

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

October 4, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-11-944
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 10/4/11
Time 4:00 PM
Received by [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 174-31 (COR) "AN ACT TO REPEAL AND RE-ENACT §61214 OF ARTICLE 2, CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS"", which was signed into law on September 30, 2011 as **Public Law 31-98**.

Senseramente,


EDDIE BAZA CALVO

2011 OCT -5 AM 8:08
[Handwritten initials]

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

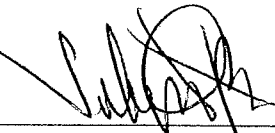
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 174-31 (COR), "AN ACT TO REPEAL AND RE-ENACT §61214 OF ARTICLE 2, CHAPTER 61 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS"**, was on the 19th day of September, 2011, duly and regularly passed.



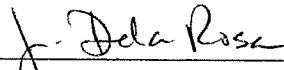
Judith T. Won Pat, Ed.D.
Speaker

Attested:



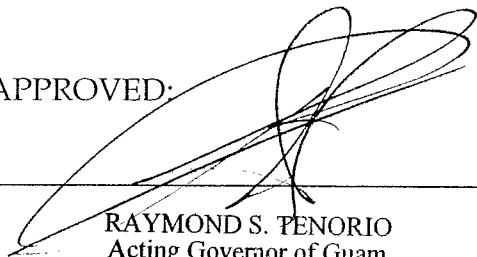
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 20th day of Sept., 2011, at
4:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date:

SEP 30 2011

Public Law No. 31-98

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 174-31 (COR)

As amended by the Committee on Appropriations,
Taxation, Public Debt, Banking, Insurance, Retirement and Land.

Introduced by:

Chris M. Dueñas
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *REPEAL* AND *RE-ENACT* §61214 OF
ARTICLE 2, CHAPTER 61 OF TITLE 21, GUAM CODE
ANNOTATED, RELATIVE TO AUTHORIZING “SPLIT-
ZONE ELECTIONS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Mina'Bente Singko Na Liheslaturan*
Guåhan (the 25th Guam Legislature) enacted §61214 of Title 21, Guam Code
Annotated, to allow a property owner, whose lot was divided by the zoning
boundary, to select, without public notice or hearing, which zone to apply to the
entire lot. This was done to alleviate advice that a use permitted on one (1) side of

1 the lot thus split by the zoning boundary may be inadvertently extended into the
2 other side of the lot with a different zone designation that does *not* allow for the
3 intended use. *I Liheslaturan Guåhan* finds that, since its passage, the split-zone
4 election authorized by §61214 has created certain unanticipated anomalies with
5 planning and development decisions, and amendments to the law are necessary to
6 retain consistency with the general zoning plan and local development processes.

7 **Section 2. Repeal and Reenact §61214 of Article 2, Chapter 61 of Title**
8 **21, Guam Code Annotated.** §61214 of Article 2, Chapter 61 of Title 21, Guam
9 Code Annotated, is hereby *repealed* and *reenacted* as follows:

10 “§ 61214. (a) **Split-Zone Election.** Whenever a lot is affected
11 by a zoning boundary which creates two (2) separate zoning designations
12 within its boundaries, the property owner of such affected lot *shall* have the
13 right to select one (1) of the two (2) zones, and to have it apply to the entire
14 lot. Upon receiving a written request by a property owner to elect a zoning
15 designation for the affected lot, the Director of the Department of Land
16 Management *shall* approve the request, *shall* process all necessary
17 documents to reflect the approval, and *shall* update all official maps of
18 Guam to indicate the zone which the property owner has chosen.

19 (b) **Applicability of Lot Split-Zone Boundary.** While the lots are
20 still affected by the lot split, a permitted use on one (1) portion of the zone
21 boundary *cannot* be extended to the other side of the lot split-zone boundary
22 if it is *not* a permitted use on the portion of the same lot *or* on the abutting
23 lot to be extended. In order to extend such permitted use from one (1) side of
24 the lot split-zone boundary to the other side, a conditional use permit *or* a
25 zone variance, as applicable, must be obtained pursuant to §61303 or
26 §61617, Title 21, Guam Code Annotated.

1 **(c) Conditional Use.** All uses permitted on the affected lot by the
2 zone chosen by the property owner making a split-zone election *shall* be
3 conditional and subject to approval in the manner required to obtain a zone
4 variance as provided in §61303, Title 21, Guam Code Annotated. No such
5 use shall be permitted upon any part of the lot described in Subsection (a)
6 above which is inconsistent or incompatible with the uses of property
7 adjacent to such part, nor which would otherwise be detrimental to the
8 public.

9 **(d) Lot Consolidation.** A split-zone election *shall only* be made on
10 lots that are encumbered by such split-zone designation, as delineated in the
11 official zone map series for the applicable municipality. No extension of a
12 zone boundary shall be allowed under a lot consolidation with another lot
13 unaffected by the split-zone boundary. Any split-zone extension being
14 pursued through lot consolidation on an unaffected parcel must undergo the
15 regular zone change process through the Guam Land Use Commission for
16 such extension on the unaffected lot.”

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: Sept. 19, 2011

VOTING SHEET

ABill No. 174-31(COR)

Resolution No. _____

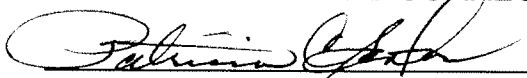
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 01 2011

2011 AUG - 8 PM 4: 26

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 174-31 (COR), As Amended

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 174-31 (COR), As Amended: "An act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, relative to authorizing "Spilt-Zone Elections" and which was referred to the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land.

Committee votes are as follows:

<u>4</u>	TO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Si Yu'os Ma'åse',

Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

Committee
Report
On

Bill No. 174-31 (COR), As Amended: “An
act to repeal and re-enact §61214 of Title
12, Guam Code Annotated, relative to
authorizing “Spilt-Zone Elections”



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

AUG 01 2011

MEMORANDUM

To: **All Members**
Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

From: Senator Vicente (ben) Cabrera Pangelinan
Committee Chairman

Subject: **Committee Report on Bill No. 174-31 (COR), As Amended**

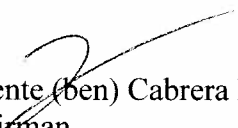
Transmitted herewith for your consideration is the Committee Report on Bill No. 174-31 (COR), As Amended: "An act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, relative to authorizing "Spilt-Zone Elections" sponsored by Senator Christopher M. Dueñas.

This report includes the following:

1. Committee Voting Sheet
2. Committee Report Narrative
3. Copy of Bill No.174-31 (COR), As Introduced
4. Copy of Bill No.174-31 (COR), As Amended
5. Public Hearing Sign-in Sheet
6. Copies of Submitted Testimony & Supporting Documents
7. Copy of COR Referral of Bill No.174-31 (COR), As Introduced
8. Notices of Public Hearing
9. Copy of the Public Hearing Agenda
10. Fiscal Note

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

Si Yu'os Ma'åse',


Vicente (ben) Cabrera Pangelinan
Chairman

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

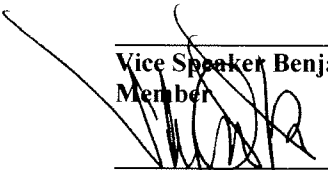
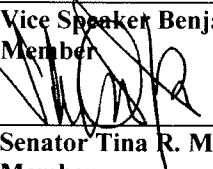
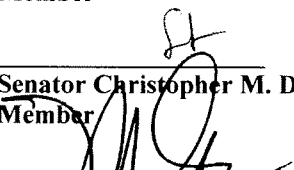
Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I MINA TRENTAI UNU NA LIHESLATURAN GUÅHAN

Committee Voting Sheet

**Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement, and Land**

Bill No. 174-31 (COR), As Amended: "An act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, relative to authorizing "Spilt-Zone Elections"

Committee Members	To Pass	Not To Pass	Report Out Only	Abstain	Inactive File
 Senator Vicente (ben) Cabrera Pangelinan Chairperson	☒	☐	☐	☐	☐
Speaker Judith T. Won Pat, Ed.D. Vice Chairperson	☐	☐	☐	☐	☐
 Vice Speaker Benjamin J.F. Cruz Member	☐	☐	☐	☐	☐
 Senator Tina R. Muña-Barnes Member	☒	☐	☐	☐	☐
Senator Judith P. Guthertz, DPA Member	☐	☐	☐	☐	☐
Senator Dennis G. Rodriguez, Jr. Member	☐	☐	☐	☐	☐
 Senator V. Anthony Ada Member	☒	☐	☐	☐	☐
 Senator Christopher M. Dueñas Member	☐	☐	☒	☐	☐
 Senator Maria Silva Taijeron Member	☒	☐	☐	☐	☐



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

Committee Report

Bill No. 174-31 (COR), As Introduced: "An act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, relative to authorizing "Split-Zone Elections"

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

I. OVERVIEW

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land convened a public hearing on June 20, 2011 at 9:00 am in *I Liheslatura's* Public Hearing Room.

Public Notice Requirements

Notices were disseminated via hand-delivery and e-mail to all senators and all main media broadcasting outlets on June 13, 2011 (5-Day Notice), and again on June 18, 2011 (48 Hour Notice).

(a) Committee Members and Senators Present

Senator Vicente "ben" Cabrera Pangelinan, Chairman
Vice Speaker B.J. Cruz, Member
Senator V. Anthony Ada, Member
Senator Christopher M. Dueñas, Member
Senator Mana Silva Taijeron, Member
Senator Adolpho Palacios Sr.
Senator Aline Yamashita, Ph. D.
Senator Sam Mabini, Ph. D.

(b) Appearing before the Committee

John Thomas Brown
Nolie Cadag

(c) Written Testimonies Submitted

Carlos R. Untalan, DLM Acting Director
Gerald Perez
John Brown, June 15, 2011 Letter
John Brown, June 24, 2011 Letter
Vanessa Ji

II. COMMITTEE PROCEEDINGS

Senator Vicente (ben) Cabrera Pangelinan: Will go ahead and start this morning and I want to thank everyone for their presence this morning on this public hearing by the Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land. All notices for the public hearing were issued in conformance with the Open Government Law and this morning we have confirmations and bills before the Committee.

The next item on the agenda is Bill No. 174-31 (COR), An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections. We have signed up this morning – I will call them and then have the author make a presentation: Mr. John Thomas Brown, Nolie Cadag, Tricia Fagan and Nicole?

John Thomas Brown: I believe they are just here in support.

Senator Vicente (ben) Cabrera Pangelinan: Alright. For oral testimony, Noli Cadag and John Thomas Brown are here. Before you start gentlemen, I will go ahead and recognize Senator Chris Duenas to give us a short synopsis of the bill.

(a) Bill Sponsor Summary

Senator Christopher M. Dueñas: Thank you Mr. Chair. Just briefly, thank you for the opportunity to briefly explain the purpose and intent of Bill No. 174-31, as introduced. Current statute allows a property owner whose lot was divided by the zoning boundary to select without public notice or hearing which zone to apply to the entire lot. This was done to alleviate advice that a lot thus split by zoning boundary has not affective zone designation. The split zone election authorized by current statute has created unanticipated anomalies with planning and development decisions. Amendments to the law are necessary to retain consistencies with the general zoning plan and the local development process. The bill continues to allow property owners to seek a split zone election with these proposed changes: makes any allowed use under the chosen zone designation conditional, not automatic. The conditional status would notice to neighbors to hear and consider the adjoining uses of lots before a particular use otherwise allowable is approved. Also adds a new provision that says “no such use shall be permitted, which is inconsistent or incompatible with the uses of property adjacent to such part nor which would otherwise be termed detrimental to the public”.

Thirdly, it adds a new provision prohibiting a property owner from acquiring land in another zone adjoining his land and boot strapping his land into the other zone by consolidating the existing lot with the newly acquired lot, thereby manufacturing the split zone lot.

In conclusion Mr. Chair and members, basically the purpose is to protect the public in a number of ways, particularly with this last addition. As we know this military buildup impending and many people probably trying to seek property approvals to have commercial or highly industrial type property zone designation and that’s what the Land Use Commission is there for – is to ensure that all the proper conditional uses are put in place so that we protect our public and not just to acquire certain a piece of property in order circumvent the process.

Thank you very much Mr. Chair and I appreciate the opportunity.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much Senator Duenas. We will go ahead and begin with Mr. Brown and then Mr. Cadag.

