 ft.	8 ft. 50 ft.		5,000 sq. ft.	5,000 sq. ft.
Multi-family	15 ft.	10 ft.	8 ft. 50 ft.		5,000 sq. ft.	1,250 sq. ft.
Commercial	-----	20 ft.	----- 20 ft.		2,000 sq. ft.	400 sq. ft.
Light Industrial	-----	20 ft.	8 ft. 50 ft.		5,000 sq. ft.	1,250 sq. ft.
Heavy Industrial	25 ft.	25 ft.	15 ft.	120 ft.	40,000 sq. ft.	-----

Unless facilities are otherwise provided for loading, the rear yard must be no less than 20 feet in depth.

§61502. General Yard and Area Requirements. (a) No required yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Title, shall be considered as providing a yard or open space for any other building or structure.

(b) No lot or parcel of land under separate ownership at the time this law became effective shall be separated in

CH. 61 - ZONING LAW

21 GCA - REAL PROPERTY

DIV. 2 - REGULATION OF REAL PROPERTY USES

ownership or reduced in size below the minimum lot width or lot area set forth in the Yards and Lot Area table.

(c) Where a lot in the R1 zone has an area of ten thousand (10,000) square feet or more, a one family dwelling may be erected and maintained on each five thousand (5,000) square feet thereof, if front, side and rear yards of the depth and width specified in the Yard and Lot Area table are provided and maintained for each such dwelling.

(d) In the C and M1 zones, every building hereafter erected on a lot which abuts a primary or secondary highway, as shown on a highway plan adopted by the Commission or Legislature, shall provide and maintain a front or side yard having a depth or width, as the case may be, of not less than that required to conform to the line of such highway.

(e) A hotel or motel, while considered a multi-family use, requires a minimum of four hundred (400) square feet of lot area per living unit in a commercial zone.

(f) A cluster development may have a reduction of yards and lot width upon approval by the Commission.

SOURCE: GC §17201 as amended by P.L. 10-5.

§61503. Exceptions to Yard and Area Regulations. (a) No front yard need be provided on a lot in a hillside area where the topography of the lot is such as to make it unreasonable or impractical to locate a building on the lot and provide a front yard.

(b) No side yard need be provided for a dwelling or hotel erected above the ground floor of a building, where the ground floor is designed for commercial or industrial purposes.

(c) Cornices, eaves, belt courses, sills, canopies or other similar architectural features, may project into a required side

CH. 61 - ZONING LAW

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DIV. 2 - REGULATION OF REAL PROPERTY USES

yard not more than two inches for each one foot of width of such side yard and may project into any other required yard space not more than thirty (30) inches.

(d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may project into a required rear yard not more than for (4) feet, and such balconies may project into a required front yard not more than six (6) feet.

(e) Open, unenclosed porches, platforms, places, not covered by a roof or canopy, or landings, which do not extend above the level of the first floor of the building, may project into any required front, side, or rear yard, not more than six (6) feet.

(f) A fence, lattice work screen, wall, or hedge, not more than six (6) feet in height, may be located in any required front, side or rear yard.

(g) In computing the lot area of a lot which abuts upon an alley one-half ($\frac{1}{2}$) the width of such alley may be assumed to be a portion of the lot.

(h) Accessory buildings or structures may be located and maintained in a rear yard, except in the required ten (10) foot rear yard which is that portion adjoining the rearmost main building on the lot. Such buildings or structures may also be located and maintained in any side yard, except in the required eight (8) foot side yards adjoining each of the side lot lines. When such buildings or structures are to be used exclusively for storage or as outdoor cooking facilities, they may be located in a side or rear yard with walls erected on the rear and/or side lot lines; provided that such buildings or structures shall not exceed two hundred (200) square feet of floor space and the roofs thereof shall not project beyond the rear or side lot lines and shall be sloped in such a manner as to prevent rain run off from flowing to adjacent property. A storage or cooking facility may only be constructed on

CH. 61 - ZONING LAW


Reference Guide

Agricultural Lot/Parental Subdivision Dimensions

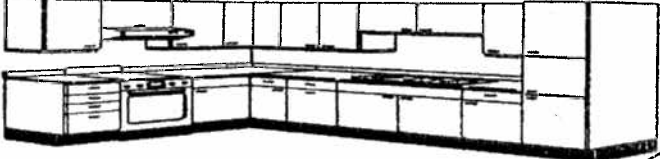
SOURCE	Front Yard Depth	Rear Yard Depth	Side Yard Depth	Minimum Lot Area	Easement
§17200 Government Code; *§18005 (b), Chapter 1, Title XIX	25 feet	25 feet	15 feet	20,000 square feet OR 7,000 square feet if percolation is adequate as determined by GEPA	*50 feet (only in "A" zone); 40 feet otherwise but may be 20 feet minimum when approved by TLUC
P.L. 21-72:20; *P.L. 21-130:10	15 feet	10 feet	8 feet	5,000 square feet	*20 feet minimum
P.L. 22-161:5	25 feet	15 feet	8 feet	10,000 square feet OR 5,000 square feet with sewer connect over Northern Acquiifer	20 feet minimum
Bill No. 277 23rd Legislature	15 feet	10 feet	8 feet	10,000 square feet OR as small as 7,000 square feet if percolation is adequate as determined by GEPA	20 feet minimum