(b) Testimonies

1. John Thomas Brown

John Thomas Brown: Thank you Chairman Pangelinan and Senators. This has nothing to do with procurement law.

Senator Vicente (ben) Cabrera Pangelinan: Please identify yourself for the record, John.

John Thomas Brown: My name is John Brown. I am here a member of the Board of Directors of the Agana Beach Condominium Homeowners Association and also an owner in that project. I didn't know anything about split zone laws or that there was such a thing as a split zone until just a few weeks ago. It was brought to our attention in a very rude manner – our attention being the 61 residents at Dungca Beach in the Agana Beach Condominium. Some people showed up next-door and started cutting down numerous trees; old ironwood trees on their property and on the beach property. A couple of weeks after that some very old rusty orange shipping containers were hauled up and set 20 feet of our fenced line right in front of residential units, right in front of the bedrooms and right adjacent to our children's playground. Our project was built in the early 90's, mid 90's. It has been there for a long time. It's an expensive project and the split zone law at that time was non-existent. So, all of our land was R-2. The land adjacent to us is R-2. Both sides of us are R-2. There's commercial further back towards marine drive. We were puzzled how this project could – first of all, we didn't know what it was. What is a couple of shipping containers doing here? Come to find out its going to be an open-air bar. They are building a deck around it. There's no sound barrier. There are no hours of operation exclusion and it's within immediate site within – a ball bounce of our kid's playground and within earshot of bedrooms up and down the whole side of the project.

We didn't have the first bit of notice of this coming about at all. It turns out that was because of how the split zone law came into effect. Normally, when a landowner seeks to change the use of their project, it has to go through a variance procedure or you go through a split zone. Both of those require – not a split zone, I am sorry – a spot zone. Both of those are going to require a public hearing, a notice, an opportunity to be heard; the due process rights that we are used to. That didn't occur here. It's not part of the law. It wasn't required. It's very simple. If you have a piece of property that is bifurcated, not necessarily equally, bifurcated at all by a zone, the split zone allows a landowner to elect one of the two zones. Now, in our case – picture if you will a great big pork chop. It comes down to a little bitty bone at the end. That big pork chop is right next to our lot and it comes around to a 20 foot wide strip of access road and the C zone cuts off one small bit of that access road and because of that one small bit of C zone being part of that lot, that land is allowed to take C zoning way deep into R-2 zoning. We had no

right to be heard, no right to have notice, no right to change the value, the use rights that area was primarily zoned for.

We thought this was a bit out of the norm. That's not the way we tend to do our community planning laws. It's not we tend to practice. We were shocked by this. We were blindsided by it. We are detrimentally affected by it. I've presented to you some written testimony that goes into it a bit more and I won't bother to read that to you. You are much more intelligent than me. We just felt that this is an entirely the wrong way to go with land use planning and greatly appreciate the efforts of Sen Duenas' help in assisting us in coming up with some legislation that would take another look at the split zone law. It was passed obviously for a reason. There were expeditious reasons why – because my understanding that at the time if you had a piece of property that had a zone line go through it, they would say it has no zone [designation]. We don't want that. We are not trying to prevent people from having some resolution of their split zone problem. What we're saying is if you do that, you should it like a zone variance and you should have a proper hearing, you should have the conditional uses that are allowed. You shouldn't have to wake up one morning as a landowner and find a bar, open-air bar in your front yard, which what we did.

We don't know how we are going to get around this. Because there is a great deal of defense in this in the agencies --- the building permit itself was suspect. There's no foundation for these containers and this huge deck. One stiff wind, one high wave will lift all of this stuff and carry it right into our bedrooms. It's not placed in the ground on foundations, it's placed on the ground. Is there anybody doing anything about it? We've raised a lot of protests, no. The ABC license you were, this morning talking to another appointee to the Board, they've applied for an ABC license – their own rules say you can't even apply unless you have running hot/cold water and toilets. They don't have that, but the applications are just waiting for the appointees to be ratified and then they have a quorum to issue their license. Nobody is changing their mind on this. The trees that were cut down – the Department of Agriculture were called out. They took a look and said to them, "They are cutting down government property trees. What are you going to do about it?" They responded "nothing". They didn't give them a citation because nobody had a citation book. They didn't come back around and do anything.

We have to a horrific breach of all kinds of normal procedures and we are right straight up against it. This legislation may not help us ultimately. If we can't get that zone change undone, but we believe if we can hold them off long enough, if we can get this bill passed in time..... Let me just tell you about split zone. The split zone law says – it says it three times – the split zone decision is made by the owner. The Department of Land Management allowed the application to be made by the tenant. On its face it says the application is the tenant so we hereby approve it. Now, that should be void [speaker not clear], I mean that's ultra virus. But, there it is and it is on all the maps and there is nothing we can do until they actually pull it back off again. We don't know if they are going to do that. We've asked informally, they said no. We've asked formally and they said they would talk to the Attorney General about it. So, we have to go to court to try to fight this. Meantime, it is conceivable that the owner may show up and make the election. We don't think so. We've talked to representatives of the family – all the owners live in the states now, we're told they would not be amenable. But even if they do, that puts that bar right back into our front yard and breach of normal community planning. You

wouldn't do that; you wouldn't allow if you had a residential area, you wouldn't allow a variance change from one of the neighboring properties to put that bar there. But this allows it.

What we hope to do is get this expeditiously passed – that will solve our problem. But it also addresses not just our problem. It addresses the problem of manufacturing this facility. If you had a nice beautiful track of property on the wrong side of the zone, you could buy – the way this law is set out – you could buy a 5 inch, 6 inch strip of land right across the barrier, do a lot consolidation and then you would have a split zone and you could elect that 6 inch zone application to your huge 500 hectare piece of property. That's no way to have community planning. So, it addresses that, it maintains the rights of a property owner who does have a split zone lot to address his issues and to use it conditionally bearing in mind that because of this split zone by definition; you are going to have conflicting uses adjacent to it. And those conflicting uses have to be weighed in granting the use permit. They can't just put up a bar, but maybe they could put up a restaurant or something else. It doesn't eliminate the ability to use their property.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much, John. Mr. Cadag?

Panel Comments and Questions

None

2. Nolie Cadag

Nolie Cadag: Good morning Senators. My name is Nolie Cadag. Just like John I am a member of the Agana Beach Homeowners Association and I also own a unit. My testimony is going to be short and sweet as already articulated by Mr. Brown and I am support of this bill for the very reason I believe the existing law about the split zone lacks the public notice that needs to be required and also hopefully with the passage of this bill, that would be required wherein a public notice and public hearing should be conducted because ultimately down the line is that the split zone affects the best use of the whatever; whether it be R-2 or what have you. So, I am in support of the bill. Thank you.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much. Senator Duenas, did you have any comments or questions?

Panel Comments and Questions

Senator Christopher M. Dueñas: John, just to show that there is some recognition by, at least from Public Works from what I understand there has been an issuance of notice of violation with regard to this project.

John Thomas Brown: Yes, there has been a couple. They didn't notice anything about the foundation. They noticed that it was within the set back requirements. It has to be set back 20 feet. And then they decided 16 feet or 14 feet would solve the problem. As I said, they had put it up right next to our fence – that being the container. Now, what they've done is they moved the containers back and they built the deck. So, they are saying the deck is just an

accessory. The container is the bar. You can't go in the bar, there's no place to eat in the bar. You have to eat on the deck. As far as we're concerned, it an integral part. But DPW made the decision that since it is an accessory and there is a particular rule about accessories on a zoning line, it has to be set back not 20 feet as it would normally be but only 14 feet. So they have to go back and cut out part of the deck that they built. That's curable. They can do that in a couple of weeks or a weekend and they tend to do this work mainly on Sunday mornings as a couple of people who live there will tell you [points to two individuals in the audience].

The things that they did are curable. They put some shade panels banged on to the top of the containers and they are supposed to take those off. So, those two things can be fixed. They may have been fixed now for all I know. Then, we are right back into it and I don't know how you can get a health and safety permit to operate a bar out of a container on a beach that is just absorbing heat, but they seem to be getting any permit that they want.

Senator Christopher M. Dueñas: Thanks John.

Senator Vicente (ben) Cabrera Pangelinan: Vice Speaker Cruz? Senator Yamashita? Senator Mabini? Senator Mana [Taijeron]?

Senator Mana Silva Taijeron: Just out of curiosity, is there a name on the permit for this company? Is there a name?

John Thomas Brown: It has changed a couple of times. There was a name on the building permit. The building permit was for a renovation project. Nothing was renovated. This was raw land. They hauled a couple of containers on it. They cut a hole on the side of the container so they could have a service entry there. The name that was on it was Jae Ji; that's all I know. But then when it came time for the ABC license application, there was another name on it. The advertisement for the ABC license, I think was even under a third name: Koko Beach Bar or Coconut Grove or something like that. So, it's gone through a couple of permutations, but the same people are involved.

Nolie Cadag: I believe the applicant was Jae Ji operating under Buster Alley and of course using Coconut Grove; maybe Coconut Grove is dba for that. They are all three different names, but I believe represented by one.

John Thomas Brown: The story keeps changing. When the tenants came out to complain when the trees starting going down and asked "what are you doing?" And they called the police. Mr. Ji showed up and was telling one of our occupants there, "Oh yeah, this is going to be great. You guys are going to love it. We're going to do wet t-shirt contests". And the kids are out there playing in the yard. So, we objected to that and – we objected to the ABC Board and he says, "Oh no, this is going to be a really fine restaurant". In a couple of shipping containers. The story changes to fit the audience.

Senator Mana Silva Taijeron: If I am not correct, is there another beach bar located in that area?

John Thomas Brown: There are numerous; within walking distance of the place, there are at least 20 different bars. You are probably thinking of Jimmy Dee's Beach Bar, which is just a little bit up. There is a little river way that cuts down into Dungca's Beach there. We are on one side and he's on the other side. But, it is within ear shot when they are up and running, you can hear that quite simply. And the Jet Ski club just to other side of us has a beer license. But, they close down at 5:00. All the tourists go home and that's never been a problem. I suppose it could become a problem, but hasn't been one, yet.

Senator Vicente (ben) Cabrera Pangelinan: Thank you very much and Si Yu'os Ma'ase for your testimony and that concludes the hearing on Bill No. 174.

III. FINDINGS & RECOMMENDATIONS

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement, and Land hereby reports out Bill No. 174-31 (COR), As Amended, by the committee, with the recommendation **TO REPORT ONLY**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) REGULAR SESSION

2011 APR 29 PM 1:49

Bill No. 74-31 *cor*

Introduced by:

Chris Duenas *[Signature]*

**AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING
“SPLIT-ZONE ELECTIONS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The 25th Guam Legislature enacted § 61214 of Title 21, Guam Code Annotated, to allow a property owner, whose lot was divided by the Zoning Boundary, to select, without public notice or hearing, which zone to apply to the entire lot. This was done to alleviate advice that a lot thus split by the Zoning Boundary had no effective zone designation. The Legislature finds that, since passage, the split-zone election authorized by § 61214 has created certain unanticipated anomalies with planning and development decisions, and amendments to the law are necessary to retain consistency with the general zoning plan and local development processes.

Section 2. Repeal and Re-enact § 61214 of Title 21, Guam Code Annotated. § 61214 of Title 21, Guam Code Annotated, is hereby repealed and re-enacted as follows:

“§ 61214 (a) Split-Zone Election. Whenever a lot is affected by a Zoning Boundary which creates two (2) separate zoning designations within its boundaries, the property owner of such affected lot shall have the right to select one (1) of the two (2) zones and to have it apply to the entire lot. Upon receiving a written request by a property owner to elect a zoning designation for the affected lot, the Director of the Department of Land Management shall approve the request, shall process all necessary documents to reflect the approval, and shall update all official maps of the Island to indicate the zone which the property owner has chosen.

19 **(b) Conditional Use.** All uses permitted on the affected lot by the zone chosen by the
20 property owner making a split-zone election shall be conditional and subject to approval in the
21 manner required to obtain a zone variance as provided in § 61303, Title 21, Guam Code Annotated.
22 No such use shall be permitted upon any part of the lot described in subsection (a) above which is
23 inconsistent or incompatible with the uses of property adjacent to such part, nor which would
24 otherwise be detrimental to the public.

25 **(c) Effective Date.** A split-zone election shall only be made in respect of a lot in existence at
26 the time the Zoning Boundary line is designated. Without limitation, a lot created by consolidation
27 of a lot affected by a Zoning Boundary with another lot or lots unaffected by the Zoning Boundary,
28 after the effective date of a Zoning Boundary, shall have the zone classification of a lot unaffected
29 by the Zoning Boundary.”

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

Bill No. 174-31 (COR)

As Amended by the Committee on
Appropriation, Taxation, Public Debt, Banking,
Insurance, Retirement, and Land

Introduced by:

Chris Duenas

**AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING
“SPLIT-ZONE ELECTIONS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The 25th Guam Legislature enacted § 61214 of Title 21, Guam Code Annotated, to allow a property owner, whose lot was divided by the Zoning Boundary, to select, without public notice or hearing, which zone to apply to the entire lot. This was done to alleviate advice that a use permitted on one side of the lot thus split by the zoning boundary maybe inadvertently extended into the other side of the lot with a different zone designation that does not allow for the intended use. The Legislature finds that, since passage, the split-zone election authorized by § 61214 has created certain unanticipated anomalies with planning and development decisions, and amendments to the law are necessary to retain consistency with the general zoning plan and local development processes.

Section 2. Repeal and Re-enact § 61214 of Title 21, Guam Code Annotated. § 61214 of Title 21, Guam Code Annotated, is hereby repealed and re-enacted as follows:

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17 affected lot, the Director of the Department of Land Management shall approve the request, shall
18 process all necessary documents to reflect the approval, and shall update all official maps of the
19 Island to indicate the zone which the property owner has chosen.

20 **(b) Applicability of Lot Split Zone Boundary.** While the lots are still affected by the Lot
21 Split, a permitted use on one portion of the zone boundary cannot be extended to the other side of the
22 lot split zone boundary if it is not a permitted use on the portion of the same lot or on the abutting lot
23 to be extended. In order to extend such permitted use from one side of the lot split zone boundary to
24 the other side, a conditional use permit or a zone variance, as applicable, must be obtain pursuant to
25 § 61303 or § 61617, Title 21, Guam Code Annotated.

26 **(b) (c) Conditional Use.** All uses permitted on the affected lot by the zone chosen by the
27 property owner making a split-zone election shall be conditional and subject to approval in the
28 manner required to obtain a zone variance as provided in § 61303, Title 21, Guam Code Annotated.
29 No such use shall be permitted upon any part of the lot described in subsection (a) above which is
30 inconsistent or incompatible with the uses of property adjacent to such part, nor which would
31 otherwise be detrimental to the public.

32 ~~**(e) (d) Effective Date.** A split-zone election shall only be made in respect of a lot in~~
33 ~~existence at the time the Zoning Boundary line is designated. Without limitation, a lot created by~~
34 ~~consolidation of a lot affected by a Zoning Boundary with another lot or lots unaffected by the~~
35 ~~Zoning Boundary, after the effective date of a Zoning Boundary, shall have the zone classification of~~
36 ~~a lot unaffected by the Zoning Boundary. **Lot Consolidation.** A split-zone election shall only be~~
37 ~~made on lots that are encumbered by such split-zone designation as delineated in the Official Zone~~
38 ~~Map series for the applicable Municipality. No extension of a zone boundary shall be allowed under~~
39 ~~a Lot Consolidation with another lot unaffected by the split-zone boundary. Any split-zone extension~~
40 ~~being pursued through Lot consolidation on an unaffected parcel must undergo the regular zone~~
41 ~~change process through the Guam Land Use Commission for such extension on the unaffected lot.”~~



Mina'trentai Unu Na Liheslaturan Guahan
THIRTY-FIRST GUAM LEGISLATURE
Senator Vicente "ben" Cabrera Pangelinan

**COMMITTEE ON APPROPRIATIONS, TAXATION, PUBLIC DEBT, BANKING,
 INSURANCE, RETIREMENT AND LAND**
Monday, June 20, 2011
Bill No. 174
SIGN UP SHEET

NAME	ADDRESS	PHONE	EMAIL	WRITTEN	ORAL	SUPPORT Yes No
JOHN H.S. Cabranza	PO BOX 7 HAGATNA	4777293	johns60@gmail.com-ar	✓	✓	YES
NOEL C. CADA	PO BOX 6888 TAMUNING	653-1923	noelc@guam.net		✓	YES
Tricia Fagan	125 Dunga Rd Wag Apt 501 TAMUNING	488-8780	tricia.fagan@gmail.com			yes
Nicole Guerrero Shirk	125 Dunga Rd Wag Apt 501 TAMUNING, GUAM 96915	482-4491	Nicolekennel@hotmail.com			yes



EDDIE BAZA CALVO
Governor of Guam

RAY TENORIO
Lieutenant Governor of Guam

DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



CARLOS R. UNTALAN
Acting Director

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590 S. Marine Corps Drive
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P.O. Box 2950
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E-mail Address:
dir@dlm.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

June 16, 2011

Honorable Senator Vicente (ben) Pangelinan
Chairman, Committee on Appropriations, Taxation, Public Debt, Banking,
Insurance, Retirement and Land

SUBJECT: DLM Comment on Bill: 174-31 (COR) - **AN ACT TO REPEAL AND RE-ENACTS 61214 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS"**.

Bueñas Yan Hafa Adai Senator Pangelinan:

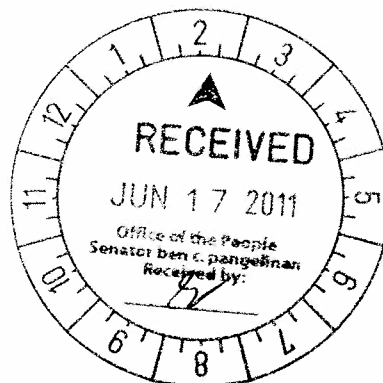
At ATTACHMENT is our comments

I can be reached at 649-5263 extension 311 or 612, should you have additional questions or need further clarification.

Senseramente,

Carlos R. Untalan
Acting Director

ATTACHMENT





DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

EDDIE BAZA CALVO
Governor

CARLOS R. UNTALAN
Acting Director

RAY TENORIO
Lieutenant Governor

May 19, 2011

Honorable Senator Christopher M. Duenas
Ste. 701A, DNA Building
Hagåtña, Guam 96910

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

SUBJECT: Bill 174-31 (COR)

Bueñas Yan Hafa Adai Senator Duenas:

I have reviewed Bill 174-31(COR) and submit our comments as follows:

Bill 174-31(COR) is *AN ACT TO REPEAL AND RE-ENACT §61214 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS"*.

Reference Line 5, Section 1(a). Legislative Intent. We disagree that a **"lot split had no effective zone designation"**. From purely a zoning perspective, a lot that is encumbered by two zoning designation, legally and at face value automatically assumes the dual zone designation specific to that portion on the lot. The key is to mark on the ground where that zoning boundary exist. Once demarcated, any permitted use(s) can be realized. The caution that must be considered is how does one use integrate with a different zone designation on the same parcel but on the other side of the split zone boundary.

Suggest that this language be amended to read:

Line 5, "...that a use permitted on one side of the lot thus split by the Zoning Boundary maybe inadvertently extended into the other side of the lot with a different zone designation that does not allow for the intended use.

Reference Lines 19, 20 and 21, Section (b). Conditional Use appears ambiguous and conflicting. The opening sentence cites:

"All uses *permitted (emphasis added)*shall be conditional and subject to approval in the manner required to obtain a zone variance as provided in §61303, Guam Code Annotated".

ATTACHMENT

Continuation of Letter
RE: Comments to Bill 174-31(COR)
May 19, 2011
Page 2 of 2

If the intent of this section means that while the parcel is still encumbered by the lot split, and if the owner chooses a use that is permitted on the portion of the lot, but is not permitted on the other side of the split-zone boundary, then this section appears logical. If this is the case, then it should be written clearly so that there is no confusion as to what is intended. Otherwise, the write up is confusing.

Suggest the following language including its title:

“(b) ~~Conditional Use.~~ Applicability of Lot Split Zone Boundary. While the lots are still affected by the Lot Split, a permitted use on one portion of the zone boundary cannot be extended to the other side of the lot split zone boundary if it is not a permitted use on the portion of the same lot or on the abutting lot to be extended. In order to extend such permitted use from one side of the lot split zone boundary to the other side, a conditional use permit or a zone variance, as applicable, must be obtain pursuant to §61303 or §61617, of Title 21, Guam Code Annotated”.

Lines 22, 23 and 24, of Section (b) is relevant and therefore, no change is necessary.

Suggest language for **Reference Section (c)** including its title as follows:

Reference Section (c): ~~Effective Date.~~ Lot Consolidation. A split-zone election shall only be made on lots that are encumbered by such split-zone designation as delineated in the Official Zone Map series for the applicable Municipality. These Official Zone Maps are filed in the Department of Land Management and are categorized as Map series F3 67S followed by the appropriate numerical number for each Municipality. No extension of a zone boundary shall be allowed under a Lot Consolidation with another lot unaffected by the split-zone boundary. Any split-zone extension being pursued through Lot consolidation on an unaffected parcel must undergo the regular zone change process through the Guam Land Use Commission for such extension on the unaffected lot.

As always, it is my pleasure to comment on the propose Bill. I can be contacted at 649-5263, extensions 612 or 311, should you have additional questions or need further clarification.

Senseramente,


Carlos R. Untalan
Acting Director

Cc: Planning Division

From: "Vicente C. Pangelinan" <senben@guam.net>
Subject: Fwd: Support for Bill 174-31
Date: Wed, June 15, 2011 10:22 am
To: "Lisa Cipollone" <cipo@guamlegislature.org>, Nāpu Castro <tcastro@guam.net>
Cc: "vicente pangelinan" <senben@guam.net>

For the committee report

Begin forwarded message:

> From: Gerry Perez <geap43@yahoo.com>
> Date: June 14, 2011 3:46:44 PM GMT+10:00
> To: duenasenator@gmail.com, "'Vicente C. Pangelinan'" <senben@guam.net>
> Cc: "Michael D. Carlson" <mcarlson@ite.net>
> Subject: Support for Bill 174-31
>
> Hi Chris,
> I am off island and not able to attend the public hearing on your Bill 174-31. I
do like the bill, however, and submit herewith supporting testimony, for the
record, in my personal capacity.
>
> Bill 174-31:
>
> I support the bill's enactment into law because there are safeguards provided to
ensure compatibility of land uses while allowing there to be a process for public
discourse prior to decisions being made to optimize different, competing and
reasonable land uses.
>
> I particularly like the fact that land parcels will not be automatically zoned to
a chosen designation, and that the "conditional use" designation will need to be
observed. This does not preclude a zone change, but said change will first need to
go through public scrutiny to ensure compatibility with adjacent land uses.
>
> It is also good to see a provision that disallows zoning by the aquisition and
consolidation of adjacent property.
>
> Thank you for accepting my testimony and support in this fashion to which I have
resorted while traveling off island.
>
> Sincerely, Gerald SA Perez
> P.O. Box 12073,
> TamuningGuam 96931
> Tel # 482-6137
>

Attachments:

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Type:	text/html

JOHN THOS. BROWN
ATTORNEY AT LAW *

GENERAL COUNSEL

Jones & Guerrero Co. Inc. (Guam, USA)
Its divisions, subsidiaries and affiliates†

J&G Corporate Office
545 Chalan Machaute, (Rte 8 @ Biang St.), Maite, Guam 96910

Telephone: +1-671-477-7293

Fax: +1-671-472-6153

email: jngo@ozemail.com.au

Mobile/Cell phone: +1-671-483-5960

POSTAL: GPO Box 7, Hagåtña, Guam 96932

15 June, 2011

Hon. Senator Ben Pangelinan
Chair, Committee on Appropriations, Taxation, Public Debt, Banking, Insurance,
Retirement & Land

Hand Delivery

RE: Bill 174, RELATIVE TO AUTHORIZING "SPLIT - ZONE ELECTIONS"

Dear Chairman Pangelinan and Committee Members,

I write in support of Bill 174. I do so in my private capacity and not as an employee of J&G.

Ten years ago, for whatever expeditious event that instigated it, the Legislature passed the Split-Zone Election law, PL 25-131, now codified at 21 GCA § 61214. Its obvious intent was to solve a problem when a landowner's lot was bifurcated by a zoning boundary.