Senator Angel L.G. Santos



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NOTICE OF PUBLIC HEARING

23rd Guam Legislature
Committee on Community, Housing & Cultural Affairs
Senator Angel L.G. Santos, Chairman



PUBLIC/CONFIRMATION HEARING
Friday, June 23, 1995, 10:00 AM & 2:00 PM
Legislative Public Hearing Room, 155 Hesler Street, Agana
AGENDA

PPN June 21, 1995

10:00 AM Public Hearing

- Bill No. 126** - An act to rezone Lot No. 7061, Dededo, municipality of Yigo, from "A (Rural)" to "R-1 (Single Family Dwelling)"; to grant subdivision Lot No. 7061-2; and to grant zoning variances on Lot Nos. 2 through 7, Lot Nos. 12 through 16, Lot Nos. 20 through 24, and Lot Nos. 29 through 37, on the proposed housing subdivision project on basic Lot No. 7061-2; by T Ada.
- Bill No. 142** - An act to authorize the lease and licensing of certain government of Guam real property in Tamuning; by V Pangelinan, A Santos, A Blaz.
- Bill No. 216** - An act to authorize the Governor to sell Lot 18, Block 24, New Agana to Nacrina Ada Toves; by T Nelson.
- Bill No. 245** - An act to rezone Lot No. 64-2-REM-A-1, Agana Heights, municipality of Sinajana, from Multiple Dwelling (R2) to Commercial (C); by A Santos.
- Bill No. 256** - An act to amend Section 9 of the Public Law 21-129 in order to correct an oversight so that Manu Melwani may purchase in Agana 19 square meters of government land, all of which is surrounded by land already owned by Mr. Melwani and which would otherwise make both Mr. Melwani's land and the Government's wholly undevelopable; by D Parkinson.
- Bill No. 261** - An act to add a new Section 10 to Public Law 20212, relative to authorizing the Governor to exchange government of Guam land for privately-owned land taken for the Rosario Detention Facility protective zone; by A Santos, M Charfauros, V Pangelinan.
- Bill No. 277** - An act amend subsection (a) of §62105 and to amend §62108.1, relative to agricultural subdivision requirements, and to amend subsection (c) of §61501, relative to minimum yards and lot areas, all in Title 21 of the Guam Code Annotated; by A Santos.

2:00 PM Confirmation Hearing

Confirmation of the following appointees to the boards of the Council on the Arts and Humanities (CAHA), Chamorro Language Commission (CLC), Chamorro Land Trust Commission (CLTC), Guam Housing Corporation (GHC), Guam Museum (GMBT), and Real Estate Commission (REC).

Name	Position	Entity	Term Expiration	Replacing
Anthony C. Corn	member	CAHA	12-Apr-99	new appointment
Robert N. Castro	member	CLC	16-Jun-97	Jeff Barcinas
Lydia Cruz	member	CLC	23-May-97	Bernadetta Dungea
Rita C. Okada	member	CLTC	26-Feb-96	new appointment
Lorraine S. Okada	member	GHC	23-Mar-2001	new appointment
Jessie S. Pendon	member	GHC	26-Apr-2001	new appointment
Bernadita S. Quitugua	member	GMBT	26-Mar-99	new appointment
Janet L. Watts	member	GMBT	26-Mar-97	Marie Perez-Calvo
Rose M. Hunt	member	REC	23-Jun-98	reappointment
Johnny C. Reyes	member	REC	23-Jun-98	Antonio Artero

The Public is Encouraged to Attend

P.L. NO. 22-160

(b) **Renaming of the Rape Crisis Center.** Notwithstanding any other law to the contrary, the Rape Crisis Center, created by Public Law 21-44, is hereby renamed the "Healing Hearts Crisis Center." Any provisions in Guam law referring to the Rape Crisis Center are hereby amended to refer to the Healing Hearts Crisis Center.