Zoning boundaries tend to run in straight lines without regard to lot lines or natural boundaries, so, in individual cases, the use rights for certain lots became ambiguous due to the dual zoning applicable to the one lot. The question was, was use allowed for both zones, neither zone, or partly for one zone and partly for the remainder? The inconsistent answers to this question presented ongoing uncertainty across the island where this problem kept popping up.

The expedient solution was to just allow the lot owner to decide on one or the other zone designations for the entire lot. In solving this immediate problem, the law created others. In particular, adjacent owners caught collateral damage.

If, for instance, a split zone lot penetrated deep into, say, residential zone, you would find all adjoining uses to be residential. And if the split zone lot owner was able to select, say, an M1 zone designation for that lot, the adjoining residences might find a car dismantling operation pop up next door, devaluing

* Admitted to Practice: California, Guam and Commonwealth of Northern Mariana Islands, USA [Inactive in NSW, Australia]*

† Micronesian Brokers, Inc. (Guam and CNMI)/Town House Department Stores, Inc. (Guam)/J&G Distributors/Aquarius Beach Towers, (Saipan, CNMI)/Livno Holdings PTY LTD (A.C.N. 003 585 331)/Townhouse, Inc. (Saipan, CNMI)/IBSS (Guam and Saipan)

both their own property and their quiet enjoyment of an otherwise residential neighborhood.

In all instances where property undergoes zone change, there is public notice and particular notice to neighboring property owners, who have an opportunity to object and perhaps require conditions of use. This is true especially for zone variance applications, but is also true when the legislature, by public passage of a bill, spot zones or makes wholesale changes to zone boundaries.

But it is not true when a split-zone election is made. An owner who is entitled to make the zone election does so in secret, without due process granted to anyone for notice or right to be heard and objections considered.

Typically, when spot zoning or zone changes by variance, the nature of existing uses of adjoining areas, and disruption of those uses, is a primary concern in granting approval. In split-zone elections, those existing uses are ignored notwithstanding the degree to which the new zone will allow non-conforming uses. This is an outrageous imposition on the property rights and expectations of adjoining land owners and occupants.

The split-zone law also is susceptible to very intentional manipulation and undermining of urban planning with goes into determining zone boundaries in the first place. It would be quite easy for an owner on one side of a zone boundary to acquire a slim piece of adjoining property in the other side of the boundary, consolidate the two lots, and then bootstrap the entire parcel in one zone into a zone change.

This bill does not prevent split-zone elections, because there is an obvious need to be filled by it. But it will ameliorate the downside to the split-zone law by making any use of the property consistent with the elected zoning conditional only. Thus, no use of the property can be made until the owner who has elected the zone classification goes through the same process anyone else must go through to get a zone change use variance. It also prohibits creation of the split-zone condition by lot consolidation.

Bill 174 reasonably, equitably and with due process addresses the anomalies created by PL 25-131, and it should be passed to avoid the damages that law created unwittingly.

And now I speak with particular interest in and reference to a very real life demonstration of the inequities described only generally above.

I am an owner of a condo unit in the Aquarius Beach Condominium, a 61 residence project on Dungca Beach. I am also a member of the board of directors of the homeowners association. I therefore admit to having a personal interest in this bill, as well as a responsibility to speak for other owners.

Our project was caught quite unaware by this bill when suddenly, one Sunday morning a few weeks ago, a crew showed up on the lot immediately to the front and side of our project, cutting down trees on and off the property. Why? To put up an outdoor bar, constructed of two old steel shipping containers surrounded by a wooden deck. The bar is located immediately in front of bedroom windows of the building, and immediately next to the existing children's playground and family bar-b-que area. The building permit issued for the bar recites that the total construction cost for the bar is \$7500.

What do you suppose this bar will do to the quiet, safe and friendly use of our project, and to the value of the \$30 Million project?

How did this happen without any notice, without any opportunity to object, without any consideration of the existing use, and contrary to the R2 zone of the land where our project and the bar is located?

It turns out that the lot where the bar is situated twists around the front of our project and narrows down into an access road about 20 feet wide. The whole of the useable area of this lot, which is wholly adjacent to our project, is in the R2 zone, but one small portion of that little neck of access way is in the Commercial zone. And because the lot is divided such that the little sliver of land is zoned Commercial, the whole area, down to the beach, got changed, without any notice to anyone, from R2 to Commercial.

And now our children and occupants are at risk of having an open-air beach bar in the front yard. And do you have any idea what the hours of operation are? Anything the law allows, regardless what the current owner might try to tell you. And what kind of clientele will this cheap bar attract? Not the kind that you want your children playing around.

This development is a travesty of community planning, a gross violation of due process, and an insult to the many families who have spent time, money and considerable effort to create a community of sixtyone family-friendly residences on Dungca Beach.

The tenants and owners are fighting an uphill battle to try to stop the bar's development, but theirs is an uphill battle, notwithstanding the many anomalies

in the permitting process, including the fact that the bar and deck are simply placed on the ground and not secured by sunken foundations, so in any wind or wave could wash right up into our building.

Legal action has also been filed to reverse the split-zone election because it appears to have been granted on the application of the tenant without the consent or concurrence of the landowner.

There is thus a chance that the development might be curtailed at least to the extent that the building process will have to begin anew. If so, then expeditious passage of this bill will provide some hope for relief.

And even if our project cannot be saved from the construction of the bar, we as a community must demand, never again!

Respectfully submitted,

/s/

John Thos. Brown

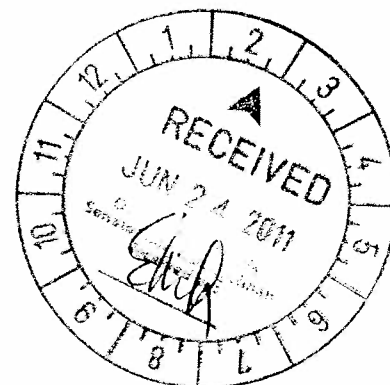


Agana Beach Condominiums Homeowners' Association
125 Dungca Beach Road, Tamuning Guam

June 24, 2011

Hon. Sen. Chris Duenas
via Hand-delivery

RE: Bill 174, Testimony of Vanessa Ji, Esq.



Dear Sen. Duenas,

I would like this letter to rebut the testimony of Mrs. Ji. In my testimony before the Committee in support of the bill, I clearly stated my interest as an owner and director of the ABCHOA, as did Mr. Cadag and the two tenants in attendance. Mrs. Ji does not. She has not disclosed her relationship and interest to Mr. Ji, owner¹ of the beach bar which instigated this bill.

Mrs. Ji writes passionately that this bill “would negatively affect thousands of property owners”. Lets look at the owners of the lot where the beach bar is being built. Mr. Ji is not the owner, he is a subtenant. His landlord is not the owner, he is a tenant. The property owners are the daughters of Mr. Paul D. Palting², who signed the original lease to the tenant.

Because the original legislation allows a zone change to be made without any notice to anyone, the tenant was able to waltz in, present a request to Land Management for the zone change election, and have it approved³ without the real owners' knowledge or consent. Mr. Ji is simply taking advantage of this error. There is no valid zone election for that lot which allows construction of a bar to begin with. This bill, by requiring the same notice and due process to interested parties that the normal zone change processes, would prevent such miscarriages.

Representatives of the ABCHOA, including myself, have in the last week had discussions with

¹ See Exhibit A, a copy of the relevant portion of the Building Permit issued for the bar.

² See Exhibit B, Certificate of Title to lot 2121-1-R4, from which the beach bar lot, no. 2121-1-R6, was subsequently derived.

³ See Exhibit C, which expressly states the election is made “at the request of ... LESSEE”.

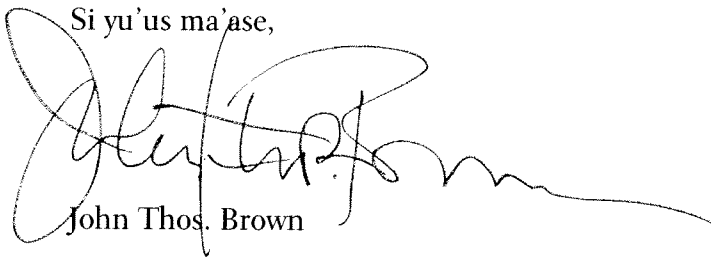
certain of the Palting heirs, who all reside on the Mainland. They are shocked and flabbergasted that the zoning of their lot was changed to Commercial, and adamantly opposed to it.

Yet, notwithstanding our entreaties to the current Acting Director of DLM, pointing out that the zone election was obtained by the Lessee and not the owner, he refuses to revoke the designation. This is causing significant stress and cost to the beach bar land owners as well as the adjoining land owners, all parties who should be protected by this sort of ad hoc zone magic, but are not. Bill 174 will make sure this sort of thing will not happen again.

Mrs. Ji wants the property owner's rights protected. The original split-zone law did not do that. This bill will. I again urge you to pass this bill with all due haste.

Senator Duenas, I am directing this letter to you as author of the bill, and respectfully request that you please have it copied and circulated to the Committee Chair, Sen. Ben Pangelinan, and other committee members.

Si yu'us ma'ase,

A handwritten signature in black ink, appearing to read "John Thos. Brown", with a long, sweeping horizontal line extending to the right.

John Thos. Brown

Bill No. 146-31 (COR): An Act to place limitations on the importation of cigarettes and smokeless tobacco products by amending §6602 of Article 6, and by adding a New §6603 to Article 6 of Chapter 6 of Title 11 of the Guam Code Annotated.

Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

Bill No. 181-31 (COR): An Act to amend Title 16 Guam Code Annotated, Chapter 5 Relative to the creation of truck weigh stations on Guam.

Bill No. 200-31 (COR): An Act to approve the Commercial Lease Agreement by and between the Department of Land Management and the Macheche Plaza Development

Bill No. 207-31 (COR): An Act to authorize the Department of Land Management to exchange a portion of Government of Guam land and deed Lot No. 1NEW-6, within Block No. 24, Municipality of Hagatna to Adrian L. Cristobal and Concepcion F. Cristobal pursuant to Civil Case No. CV230-88 recorded under Document No. 478218.

Bill No. 208-31 (COR): An Act to amend §60900 and add a new §60909 and §60910 of Article 9, Chapter 60, Title 21 Guam Code Annotated relative to the construction of a new Department of Land Management Building in Hagatna.

Bill No. 210-31 (COR): An Act to add a new Chapter 53 to Title 11 of the Guam Code Annotated to provide the Department of Revenue and Taxation Enforcement and Collection Resources to target high risk, cash-based businesses and for non-licensed businesses engaged in military construction projects. This Act shall be known as “The Cash Economy Enforcement Act of 2011”.

Bill No. 219-31 (COR): An Act to Amend Section 33106, Chapter 33, Title 7 Guam Code Annotated relative to Mechanics Lien.

*Yanggen un nisisita espesiât na setbisio put fabot âgang i Ifisinan Senadot ben pangelinan gi 473-4236/7, i-mel si senbenp@guam.net , patsino hâlom gi i uepsait gi <http://www.senbenp.com>
Este na nutisiu inapâsi nu i fendon gubetnamento.*

If you require any special accommodations, please contact the Office of Senator ben pangelinan at 473-4236 , email at senbenp@guam.net or log onto <http://www.senbenp.com>

This ad paid for with government funds

APPLICANT: M G Construction Company CONTRACTORS LICENSE
ADDRESS: 139 Kayen Pution - Dededo
PERMIT TO: Renovate (1) STORY PROPOSED USE: Bar
OCCUPATION: Tanning ZONING
TRACT: LOT: 2121-1-R2 BLOCK
BUILDING DIMENSIONS: 16.0 FT. WIDE, BY 40.0 FT. LONG, BY
TYPE: VN USE GROUP: Misc. BASEMENT WALLS OR FOUNDATION
REMARKS: To renovate 2 40' containers for a bar w/deck & chain link fence
AREA OR VOLUME: COST: \$ 7,500.00 PERMIT
OWNER: Joe Ji
ADDRESS: 545 Chalan San Antonio
Core Pacific Building

EXHIBIT A

770269

08 03 13 247

(Space Above for Recordation)

**DEPARTMENTAL APPROVAL
SPLIT - ZONE CHANGE**

COPY

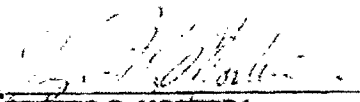
"Pursuant to Public Law 25-131, "An Act to Add Section 61214 to Article 2, Chapter 61 of Title 21 of the Guam Code Annotated, relative to Split-Zoned Situations:, I, TEREZO R. MORTERA, Director of Land Management hereby **APPROVE** the request of:

MARCIANO V. PANGILINAN, LESSEE of Lot 2121-1-R6, Municipality of Tamuning, from a Split Zone of "R-2" Multi-Family Dwelling and "C" Commercial Zone to a Full Zone of:

"C" COMMERCIAL
Predominant Zone

Approval of the new zone designation to the entire property of (Lot 2121-1-R6, Municipality of Tamuning) shall be final effective on the date of the Recordation of this document. Any future rezoning of the said lot shall not be subjected under this same process but must follow the procedures for zone change pursuant to Title 21, Guam Code Annotated, Chapter 61, Section 61630, Zoning Law.

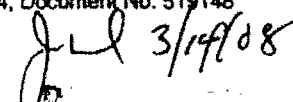
APPROVED:


TEREZO R. MORTERA
Director, Department of Land Management

8-11-08
DATE

Attachment

1. Zoning Map FS 67 S 36; Amendment No: A-76
2. Copy of Approved Recorded Survey Map 501FY94, Document No. 519148


EXHIBIT C 1 of 2

SPLIT ZONE CHANGE
APPLICATION NO. 2008-30
LOT 2121-1-R6
TAMUNING
NEW ZONING BOUNDARY



SPACE FOR RECORDATION

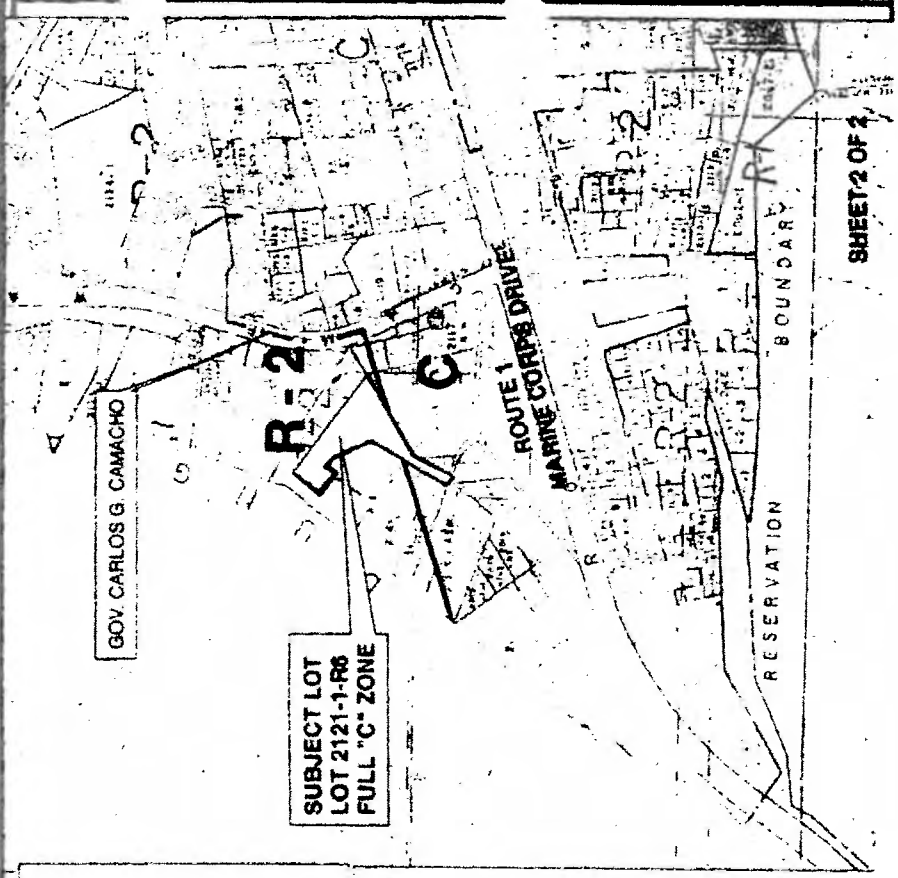
SPLIT ZONE CHANGE
APPLICATION NO. 2008-30
MARCIANO V. PANGILINAN
C/O JOSE P. MORCILLA
Prepared on March 11, 2008

FROM: "R-2" AND "C"
TO: FULL "C" COMMERCIAL

LOT NO: 2121-1-R6 (DLM MAP NO. 601FY04)
BLOCK NO. N/A
TRACT: N/A
MUNICIPALITY: TAMUNING
SCALE: N/A
AMENDMENT NO: A-76

APPROVED PURSUANT TO PL 25-131.
 SUBJECT LOT IS REZONED TO A
 FULL "C" COMMERCIAL ZONE.

XEROX R. MORTERA *3/11/08*
 XEROX R. MORTERA DATE
 Acting Director,
 Department of Land Management



C 2582

VANESSA JI

ATTORNEY AT LAW

THE LAW OFFICE OF VANESSA JI
SUITE 211B CORE PACIFIC BUSINESS CENTER
545 CHALAN SAN ANTONIO
TAMUNING, GUAM 96913

OFFICE: +1.671.969.8920
MOBILE: +1.671.487.1492
EMAIL: VANESSAJI@GUAMLAWYER.BIZ
WWW.GUAMLAWYER.BIZ

June 23, 2011

Honorable Vicente C. Pangelinan
Chairman
Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement & Land
I Mina' Trentai Unu Na Liheslatuaran Guahan
31st Guam Legislature



VIA E-MAIL AND HAND DELIVERY

Re: Bill No. 174-31; AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING
"SPLIT -ZONE ELECTIONS".

Hafa Adai Senator ben,

I am writing in OPPOSITION to Bill No. 174-31¹, which would effectively repeal legislation you supported during the 25th Guam Legislature. Bill No. 174 alleges to amend 21 G.C.A. § 61214 "the Split Zone Law." The Split Zone Law was a remedy enacted by the 25th Guam Legislature for property owners whose lots were "split-zoned" by GovGuam.² Bill 174 would effectively repeal the Split Zone Law remedy entirely. The Bill is misleading because it claims to "fix" the Split Zone Law, but it actually creates the original problem the Split Zone Law was enacted to fix. Finally, Bill 174 is special interest legislation that would negatively affect thousands of property owners and cost GovGuam countless taxpayer dollars in a time of fiscal crisis and economic uncertainty. I ask that you uphold the Split-Zone Law as originally enacted, consistent with your vote in the 25th Guam Legislature, and vote "NO" on Bill No. 174-31.

¹ Bill No. 174-31 is attached as Exhibit A.

² Public Law 25-131 ("the Split Zone Law") is attached as Exhibit B.

BILL 174 KILLS THE SPLIT ZONE LAW BY EFFECTIVELY REPEALING THE REMEDY IN ITS ENTIRETY.

The Split Zone Law was enacted to help split-zoned property owners who were forced to undergo the expensive rezoning process by prior legislature's split-zoning of their property. The split-zoning occurred when the Government blanket rezoned all properties fronting Route 1, Route 8, and Route 15, that extended beyond 200 feet, to Commercial "C" Zones.³ Although it made sense to classify properties abutting these major thoroughfares as commercial zones, the owners of the newly split-zoned properties now had to go through "a lengthy and expensive rezoning process."⁴ The Split Zone Law was enacted to remedy this situation by creating an exemption for the affected owners. Bill 174 is a complete step backwards because it would again require the split-zoned property owners to undergo the lengthy and expensive and rezoning process!

The whole intent of the Split Zone Law was to exempt property owners from the "case-by-case" application scenario. Now, the proposed "Conditional Use" amendment in Bill 174 would require the exact "case-by-case" application the Split-Zone Law was enacted to eliminate. The variance requirement under Bill 174 was not only contemplated when the Split Zone Law was enacted, but expressly rejected by the 25th Legislature. The Legislature unequivocally stated that "[i]nstead of continuing the previous practice of re-zoning on a case by case basis, the Committee feels that a long-range permanent solution is required. [P.L. 25-131] is that solution."⁵ So, although Bill 174 keeps the same substantive language found in the original Split Zone law, it really is just repealing the law by way of amendment and defeating its original intent. These "amendments" simply create the same problem that the Split Zone Law was intended to fix.

BILL 174 IS MISLEADING BECAUSE IT CLAIMS TO FIX A PROBLEM THAT DOES NOT EXIST.

Bill No. 174-31 alleges that the original remedy of the Split Zone Law created "certain *unanticipated* anomalies with planning and development decisions."⁶ The Bill does not state exactly what anomalies have affected planning and development. However the Bill does go on to say the amendments are "necessary to retain consistency with the general zoning plan and local development processes."⁷ The only conclusion left is that the remedy itself, the property owner's choice, is the "unanticipated anomaly." However, the legislative record clearly demonstrates that not only was the property owner's right to choose anticipated, but it was the

³ Exhibit B, Public Law 25-131 at p. 11.

⁴ Exhibit B, Public Law 25-131 at p. 11.

⁵ Exhibit B, Public Law 25-131 at p. 12.

⁶ Exhibit A, Bill 174-31 at p. 1, Section 1.

⁷ Exhibit A, Bill 174-31 at p. 1, Section 1.

whole point of the Split-Zone law in the first place. That the split-zoned property owners may choose is clearly not an anomaly, no less an unanticipated one.

Neither can proponents of the Bill realistically claim that inconsistencies in the general zoning plan and local development process was an unanticipated effect of the Split Zone Law. By definition, a split-zone *is* an inconsistency in the general zoning plan. If the Bill really wanted to create consistency with the general zoning plan, then it should require that all of the split-zones be re-blanket zoned OR that the properties remained split-zoned.

The former option would require all properties abutting Routes 1, 8 and 15 be blanket zoned "Commercial." The latter would just be a repeal of the Split Zone Law entirely. The property owners would be back at square one with split-zoned properties that must undergo "a lengthy and expensive rezoning process" forced upon them by previous legislatures. Neither chain of logic required by this Bill is tenable. There were no unanticipated anomalies created by the Split Zone Law so Bill 174 cannot claim to remedy them.

BILL 174 IS A SPECIAL INTEREST BILL THAT COSTS THE PUBLIC AT LARGE IN ORDER TO SERVE THE INTERESTS OF A FEW.

Bill 174 is advocated by select property owners for their own personal benefit at great cost to the public. Essentially, because certain property owners want to choose what their neighbors do with their property, they are pushing a Bill that creates incalculable costs for similarly situated property owners, puts additional strain on overburdened agencies, and costs the Government and taxpayers more money they do not have.

Proponents of the Bill cite to inconsistent adjacent zoning as support for the amendments. This legislation basically requires that a property owner be forced to have their property zoned whatever their neighbor chose first. Under the guise of an "anomaly," proponents are essentially saying that they chose first, and everyone around them must follow. This unfairly allows these proponents to benefit from the original Split Zone Law while also dictating what others may do with their property. This is a basic violation of individual property rights for the sake of special interests.

One particular example brought up at the Public Hearing is instructive. Residents of the Agana Beach Condos allege that commercial enterprises on an adjoining lot that was elected as "C" under the Split Zone Law is one such "anomaly" in zoning. However, owners of the very lot on which the Agana Beach Condos sit, exercised their remedy under the original Split-Zone Law. Now, these proponents of the Bill want to deprive their neighbors of this same remedy. It is even more curious to note that the President of the Homeowners Association for these condos, Larry Kasperbauer, in fact was a co-sponsor and signer of the original Split Zone Law.⁸

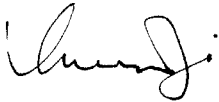
⁸ Exhibit B, Public Law 25-131 at pp. 4-6.

In an attempt to interfere with other's property rights, proponents of this Bill support legislation that would affect potentially thousands of other property owners. It is a fact that the lots affected by this Bill are every lot that lies beyond 200 feet of Routes 1, 8 and 15!⁹ If Bill 174 is passed, every single one of these split-zone property owners would have to undergo the lengthy and costly zoning process. This would create incalculable strain on already overburdened agencies. This would cost countless Government dollars – taxpayer money- in order to satisfy a few who do not like what their neighbors are doing. Further, legislation like Bill 174 creates an environment of economic uncertainty. This not only devalues these countless split-zoned properties, but detracts investment and stunts development. While this may not be the intent of the Bill, it is the undeniable result.