PUBLIC LAW NO. 22-161



Bill No. 1153

Date Became Law: December 30, 1994

Governor's Action: Approved

Introduced by: At the request of the Governor,
Chairperson, Committee on Rules

H. D. Dierking	D. L. G. Shimizu
T. C. Ada	J. P. Aguon
E. P. Arriola	M. Z. Bordallo
C. T. C. Gutierrez	P. C. Lujan
T. S. Nelson	V. C. Pangelinan
D. Parkinson	E. D. Reyes
J. T. San Agustin	F. E. Santos
J. G. Bamba	A. C. Blaz
D. F. Brooks	F. P. Camacho
M. D. A. Manibusan	T. V. C. Tanaka
A. R. Unpingco	

AN ACT TO AMEND §2913.10 OF TITLE 10, GUAM CODE ANNOTATED, TO REQUIRE PERSONS AFFLICTED WITH TUBERCULOSIS, LYTICO, BODIG, DIABETES, AND IRREVERSIBLE RENAL FAILURE TO MEET A MEANS

TEST IN ORDER TO OBTAIN GOVERNMENT PAYMENTS FOR HOSPITALIZATION AND MEDICAL SERVICES FOR SUCH DISEASES; AND TO ADD §§19107 AND 19108 TO, AND TO AMEND §19102 OF TITLE 17, GUAM CODE ANNOTATED TO ESTABLISH THE GRADUATE NURSES CORPS; AND TO AMEND SUBSECTION (a) OF §62105 AND §61501 OF, AND TO ADD §62108.1 TO, TITLE 21, GUAM CODE ANNOTATED, ON LOT SIZES.

- Section 1... Legislative findings.
Section 2... Legislative intent.
Section 3... §2913.10 of Title 10, Guam Code Annotated, is hereby repealed and reenacted.
Section 4... (a) Legislative findings.
(b) Addition of §19107 re Graduate Nursing Corps.
(c) Addition of §19108 re annual report and budget request.
(d) Amendment increasing stipends for nursing students. §19102 of Title 17, Guam Code Annotated is amended.
Section 5... Subsection (a) of §62105, Title 21, Guam Code Annotated is amended.
(b) A new §62108.1 is added to Chapter 62, Title 21, Guam Code Annotated.
(c) §61501 of Title 21 of the Guam Code Annotated is amended.
Section 6... Severability.
Section 7... Effective date.

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

Section 1. Legislative findings. The Legislature finds and determines that it is in the public interest to maximize the use of federal programs and payments to fund health care services for the treatment of persons afflicted with tuberculosis, lytico or bodig (Amyotrophic Lateral Sclerosis or Parkinsonism Dementia), diabetes, or end stage renal disease ("ESRD"), (the "Five Diseases") who are unable to pay for such treatment and who are either uninsured or underinsured. The Legislature finds that the federal government states that it is necessary to make

*Page - 1
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(\$300) per month; Junior, Four Hundred Dollars (\$400) per month; Senior and graduate standing, Five Hundred Dollars (\$500) per month.

(2) As a condition for continuing full entitlement to the benefits provided in this chapter, recipients must maintain a full-time enrollment as defined by regulation of the University of Guam, and be of good academic standing. No recipient may receive benefits beyond the number of calendar years normally required to complete such nursing student's program.

(3) Registration, tuition, and other related fees normally assessed by the University of Guam and an allowance in the amount of Two Hundred Fifty Dollars (\$250) shall be allowed each recipient for each regular semester, and One Hundred Dollars (\$100) per summer session in which a nursing student is enrolled to cover costs of textbooks and supplies."

NOTE: Section 4, paragraph (b), §19170 of the Graduate Nursing Corps was corrected to read §19107. Also, paragraph (c), §19180 was corrected to read §19108. Amended by Compiler, in order to reflect correct citation.

 Section 5. Subsection (a) of §62105, Title 21, Guam Code Annotated is amended to read:

"(a) Agricultural Subdivision shall mean a subdivision having no lots, parcels or sites smaller than ten thousand (10,000) square feet with sewer connection (if located on top of the Northern Aquifer) and in which all lots, parcels or sites are used principally for agriculture, single family resident sites or as an agriculture-homesite combination; except that the term Agricultural Subdivision shall include a subdivision resulting from distribution by the court pursuant to §62104(a) or (b) of this Chapter with no lots, parcels sites smaller than five thousand (5,000) square feet with sewer connection (if located on top of the Northern Aquifer) and in which all lots, parcels or sites are used principally for agriculture, single family sites or as an agricultural homestead combination."

(b) A new §62108.1 is added to Chapter 62, Title 21, Guam Code Annotated to read:

§62108.1. Agricultural subdivision requirements. (a) Any person or persons subdividing agriculturally-zoned land into six (6) or more lots, parcels or sites with the intention of selling three (3) or more of the subdivided lots shall be required to make improvements consistent with §62108 and Article 5 of Title 21 of the Guam Code Annotated.

(b) All agricultural subdivisions with lots, parcels or sites less than twenty thousand (20,000) square feet must meet the requirements set forth in §12214.2(c), Chapter B, Title 13, of the Administrative Rules and Regulations of the government of Guam before final approval on adequate lot sizes can be given.

(c) §61501 of Title 21 of the Guam Code Annotated is amended to read:

§61501. 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 a 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 party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite for the issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, the side yards of eight (8) feet must be provided. In the rural (A) Zone, all structures shall have a front yard of twenty-five (25) feet, a rear yard of fifteen (15) feet and side yards of eight (8) feet. The width of each lot shall be one hundred (100) feet in an area of not less than ten thousand square feet. The lot area per dwelling unit in the Rural Zone (A) shall not be less than five thousand (5,000) square feet with sewer connection (if located on top of the Northern Aquifer)."