Senator, you supported the Split Zone Law that this misleading Bill would completely undermine. When the Split-Zone law was enacted it was co-sponsored by 15 senators including yourself. Fifteen senators, including you, signed it into law. Now, Bill 174 attempts to undermine the benefit to many, originally envisioned by the Legislature, in order to serve the interests of a select few.

I hope that a review of your voting record on the Split Zone Law and the legislative record persuade you that the “amendments” proposed in Bill 174 completely undermine the entire purpose of the original legislation. I sincerely hope you vote “NO” on Bill No. 174-31. Un Dangkalu na si Yu’us Ma’ase.

Sensaramente,



Vanessa Ji, Esq.

Enclosures

cc: Vice Chairperson Speaker Judith T. Won Pat, Ed.D.

Vice Speaker Benjamin J. F. Cruz

Senator Tina Rose Muna-Barnes

Senator Judith P. Guthertz

Senator Dennis Rodriguez, Jr.

Senator V. Anthony Ada

Senator Christopher M. Duenas

Senator Mana Silva Taijeron

⁹ See Exhibit 3, Official Zoning Map for the Island of Guam for affected lots.

EXHIBIT A

2011 APR 29 PM 1:49

I MINA'TRENTAI UNU NA LIHESLATURAN GUÁHAN
2011 (FIRST) REGULAR SESSION

Bill No. 174-31 *COR*

Introduced by:

Chris Duenas *CD*

**AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING
“SPLIT-ZONE ELECTIONS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The 25th Guam Legislature enacted § 61214 of Title 21, Guam Code Annotated, to allow a property owner, whose lot was divided by the Zoning Boundary, to select, without public notice or hearing, which zone to apply to the entire lot. This was done to alleviate advice that a lot thus split by the Zoning Boundary had no effective zone designation. The Legislature finds that, since passage, the split-zone election authorized by § 61214 has created certain unanticipated anomalies with planning and development decisions, and amendments to the law are necessary to retain consistency with the general zoning plan and local development processes.

Section 2. Repeal and Re-enact § 61214 of Title 21, Guam Code Annotated. § 61214 of Title 21, Guam Code Annotated, is hereby repealed and re-enacted as follows:

“§ 61214 (a) Split-Zone Election. Whenever a lot is affected by a Zoning Boundary which creates two (2) separate zoning designations within its boundaries, the property owner of such affected lot shall have the right to select one (1) of the two (2) zones and to have it apply to the entire lot. Upon receiving a written request by a property owner to elect a zoning designation for the affected lot, the Director of the Department of Land Management shall approve the request, shall process all necessary documents to reflect the approval, and shall update all official maps of the Island to indicate the zone which the property owner has chosen.

19 **(b) Conditional Use.** All uses permitted on the affected lot by the zone chosen by the
20 property owner making a split-zone election shall be conditional and subject to approval in the
21 manner required to obtain a zone variance as provided in § 61303, Title 21, Guam Code Annotated.
22 No such use shall be permitted upon any part of the lot described in subsection (a) above which is
23 inconsistent or incompatible with the uses of property adjacent to such part, nor which would
24 otherwise be detrimental to the public.

25 **(c) Effective Date.** A split-zone election shall only be made in respect of a lot in existence at
26 the time the Zoning Boundary line is designated. Without limitation, a lot created by consolidation
27 of a lot affected by a Zoning Boundary with another lot or lots unaffected by the Zoning Boundary,
28 after the effective date of a Zoning Boundary, shall have the zone classification of a lot unaffected
29 by the Zoning Boundary.”

EXHIBIT B



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

MAY 22 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>10:10am</u>
Date	<u>May 23, 2000</u>

Dear Legislative Secretary Brown:

Enclosed please find Bill No. 367 (COR), "AN ACT TO ADD §61214 TO ARTICLE 2, CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESOLVING SPLIT-ZONED SITUATIONS", which I have signed into law today as Public Law No. 25-131.

This legislation allows a property owner whose lot has 2 separate zone designations within its boundaries to choose one of the zonings and have it apply to the entire lot without the necessity of other procedures or approvals. This relieves owners whose lots were partially rezoned on the basis of zoning laws that rezoned property within a certain number of feet from a major road from the time and expense of going through rezoning procedures when zoning is already provided for the lot.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

cc: The Honorable Antonio R. Unpingco
Speaker

00941



COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagåtña, Guam 96910

May 16, 2000

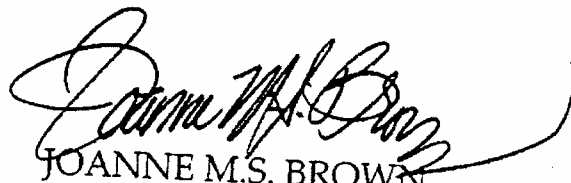
The Honorable Carl T.C. Gutierrez
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 410(COR) and 379(COR) and Bill Nos. 283(COR), 367(COR) and 405(COR) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on May 11, 2000.

Sincerely,


JOANNE M.S. BROWN
Senator and Legislative Secretary

Enclosure (5)

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Bill No. 367 (COR) "AN ACT TO ADD §61214 TO ARTICLE 2, CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESOLVING SPLIT-ZONED SITUATIONS," was on the 11th day of May 2000, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNEM S. BROWN
Senator and Legislative Secretary

.....
This Act was received by I Maga'lahen Guahan this 16th day of May, 2000,
at 2:45 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: _____

Public Law No. _____

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 367 (COR)
As amended on the Floor.

Introduced by:

M. G. Camacho
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
V. C. Pangelinan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §61214 TO ARTICLE 2, CHAPTER
61 OF TITLE 21 OF THE GUAM CODE
ANNOTATED, RELATIVE TO RESOLVING SPLIT-
ZONED SITUATIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Mina'Bente Singko Na Liheslaturan Guåhan* finds that situations exist throughout the Island where a single piece of property has two (2) separate zoning designations within its boundaries, often called a "split-zone." It has been the practice of the

CLERK OF THE LEGISLATURE
TRANSMISSION CHECKLIST TO I MAGA'LAHEN GUAHAN

(Included in File w/ All Bills Transmitted)

BILL NO. 367(eq)

FINAL PROOF-READING OF BLUEBACK COPY

Initialed by:

and Date:

- ☒ EXHIBITS ATTACHED 1/5/18
- ☒ CONFIRM NUMBER OF PAGES 2
- ☐ CAPTION ON CERTIFICATION MATCHES BILL CAPTION
- ☐ ENGROSSED SIGN "*" REMOVED FROM BILL
- ☒ 15 SENATORS IN SPONSORSHIP OR CONFIRM OTHERWISE
- ☒ CERTIFICATION SIGNED BY SPEAKER & LEGIS. SECRETARY
- ☒ EMERGENCY DECLARATION, if any

Confirmed By: [Signature]

Dated: 1/5/18

- ☐ HAND CARRY BILL IN BLUEBACK (ORIGINAL & COPY)
TO THE GOVERNOR. (DANNY, ROBERT OR OTHERS)
- ☐ ACKNOWLEDGED COPY W/ ORIGINAL BLUEBACK
PLACED ON CLERK'S DESK. (Same copy given to Susan)
- ☐ FILED by: Danny, Robert or others

I MINA' BENTE SINGKO NA LIHESLA' URAN GUAHAN

2000 (SECOND) Regular Session

Date: 5/11/00 6/

VOTING SHEET

Bill No. 367(COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
AGUON, Frank B., Jr.	✓				
BERMUDES, Eulogio C.	✓				
BLAZ, Anthony C.	✓	✓			
BROWN, Joanne M.S.	✓	✓			
CALVO, Eduardo B.	✓				
CAMACHO, Marcel G.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LAMORENA, Alberto C., V	✓				
LEON GUERRERO, Carlotta A.	✓				
MOYLAN, Kaleo Scott	✓				
PANGELINAN, Vicente C.	✓				
SALAS, John C.	✓				
SANCHEZ, Simon A., II					EA
UNPINGCO, Antonio R.	✓				

TOTAL

12 ✓ 2 ✓ — — — — 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Hesler Street, Hagatña, Guam 96910

FILE

COPY

April 26, 2000

(DATE)

Memorandum

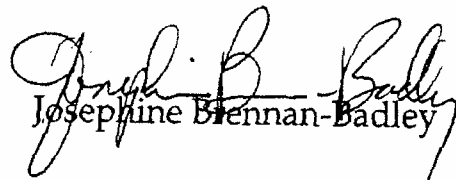
To: Senator Marcel G. Camacho

From: Clerk of the Legislature

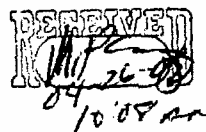
Subject: Report on Bill No. 367(COR)

Pursuant to §7.04 of Rule VII of the 25th Standing Rules, transmitted herewith is a copy of the Committee Report on Bill No. 367(COR), for which you are the prime sponsor.

Should you have any questions or need further information, please call the undersigned at 472-3464/5.


Josephine Brennan-Badley

Attachment


RECEIVED
APR 26 2000
10:08 AM



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

April 26, 2000

The Honorable Antonio Unpingco, Speaker
I Mina'Bente Singko na Liheslaturan Guahan
155 Hesler St.
Hagåtña, Guam 96910

Via: Committee on Rules

Dear Mr. Speaker:

The Committee on Land, Agriculture, Military Affairs and the Arts, wishes to report out its committee report on Bill No. 367, with the recommendation **TO DO PASS**.

Committee Voting Record:

To do Pass:	<u>5</u>
To not Pass:	<u> </u>
Abstain:	<u> </u>

A copy of the Committee Report is attached for your consideration.

Sincerely yours,

MARCEL G. CAMACHO
Chairman

Attachments



The Office of

Senator Marcel G. Camacho

MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Twenty-Fifth Guam Legislature

Chairman, Committee on Land, Agriculture, Military Affairs and the Arts

173 Aspinall Avenue, Hagåtña, Guam 96910
Suite 108A • Ada Plaza Center
Phones (671) **479 8261 / 62 / 63 / 64**
Facsimile (671) **472 8223**

March 14, 2000

MEMORANDUM

TO: Members,
Committee on Land, Agriculture, Military Affairs and the
Arts

FR: Chairman

RE: Bill No. 367(COR)

Transmitted herewith for your consideration is the Committee on Land, Agriculture, Military Affairs, and the Arts' Report on Bill No. 367(COR), see attached for details.

Should you have any questions please contact me or my Chief-of-Staff, Alfred Duenas.

Sincerely,

MARCEL G. CAMACHO
Chairman

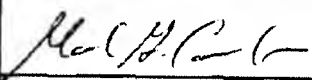
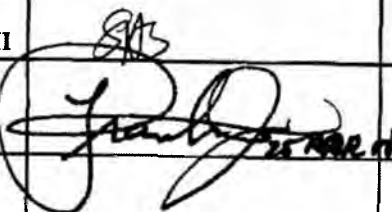
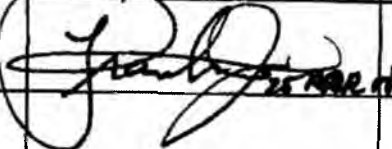
**COMMITTEE ON LAND, AGRICULTURE, MILITARY AFFAIRS
and the ARTS**

**I Mina'Bente Singko Na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature**

VOTING SHEET

April 14, 2000

**RE: Bill No. 367(COR): AN ACT TO ADD A NEW SECTION TO
CHAPTER 61 OF THE GUAM CODE ANNOTATED RELATIVE TO
RESOLVING SPLIT-ZONED SITUATIONS.**

COMMITTEE MEMBERS:	SIGNATURE	TO DO PASS	TO NOT PASS	ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Marcel G. Camacho Chairman		✓			
Senator Lawrence F. Kasperbauer, Vice-Chairman					
Senator Joanne M.S. Brown					
Senator Eduardo B. Calvo		✓			
Senator Kaleo S. Moylan		✓			
Senator Simon A. Sanchez, II		✓			
Senator Frank B. Aguon, Jr.		✓			
Speaker Antonio "Tony" R. Unpingco, Ex Officio					

Committee on Land, Agriculture, Military Affairs & the Arts

Committee Report March 30, 2000

The Committee on Land, Agriculture, Military Affairs, & the Arts held a public hearing on March 30, 2000 at the Public Hearing Room at the Legislative Building. The hearing was called to order at 9:10 a.m. by the Chairman, Senator Marcel G. Camacho.