Section 6. Severability. If any provision, clause or phrase of this Act, or if the application thereof to any person, legal entity or circumstance, is held invalid, such invalidity shall not affect the other provisions or applications of this Act

(f) "Remnant Parcel Survey" shall mean a survey describing the unsurveyed remainder lot or parcel of a larger completely subdivided tract. [5.26]

(g) "Retracement" a survey based on existing documents to reestablish monuments or to redraw property map. [5.27]

§12214.2. Same: Design and Access Requirements.
[Chap. 5, 5.3]

(a) Public Access Easement. A forty-four (44) feet wide public access and utility easement shall be recorded by separate document (Declaration of Access) to serve any lot or parcel not served by a public street. [5.31]

(b) Graded Street. Whenever a lot or parcel is not served by a public street, a graded street shall be established within the public access easement. Such graded street shall be constructed in such a manner so as to be readily traversed by ordinary vehicles. This usability shall be demonstrated by the Subdivider. [5.32]

(c) Lot Size. In accord with zoning ordinance, however, where public sewer is not available, a minimum of ten thousand (10,000) square foot lot shall be required unless specifically approved by the Administrator of Environmental Protection Agency. A larger lot may be required if determined by the Administrator of the Environmental Protection Agency. [5.33]

§12214.3. Same: Map and Data Requirements. [Chap. 5, 5.4]

(a) Retracement Map:

(1) See Final Map Requirements, 2 GAR §§12213.3(a) and (c) [Sections 4.31 and 4.33] are applicable.

(2) References: source documents used as basis for survey shall be clearly indicated on the map.

(3) Signatures: Territorial Surveyor, Land Surveyor, Owner and Lessee, if any. (Note: Territorial Planner Signature not required.)

(4) Basic Lot Data - indicate the following:

- a. Basic lot number.
- b. Certificate of title number, if any.
- c. Date of land registration.
- d. Owner's name and agent, if any.

(5) Required data for adjacent properties:

- a. Lot numbers.
- b. All utility and access easements.
- c. All dedicated rights-of-way.
- d. Most recent document numbers for all of the

above. [5.41-5.415]

(b) Real Estate Requirements Data:

(1) See Final Map Requirements, 2 GAR §§12213.3(a) and (c) [Sections 4.31 and 4.33] are applicable.

(2) Topographic map (U.S.G.S. 1" = 400').

FISCAL NOTE
BUDGET AND MANAGEMENT RESEARCH

BDMR-FZ

Bill No. 277
Amendatory Bill

YES NO

Date Received 6/27/95
Date Reviewed 7/5/95

Department/Agency Affected: Department of Land Management

Department/Agency Head: Mr. Tony Martinez, Acting Director

Total FY Appropriation to Date: \$5,298,580

Bill Title (preamble): An Act to Amend Subsection (a) of Subsection 62105 and to Amend

Subsection 62108.1, relative to Agricultural Subdivision requirements, and to Amend

Subsection (c) of Subsection 61501, Relative to Minimum Yards and Lot Areas, All in Title

21 of the Guam Code Annotated.

Change in Law: Amend Subsections 62105 and 62108.1, Title 21 GCA

Bill's Impact on Present Program Funding:
 Increase Decrease Reallocation No Change

Bill is for: Operations Capital Improvement Other (Zoning Requirements)

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)

PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Natural Resources, Recreation & Arts	- 0 -		- 0 -

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$ N/A

AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES

FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	1/					
OTHER						
TOTAL						

ANALYST Frank Licona DATE 7/5/95 DIRECTOR JOSEPH E. RIVERA Acting DATE JUL 06 1995

FOOTNOTES: 1/ An increase in agricultural subdivisions requiring hookup to public utility systems may impose infrastructure upgrading requirements at the cost of the government.



Territory of Guam
Teritorion Guam

12/30/94
1:45 AM

OFFICE OF THE GOVERNOR
UPISINAN I MAGALANI
AGANA, GUAM 96910 U.S.A.

RECEIVED

OFFICE OF THE SPEAKER
DATE: 12-31-94
TIME: 12 noon
RECD BY: [Signature]

DEC 30 1994

Honorable Joe T. San Agustin
Speaker
22nd Guam Legislature
155 Hesler St.
Agana, Guam 96910

Hafa Adai Mr. Speaker:

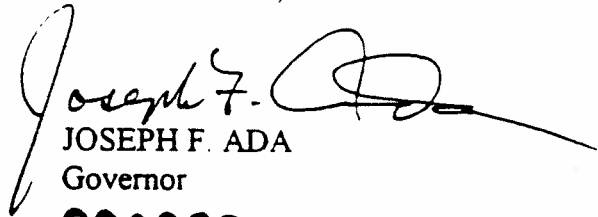
I am herein, transmitting Bill 1153 (LS), which I have signed into law this date.

While I certainly support this bill, as indicated by my approval, there are technical problems with Section 5 which will require corrections.

Specifically, in Subsection (a) of §62105, the phrase, "(if located on top of the Northern Aquifer)", as iterated on line 21, page 7, should be deleted. The need for sewerage at the minimum lot size of 5,000 square feet is not a product of zoning designation or even location, but on the capacity of minimum land area to handle leaching of waste products without compromising the health of adjacent property owners. That lot area has been determined to be 5,000 square feet, based on geology and hydrology, and should not be determined by political considerations. This same comment applies to the amended §61501, as iterated on page 9, lines 4 and 5 of the bill

I know you'll agree that the health of our communities is of utmost importance, and I appreciate your concerns as indicated by the strong standards applied in this bill.

Si Yu'os Ma'ase',


JOSEPH F. ADA
Governor
220929

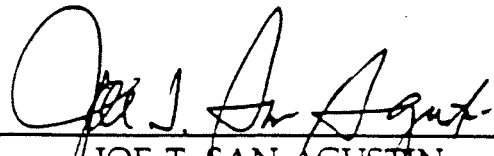


Commonwealth Now!

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

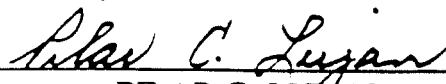
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 1153 (LS), "AN ACT TO AMEND §2913.10 OF TITLE 10, GUAM CODE ANNOTATED, TO REQUIRE PERSONS AFFLICTED WITH TUBERCULOSIS, LYTICO, BODIG, DIABETES, AND IRREVERSIBLE RENAL FAILURE TO MEET A MEANS TEST IN ORDER TO OBTAIN GOVERNMENT PAYMENTS FOR HOSPITALIZATION AND MEDICAL SERVICES FOR SUCH DISEASES; AND TO ADD §§19107 AND 19108 TO, AND TO AMEND §19102 OF TITLE 17, GUAM CODE ANNOTATED TO ESTABLISH THE GRADUATE NURSES CORPS; AND TO AMEND SUBSECTION (a) OF §62105 AND §61501 OF, AND TO ADD §62108.1 TO, TITLE 21, GUAM CODE ANNOTATED, ON LOT SIZES," was on the 9th day of December, 1994, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:



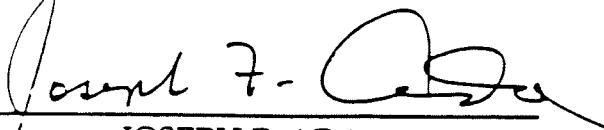
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of December, 1994, at
4:40 o'clock P.M.



Theresa G. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: DEC 9 1994

PUBLIC LAW NO: 22-161

TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

Bill No. 1153

As amended by the Committee on
Health, Ecology & Welfare and as
substituted on the floor

Introduced by:

At the request of the Governor,

Chairperson, Committee on Rules

H. D. Dierking

D. L. G. Shimizu

T. C. Ada

J. P. Aguon

E. P. Arriola

M. Z. Bordallo

C. T. C. Gutierrez

P. C. Lujan

T. S. Nelson

V. C. Pangelinan

D. Parkinson

E. D. Reyes

J. T. San Agustin

F. E. Santos

J. G. Bamba

A. C. Blaz

D. F. Brooks

F. P. Camacho

M. D. A. Manibusan

T. V. C. Tanaka

A. R. Unpingco

AN ACT TO AMEND §2913.10 OF TITLE 10, GUAM
CODE ANNOTATED, TO REQUIRE PERSONS
AFFLICTED WITH TUBERCULOSIS, LYTICO, BODIG,
DIABETES, AND IRREVERSIBLE RENAL FAILURE TO
MEET A MEANS TEST IN ORDER TO OBTAIN

GOVERNMENT PAYMENTS FOR HOSPITALIZATION
AND MEDICAL SERVICES FOR SUCH DISEASES;
AND TO ADD §§19107 AND 19108 TO, AND TO AMEND
§19102 OF TITLE 17, GUAM CODE ANNOTATED TO
ESTABLISH THE GRADUATE NURSES CORPS; AND
TO AMEND SUBSECTION (a) OF §62105 AND §61501
OF, AND TO ADD §62108.1 TO, TITLE 21, GUAM CODE
ANNOTATED, ON LOT SIZES.