Bill No. 367(COR): AN ACT TO ADD A NEW SECTION TO CHAPTER 61 OF THE GUAM CODE ANNOTATED RELATIVE TO RESOLVING SPLIT-ZONED SITUATIONS.

Present for the hearing were Senators Frank Aguon Jr., Eduardo B. Calvo, Lawrence F. Kasperbauer, John C. Salas, Alberto Lamorena V.

Testimony Submitted by:

(None)

Summary of Testimonies:

The Chairman explained that he introduced the bill to correct action by previous legislatures who blanket rezoned private property along the major rights-of-ways and 200 feet into their boundaries to the Commercial zone. This caused lots that straddled the 200 foot boundary line to be zoned both the old zone and the new commercial zone. This bill affords the property owners who have a split-zone to select either of the two zones, and have it apply to the entire lot without having to go through a lengthy and expensive rezoning process.

Senator Salas expressed his agreement with the intent of the bill.

With no others wishing to testify on the bill, the **Chairman** stated that the bill was officially heard.

COMMITTEE FINDINGS AND RECOMMENDATIONS

Certain lots fronting major roadways were zoned "Commercial" without considering whether the entire lot or only a portion of the lot was affected. Pockets of property fronting Route 1, Route 8, and Route 15 were zoned using the two hundred- (200) feet rule. Previous Legislature would handle a re-zoning to either the higher zone designation or the lower zone designation for the entire property on a case by case basis.

Some landowners were not aware that their lot was affected by this two hundred- (200) feet rule and went along and constructed single-family housing. The government approved building plans and issued building permits without addressing the problem. Based on the government's actions, banks financed home construction or purchase of a house not knowing of the problem. The same scenario played out for owners of "Commercial" buildings.

Only when time was placed between the original construction and financing of the structure and the re-sale or refinancing of the structure did this problem surface.

There are a number of families affected by this dilemma and have approached *I Liheslatura* for a solution. Instead of continuing the previous practice of re-zoning on a case by case basis, the Committee feels that a long-range permanent solution is required. Bill No. 367 (COR) is that solution.

The Committee on Land, Agriculture, Military Affairs and the Arts to which was referred Bill No. 367 (COR) wishes to report back its **recommendation** to **do pass** Bill No. 367 (COR) as introduced.



MINA' BENTE SINGKO NA LIHESLATURAN GUAHAN
Kumitean Areklamento, Refotman Gubetnamento Siha, Inetnon di Nuebu, yan Asunton Fidirat

Senator Mark Forbes, Chairman
Kabisiyon Mayurdit

17 MAR 2000

MEMORANDUM

TO: Chairman
Committee on Land, Agriculture, Military Affairs and Arts

FROM: Chairman
Committee on Rules, Government Reform, Reorganization
and Federal Affairs

SUBJECT: Principal Referral – Bill No. 367

The above bill is referred to your Committee as the Principal Committee. In accordance with Section 6.04.05. of the Standing Rules, your Committee "shall be the Committee to perform the public hearing and have the authority to amend or substitute the bill, as well as report the bill out to the Body." It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

MARK FORBES

Attachment

OFFICE OF
Marcel G. Camacho
SENATOR
Date: *3/20/00* Time: *12:17*
Received By: *RF*

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 367 (COR)

Introduced by:

M.G. Camacho

F.B. Aguon, Jr.

**AN ACT TO ADD A NEW SECTION TO CHAPTER 61
OF THE GUAM CODE ANNOTATED RELATIVE TO
RESOLVING SPLIT-ZONED SITUATIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Mina' Bente Singko Na Liheslaturan Guahan* finds that situations exist throughout the island where a single piece of property has two separate zoning designations within its boundaries, often called a "split-zone". It has been the practice of the Government in the past to allow the split-zone to continue and to allow the landowner to develop the property based on uses permitted in either zoning designation.

I Liheslaturan Guahan further finds that problems and confusion are now occurring when property owners approach lending institutions wishing to secure a mortgage, or to refinance their existing mortgage. Additionally, difficulty is experienced while attempting to sell the property.

It is the intent of *I Liheslaturan Guahan* to correct this situation, without imposing any undue burden on the property owner, by offering the opportunity for

1 the owner to chose one of the two zoning designations and to have the single zoning
2 designation apply to the entire lot.

3 **Section 2. Split-zoned lots.** Whenever a lot has two separate zoning
4 designations within its boundaries, the property owner shall have the right to select
5 one of the two zones and to have it apply to the entire lot. Upon receiving a written
6 request by a property owner to correct a split-zoning situation, the Director of the
7 Department of Land Management shall approve the request, shall process all
8 necessary documents to reflect the approval, and shall update all official maps of the
9 island to indicate the zone which the property owner has chosen.

1988 Hyster E50XL-27 5500lbs
cap Elec 36 volts 2 sps \$8K
Balt Chg add sep \$1K 478-5873

AKC Female German Shepherd
3yrs old Large Bone Black/Red
\$500. Alt 3:00PM Call 734-0800
AKC German Shepherds
3 months old \$800
846-7690/477-8412 Peter

AKC German Shepherd Puppies
Xint Bloodline from Germany
\$1500. Serious Calls 789-1594
AKC Register Cocker Spaniel 4M
2F Beautiful base pet \$800, ready
04/03 dog accepted 585-9128

AKC Rotweiler Pups
10wks old \$1000
After 3:00PM Call 734-0800

PURE BRED CATTY 1 YEAR OLD
Adorable Small House Pet w/
shot Only \$500 Call 477-3749

Beautiful White Pomeranian
Puppies First Shots \$800
472-3263 Dana

COWS CARABAO FOR SALE!
CALL MARK 828-8692 OR
687-0877

4 PURE DALMATIAN PUPPIES
8 WEEKS OLD AT \$450 EACH
2 PAYMENTS OK 653-1158

FOX TERRIER MALE PUPPY.
BOUNCY VIGILANT WATCH
DOGS 637-7760

NEUTERED FEMALE LOOKS
PART SHEPHERD 1YR OLD
FREE TAKEN*

PUPPIES!!! BOXERS, SHWITZU,
SHELTIES, SHARPEIS,
SAMOYED. PUG CALL 649-PETS



DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE
HONOLULU, HAWAII

NOTICE OF SEIZURE AND INTENTION TO FORFEIT SELL AND/OR DESTROY

In accordance with the provisions of Section 607 of
the Tariff Act of 1930 as amended (19 USC 1607),
notice is hereby given of the seizure and intention
to forfeit, sell and/or destroy the same:

1999-3201-000177-01, 06-26-99, \$10,100.00
U.S.Dollars., 31 USC 5317.

The above-described property was seized at the
Port of Honolulu, Hawaii for violation of various
provisions as noted. Any person involved in the
violations desiring to claim any of the property
must appear at the Office of the Port Director of
Customs, 1001 Bishop Street, Pacific Tower, 25th
Floor, Honolulu, Hawaii and file with said Port
Director within twenty (20) days from the date of
first publications of this notice, a claim to such
property and a bond in the sum of \$5,000 or 10% of
the value of the claimed property, whichever is
lower, but not less than \$250, in default of which
the property will be disposed of in accordance with
the law.

/s/ Nat H. Aycox
Port Director

PLKA A WEEKEND GUIDE

FOR ADVERTISING
OPPORTUNITIES
Call: 477-9711 ext. 203

Pacific Daily News
current specific sources

SMART, ALERT CALL 477-4243
10-5:40 MON TO SAT

UKK Pug 1F 3mos. Fawn Color
Shots Completed \$1500 OBO
653-1641

BUSINESS
FOR EDITORS
OPPORTUNITIES
Call 477-3711
ext. 203
Pacific Daily News
current specific sources

VEHICLES FOR BID

CAN ONLY BE SEEN BETWEEN THE HOURS OF 2:00 TO 4:00 P.M.

"AS IS"

First Hawaiian Bank

CALL LILLIAN OR TERRI AT 475-7863

The Bank reserves the right to refuse any & all bids.

GUAM TELEPHONE AUTHORITY ATURIDAT TILFON GUAHAN

Post Office Box 9008 • Tumon, Guam 96931
TEL: (671) 646-7070 FAX: (671) 649-2458 or 649-3044



CARU T.C. GUTIERREZ
Governor of Guam

MADELINE Z. BORDALLO
Lt. Governor of Guam

PEDRO R. MARTINEZ
Chairman of the Board

VINCENT P. ARRIOLA
General Manager

"Request For Proposal"

GTA-P4-00

Guam Telephone Authority announces that competitive sealed
Proposal is being solicited for:

GTA-P4-00: Re-Proposal for "GTA's Financial Advisor"

The specifications together with all necessary forms and other
documents are set forth in Request for Proposal No. GTA-P4-00.
Copies may be obtained at GTA's Purchasing Section, 2nd Floor,
642 North Marine Drive, Upper Tumon, Guam 96931.

A Pre-proposal Conference is scheduled for March 31, 2000,
10:00am, at the GTA Purchasing Conference Room, 2nd Floor.
Attendance is requested but not mandatory, as information
discussed could be significant.

All Proposals will be received at GTA Purchasing's Office, at
2:00 pm, April 17, 2000.

/s/ VINCENT P. ARRIOLA
General Manager



Senator Marcel G. Camacho

Chairman, Committee on Land, Agriculture,
Military Affairs and the Arts

155 Foster St., Hagåtña, GU 96910 • Phone: 475-0314 • Fax: 475-0323

PUBLIC HEARING

Thursday, March 30, 2000 - 9:00 a.m.
Legislative Public Hearing Room

AGENDA

CONFIRMATION: Mr. Maria Amoroso Cruz, Member, Guam Land Use Com-

mission

CONFIRMATION: Mrs. Josephine I. McDonald, Member, Guam Land Use Com-

mission

CONFIRMATION: Mr. Benedito G. Respicio, Member, Guam Council on the

Arts & Humanities

CONFIRMATION: Mr. Carlos C.A. Perez, Member, Guam Council on the Arts

& Humanities

CONFIRMATION: Mr. Jose U. Garrido, Member, Governor's Ancestral Lands

Commission

BILL NO. 255(CORR): AN ACT AUTHORIZING THE TRANSFER OF LOT NO.

10053 REM PORTION-4, LOCATED IN THE MUNICIPALITY OF DEDEDO, CON-

TAINING AN AREA OF 1,554 SQUARE METERS, TO THE DEDEDO MUNICIPAL

PLANNING COUNCIL.

BILL NO. 261(CORR): AN ACT TO ESTABLISH AN ORGANIC FARMING

PROGRAM AT THE DEPARTMENT OF AGRICULTURE AND ADD A NEW \$20,011

AND \$20,011 TO CHAPTER 52, DIVISION 2, TITLE 12 (GCA), AND ADD A NEW

\$5000 (GCA) TO CHAPTER 5, ARTICLE 1, TITLE 5 (GCA) RELATIVE TO ENHANCING

ORGANIC FARMING ON GUAM.

BILL NO. 262(CORR): AN ACT TO AUTHORIZE THE GOVERNOR TO SELL

LOT NO. 5-1, BLOCK 9, TALOFORO, TO MANUEL M. MERFALEN AND TRINIDAD

C. MERFALEN

BILL NO. 351(CORR): AN ACT TO EXCHANGE TWENTY EIGHT (28) LOTS

WITHIN THE PUGIA SUBDIVISION LAND FOR THE LANDLESS PROJECT IN

THE MUNICIPALITY OF MERIZO WITH AN EQUAL AREA OF CHAMORRO LAND

TRUST PROPERTY WITHIN LOT 505-R11, LOT 440-R1 AND LOT 1 BLOCK 10 IN

THE MUNICIPALITY OF MERIZO AND TO DISTRIBUTE THE EXISTING LOTS 7, 8, 9

AND 10 WITHIN THE EXISTING "LAND FOR THE LANDLESS PROJECT" AND TO

APPROPRIATE ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) FROM

THE LAND SURVEY REVOLVING FUND ADMINISTERED BY THE DEPARTMENT

OF LAND MANAGEMENT TO SURVEY MAP, ENGINEER AND DESIGN THE LOTS

TO BE SURVEYED IN LOT 505-R11, LOT 440-R1 AND BLOCK 10 LOT 1.