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

2 **Section 1. Legislative findings.** The Legislature finds and determines
3 that it is in the public interest to maximize the use of federal programs and
4 payments to fund health care services for the treatment of persons afflicted
5 with tuberculosis, lytico or bodig (Amyotrophic Lateral Sclerosis or
6 Parkinsonism Dementia), diabetes, or end stage renal disease ("ESRD"), (the
7 "Five Diseases") who are unable to pay for such treatment and who are either
8 uninsured or underinsured. The Legislature finds that the federal
9 government states that it is necessary to make changes in Guam law
10 concerning government of Guam funding of health care for the Five Diseases
11 in order to continue federal funding therefor. Further, the Legislature finds
12 that the federal government has taken the position that Medicare-certified
13 ESRD providers, physicians and practitioners on Guam should not be entitled
14 to receive Medicare program payments for ESRD services rendered because
15 such services are included in the free-care provisions of Guam law.

16 **Section 2. Legislative intent.** The Legislature hereby intends to
17 maintain federal funding for the treatment of eligible persons afflicted with
18 the Five Diseases, to maximize participation in federally-funded health care
19 programs, to ensure that those afflicted persons who have the economic
20 means, personally, or through private health insurance, to finance their
21 health care treatment for the Five Diseases do so, and to ensure that all

1 persons receive health care treatments for the Five Diseases, including those
2 who do not qualify for federally-funded or private insurance health care
3 programs who are unable to pay for such treatment, and who are either
4 uninsured or underinsured.

5 Section 3. §2913.10 of Title 10, Guam Code Annotated, is hereby
6 repealed and reenacted to read as follows:

7 "§2913.10. **Program requirements.** To be eligible for coverage, an
8 applicant for the Medically Indigent Program must be a resident of
9 Guam who applies for and qualifies for assistance as determined by the
10 Medically Indigent Program eligibility standards according to the
11 following three sets of criteria: Income Limitations, Resource
12 Limitations and Residence Requirements except that no Residence
13 Requirement shall be imposed for persons with tuberculosis. Eligibility
14 shall begin in the month the application is received. Coverage of
15 eligibility can be retroactive for up to three months back (90 days) except
16 for services requiring program prior authorization.

17 (a) **Eligibility.** An applicant must also be one who is or
18 would be legally obligated to pay for medical services rendered to
19 such person but, through indigence or other financial
20 circumstances, is unable to pay for such services and either:

21 (1) is not eligible for Medicare or Medicaid coverage under
22 Title XVIII or XIX of the Social Security Act; or

23 (2) has neither private medical insurance coverage nor the
24 financial ability to pay for medical insurance coverage or for
25 medical services as determined by the program; or

26 (3) has Medicare, Medicaid or private medical insurance
27 coverage but such coverage is inadequate to cover the cost of

1 medically required treatment and such person is otherwise
2 qualified for the program as a result of inadequate income or
3 resources.

4 (b) **Limitation.** Any supplemental coverage provided
5 pursuant to this Article is limited to those items or services for
6 which coverage is not otherwise provided by any primary insurer.
7 Supplemental coverage may include amounts due for co-
8 insurance obligations, deductibles, and other services for which a
9 specific primary coverage may not have been available at the time
10 the medical service was rendered, and is further subject to the
11 coverage and all limitations of the limitations of the Medically
12 Indigent Program.

13 (c) **Additional coverage.** The government of Guam,
14 through the Medically Indigent Program ("MIP"), shall pay for
15 health services for tuberculosis, lytico or bodig, diabetes, or end
16 stage renal disease ("ESRD") for persons who are unable, with
17 due diligence, to obtain adequate public or private health
18 insurance coverage for such care, and who lack the means or
19 financial ability to pay for their own care. The Department of
20 Public Health and Social Services ("DPHSS") shall identify the
21 persons now in the MIP free care program and ensure that those
22 who are unable, with due diligence, to obtain adequate public or
23 private health insurance coverage for such care, and who lack the
24 means or financial ability to pay for their own care receive the
25 necessary care, either through the MIP program, the Guam
26 Memorial Hospital Authority ("GMHA"), or other appropriate
27 health care program. DPHSS, in accordance with the

1 Administrative Adjudication Law, shall adopt rules and
2 regulations to establish eligibility criteria, separate and apart
3 from the existing MIP poverty guidelines, to specifically address
4 the health care needs of individuals afflicted with the five medical
5 conditions listed in this subsection.

6 (d) **Waiver of charges.** GMHA is authorized to waive its
7 charges for health services for tuberculosis, lytico or bodig,
8 diabetes, or ESRD for persons who are unable, with due
9 diligence, to obtain adequate public or private health insurance
10 coverage for such care, and who lack the means or financial
11 ability to pay for their own care GMHA, in accordance with the
12 Administrative Adjudication Law, shall adopt regulations
13 necessary to implement and administer the provisions of the
14 subsection."

15 **Section 4. (a) Legislative findings.** The Legislature finds that to
16 enhance the quality of the healthcare delivery service on Guam, nursing
17 professionals require advanced graduate education that is not now provided
18 at the University of Guam. Further, that the advanced graduate nurses
19 summer training program established by Public Law 201-37 has been so
20 successful that the number of participants was increased in Public Law 21-40.
21 Finally, that the advanced graduate nurses summer training program proved
22 the need for advanced training for all Guam nurses, and that the University
23 of Guam School of Nursing may provide such training by the establishment of
24 a graduate program.

25 (b) **Addition of §19170 re Graduate Nursing Corps.** §19170 is
26 hereby added to Title 17, Guam Code Annotated, to read:

1 "§19170 Graduate Nurses Corps established. The
2 University of Guam shall develop and establish a Graduate
3 Nurses Corps that would meet academic and accreditation
4 standards for a Masters in Nursing Degree. The Graduate
5 Nurses Corps shall be established after the School of Nursing at
6 the University of Guam has achieved accreditation from the
7 National League for Nursing."

8 (c) **Addition of §19108 re annual report and budget**
9 **request.** §19180 is hereby added to Title 17, Guam Code Annotated, to
10 read:

11 §19180. **Annual report and budget request.** The University
12 shall submit to the Governor and the Speaker of the Legislature
13 an annual report and budgetary request to fund the programs
14 established in this chapter."

15 (d) **Amendment increasing stipends for nursing students.** §19102
16 of Title 17, Guam Code Annotated is amended to read:

17 "§19102. **Stipends.** There are hereby established the
18 following stipends for nursing students at the University of
19 Guam:

20 (1) A monthly allowance shall be paid to a nursing student
21 recipient at the following rates: Freshmen, Two Hundred Dollars
22 (\$200) per month; Sophomore, Three Hundred Dollars (\$300) per
23 month; Junior, Four Hundred Dollars (\$400) per month; Senior
24 and graduate standing, Five Hundred Dollars (\$500) per month.

25 (2) As a condition for continuing full entitlement to the
26 benefits provided in this chapter, recipients must maintain a full-
27 time enrollment as defined by regulation of the University of

1 Guam, and be of good academic standing. No recipient may
2 receive benefits beyond the number of calendar years normally
3 required to complete such nursing student's program.

4 (3) Registration, tuition, and other related fees normally
5 assessed by the University of Guam and an allowance in the
6 amount of Two Hundred Fifty Dollars (\$250) shall be allowed
7 each recipient for each regular semester, and One Hundred
8 Dollars (\$100) per summer session in which a nursing student is
9 enrolled to cover costs of textbooks and supplies."

10 * Section 5. Subsection (a) of §62105, Title 21, Guam Code Annotated is
11 amended to read:

12 "(a) Agricultural Subdivision shall mean a subdivision having
13 no lots, parcels or sites smaller than ten thousand (10,000) square feet
14 with sewer connection (if located on top of the Northern Aquifer) and
15 in which all lots, parcels or sites are used principally for agriculture,
16 single family resident sites or as an agriculture-homesite
17 combination; except that the term Agricultural Subdivision shall
18 include a subdivision resulting from distribution by the court
19 pursuant to §62104(a) or (b) of this Chapter with no lots, parcels sites
20 smaller than five thousand (5,000) square feet with sewer connection
21 (if located on top of the Northern Aquifer) and in which all lots,
22 parcels or sites are used principally for agriculture, single family sits
23 or as an agricultural homestead combination."

24 (b) A new §62108.1 is added to Chapter 62, Title 21, Guam Code
25 Annotated to read:

26 §62108.1. Agricultural subdivision requirements. (a) Any
27 person or persons subdividing agriculturally-zoned land into six (6)

1 or more lots, parcels or sites with the intention of selling three (3) or
2 more of the subdivided lots shall be required to make improvements
3 consistent with §62108 and Article 5 of Title 21 of the Guam Code
4 Annotated.

5 (b) All agricultural subdivisions with lots, parcels or sites less
6 than twenty thousand (20,000) square feet must meet the requirements
7 set forth in §12214.2(c), Chapter B, Title 13, of the Administrative Rules
8 and Regulations of the government of Guam before final approval on
9 adequate lot sizes can be given.

10 (c) §61501 of Title 21 of the Guam Code Annotated is amended to read:

11 §61501. **Minimum yards and lot areas established.** No
12 building or structure shall be erected or maintained, nor shall any
13 existing building or structure be altered, enlarged, moved or
14 maintained, on any lot, unless a front yard, a rear yard and two (2)
15 side yards are provided and maintained on such a lot. The depth of
16 such front and rear yards and the width of such side yards shall not
17 be less than the depth and width specified in the following Yards and
18 Lot Area table. Further, no lot width or lot area, nor any lot area per
19 dwelling shall be less than that specified in said table. A commercial
20 building to occupy the whole width of a lot must be of four-hour fire
21 resistive construction. If party walls are to be erected, the written
22 consent of the owners of adjacent lots must be obtained as a
23 prerequisite for the issuance of a building permit to start
24 construction. If the building to be erected is not of fireproof
25 construction, the side yards of eight (8) feet must be provided. In the
26 rural (A) Zone, all structures shall have a front yard of twenty-five
27 (25) feet, a rear yard of fifteen (15) feet and side yards of eight (8)

1 feet. The width of each lot shall be one hundred (100) feet in an area
2 of not less than ten thousand square feet. The lot area per dwelling
3 unit in the Rural Zone (A) shall not be less than five thousand (5,000)
4 square feet with sewer connection (if located on top of the Northern
5 Aquifer)."

6 **Section 6. Severability.** If any provision, clause or phrase of this Act,
7 or if the application thereof to any person, legal entity or circumstance, is held
8 invalid, such invalidity shall not affect the other provisions or applications of
9 this Act which may be given effect without the invalid provision or
10 application, and all the provisions of this Act are declared to be separable.

11 **Section 7. Effective date.** The provisions of this Act shall take effect
12 thirty (30) days after it becomes law.

P.L. No. 21-144

for a public hearing and/or notification to all landowners within a five hundred foot (500') radius of the parcel to be rezoned, DLM shall be responsible for determining the landowners to be notified, and shall bear all costs of public notification and the service of notification to the owners of all parcels within said five hundred foot (500') radius.

4. The Director of DLM shall determine any additional funding or personnel required for the most efficient and economical accomplishment of the provisions contained herein and shall submit a request for such funding to the Legislature within thirty (30) days of the enactment hereof."

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

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

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

"(a) An agricultural subdivision shall mean a subdivision having no lots, parcels or sites smaller than twenty thousand (20,000) square feet and in which all lots, parcels or sites are used principally for agriculture, single family resident sites or as an agriculture-homesite combination, except that the term "agricultural subdivision" shall also include a subdivision resulting from a distribution by the court pursuant to 62104(a) or (b) of this Chapter with no lots, parcels or sites smaller than five thousand (5,000) square feet and in which all lots, parcels or sites are used principally for agriculture, single family sites or as an agricultural homestead combination."

Section 10. CAHAT/GHMC rules and regulations: approval of. The rules and regulations governing the Community Affordable Housing Action Trust ("CAHAT") and the Guam Housing Mortgage Insurance Corporation, prepared and publicly heard by the Guam Housing

Corp
are l

Bill
Date
Gove

*Amended by
P.L. 22-144
Section 5*

1 as an agriculture-homestead combination; except that the term *Agricultural*
2 *Subdivision* shall include a subdivision resulting from distribution by the court
3 pursuant to §62104(a) or (b) of this Chapter with no lots, parcels or sites smaller
4 than ~~five thousand~~ ten thousand (10,000) square feet with sewer connection or
5 other EPA-certified sewage disposal only if located over the Northern Aquifer (~~if~~
6 ~~located on top of the Northern Aquifer~~) and in which all lots, parcels or sites are
7 used principally for agriculture, single family sites or as an agricultural homestead
8 combination.”

9 **Section 3. §62108.1, Title 21, Guam Code Annotated is amended to read:**

10 “§62108.1. **Agricultural subdivision requirements.** (a) Any person or persons
11 subdividing agriculturally-zoned land into six (6) or more lots, parcels or sites that
12 are less than twenty thousand (20,000) square feet per lot with the intention of
13 selling three (3) or more of the subdivided lots shall be required to make
14 improvements consistent with §62108 ~~and Article 5~~ of Title 21 of the Guam Code
15 Annotated.

16 (b) ~~All~~ In agricultural zoned area and subdivisions with lots, parcels or sites
17 less than twenty thousand (20,000) square feet, when located over the Northern
18 Aquifer, all lots must meet the requirements set forth in §12214.2(c), Chapter B,
19 Title 13, of the Administrative Rules and Regulations of the government of Guam
20 before final approval on adequate lot sizes can be given.”

21 **Section 4. §61501, Title 21, Guam Code Annotated is amended to read:**

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

1 Area table. Further, no ~~lot~~ width or lot area, nor any lot ~~area~~ per dwelling shall be
2 less than that specified in said table. A commercial building to occupy the whole
3 width of a lot must be of four-hour fire resistive construction. If party walls are to
4 be erected, the written consent of the owners of adjacent lots must be obtained as
5 a prerequisite for the issuance of a building permit to start construction. If the
6 building to be erected is not of fireproof construction, the side yards of eight (8)
7 feet must be provided. In the rural (A) Zone, all structures shall have a front yard
8 ~~of twenty-five (25)~~ fifteen (15) feet, a rear yard of ~~fifteen (15)~~ ten (10) feet and side
9 yards of eight (8) feet. The width of each lot shall be ~~one hundred (100) feet~~ no less
10 than fifty (50) with in an area ~~of not less~~ equal to or greater than ten thousand
11 square feet, and provided that no lot shall have a length to width relationship that
12 exceeds a 3 to 1 ratio. The lot area per dwelling unit in the Rural Zone (A) shall
13 not be less than ~~five thousand (5,000)~~ ten thousand 10,000 square feet without
14 sewer connection only (if located on top of the Northern Aquifer)."