BILL NO. 367(CORR): AN ACT TO ADD A NEW SECTION TO CHAPTER 91

OF THE GUAM CODE ANNOTATED RELATIVE TO RESOLVING SPILT ZONED

SITUATIONS.

BILL NO. 380(CORR): AN ACT AUTHORIZING IMAGALAN, GUAM, TO

EXCHANGE A PORTION OF LOT NUMBER 107-9-11-91, MUNICIPALITY OF

DEDEDO, WITH LOT NUMBER 1332 NEW, MUNICIPALITY OF HAGATNA.

BILL NO. 405(CORR): AN ACT TO AUTHORIZE IMAGALAN, GUAM, TO

CONVEY GOVERNMENT OWNED REAL PROPERTY IN THE MUNICIPALITY

OF AGAT.

BILL NO. 406(CORR): AN ACT TO AUTHORIZE IMAGALAN, GUAM, TO

EXCHANGE A PORTION OF AN ABANDONED PRE-WAR BUILDING TO THE

MUNICIPALITY OF TALOFORO.

The public is encouraged to attend.

MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
1999 (FIRST) Regular Session

Bill No. 367 (COR)

Introduced by:

M.G. Camacho 

AN ACT TO ADD A NEW SECTION TO CHAPTER 61
OF THE GUAM CODE ANNOTATED RELATIVE TO
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1 the owner to chose one of the two zoning designations and to have the single zoning
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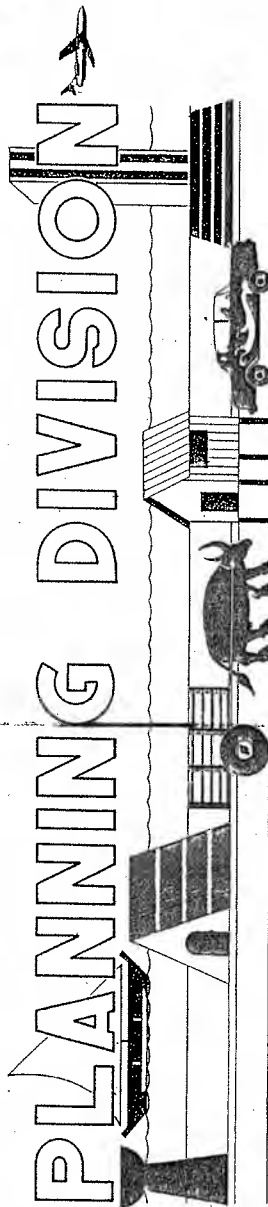
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8 necessary documents to reflect the approval, and shall update all official maps of the
9 island to indicate the zone which the property owner has chosen.

EXHIBIT C

OFFICIAL ZONING MAP

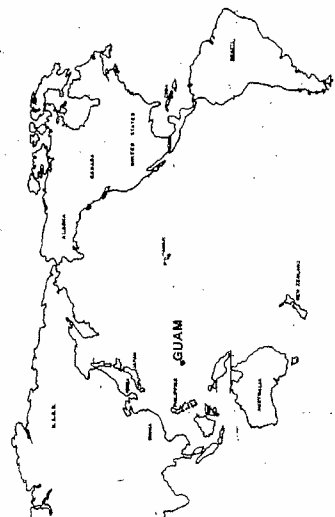


PREPARED BY

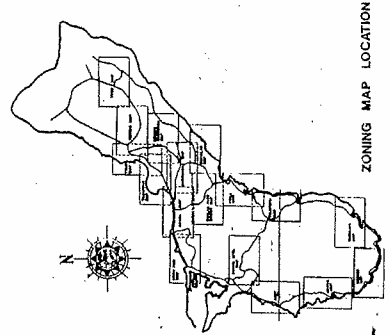


DEPARTMENT OF LAND MANAGEMENT
for the
TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM

LOCATION MAP

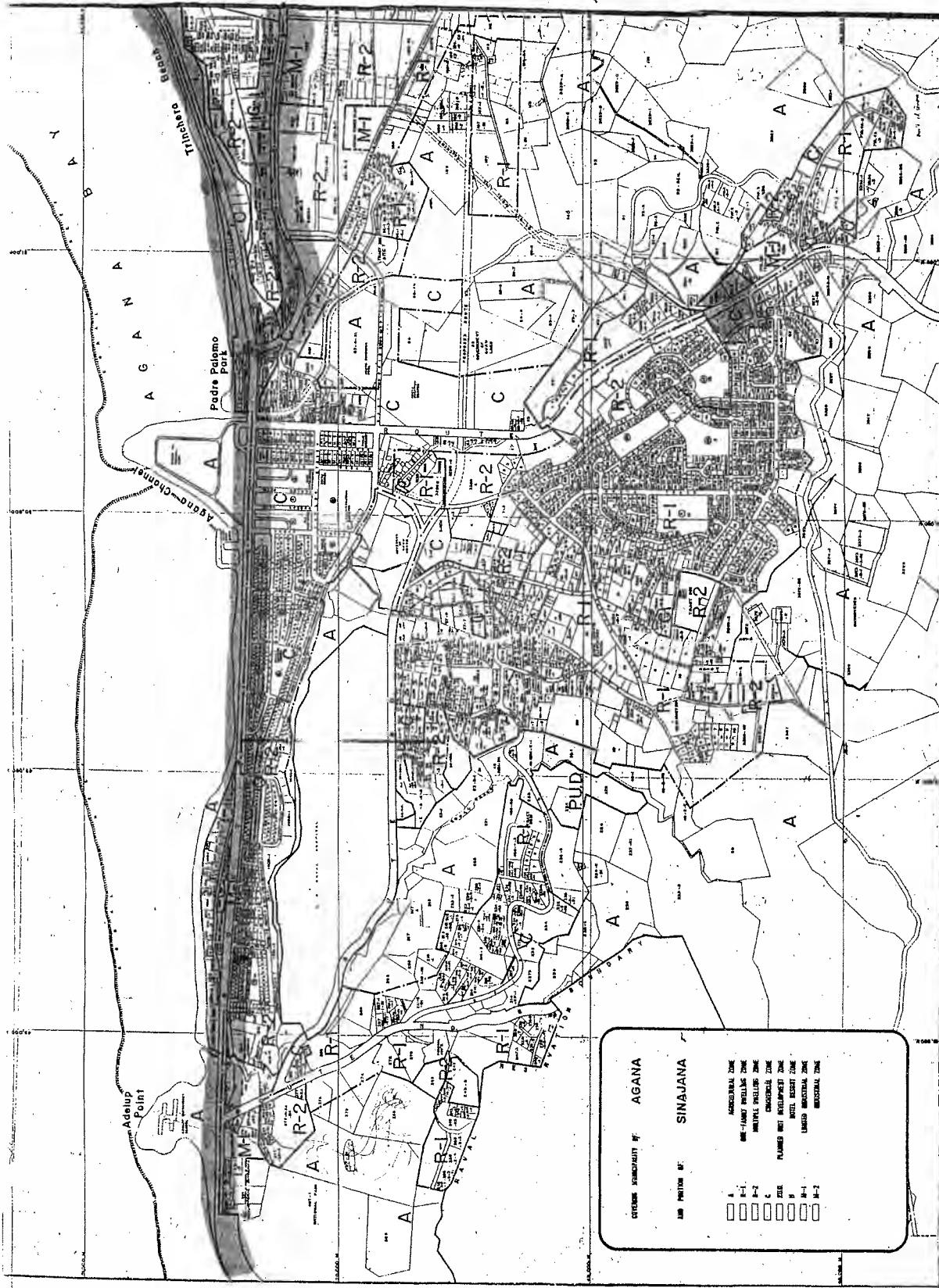


ISLAND or GUAM



ZONING MAP LOCATION

MUNICIPALITY	SHEET INDEX	SHEET NUMBER
AGANA - SINAJANA	1	1
AGAT - SANTA RITA	2	2
ASAN - PITI	3	3
BARRIGADA	4	4
BARRIGADA - DEDEDO	5	5
CHALAN PAGO - OROOT	6	6
DEDEDO	7	7
INARAJAN	8	8
MANGILAO	9	9
MERIZO	10	10
SANTA RITA	11	11
TALOFOFO	12	12
TAMUNING	13	13
TUNON - HARMON	14	14
UMATAC	15	15
YIGO	16	16
YONA	17	17



SYSTEMS MUNICIPALITY OF

AGAJA

LAND PORTION OF

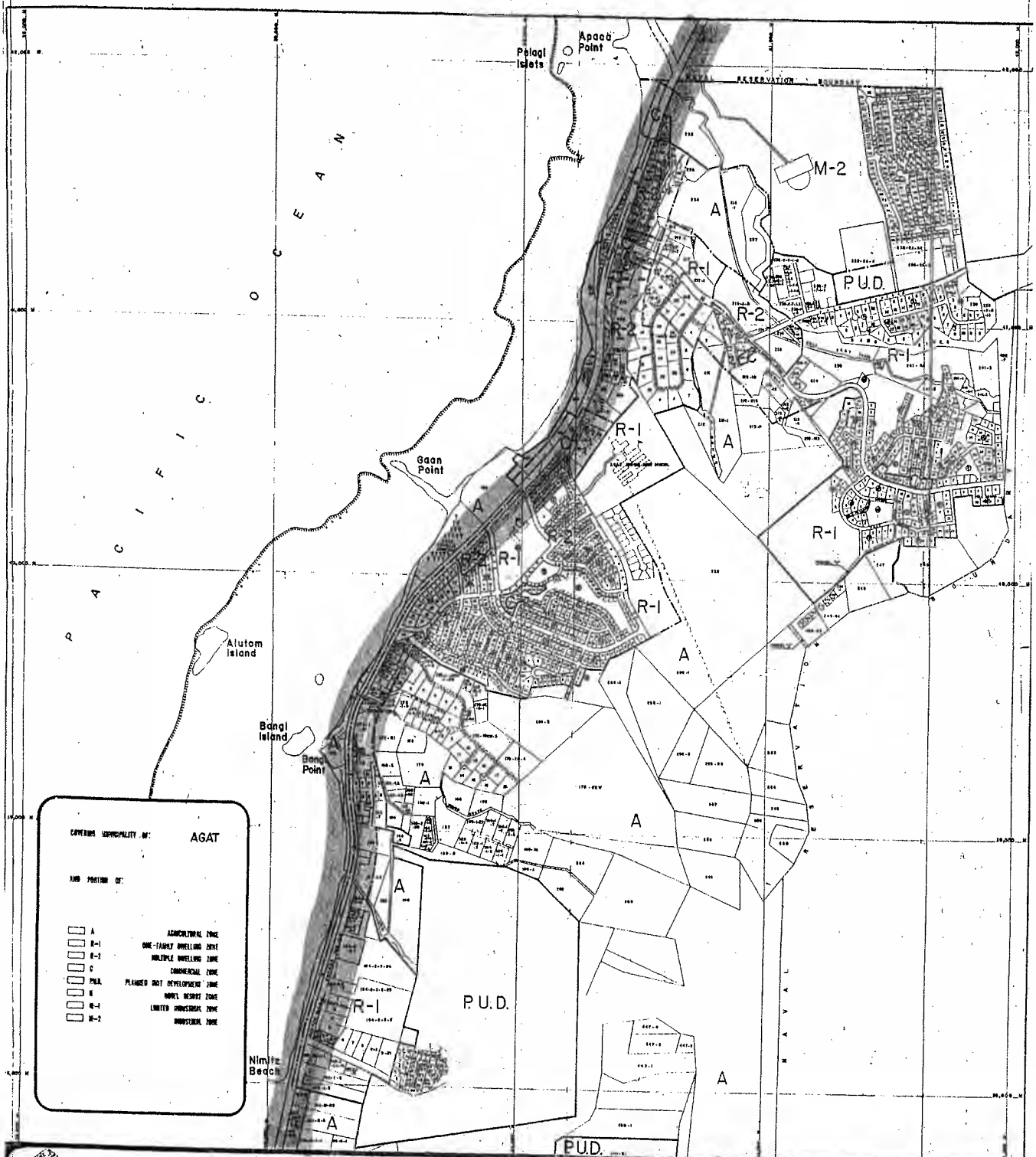
SINAJANA

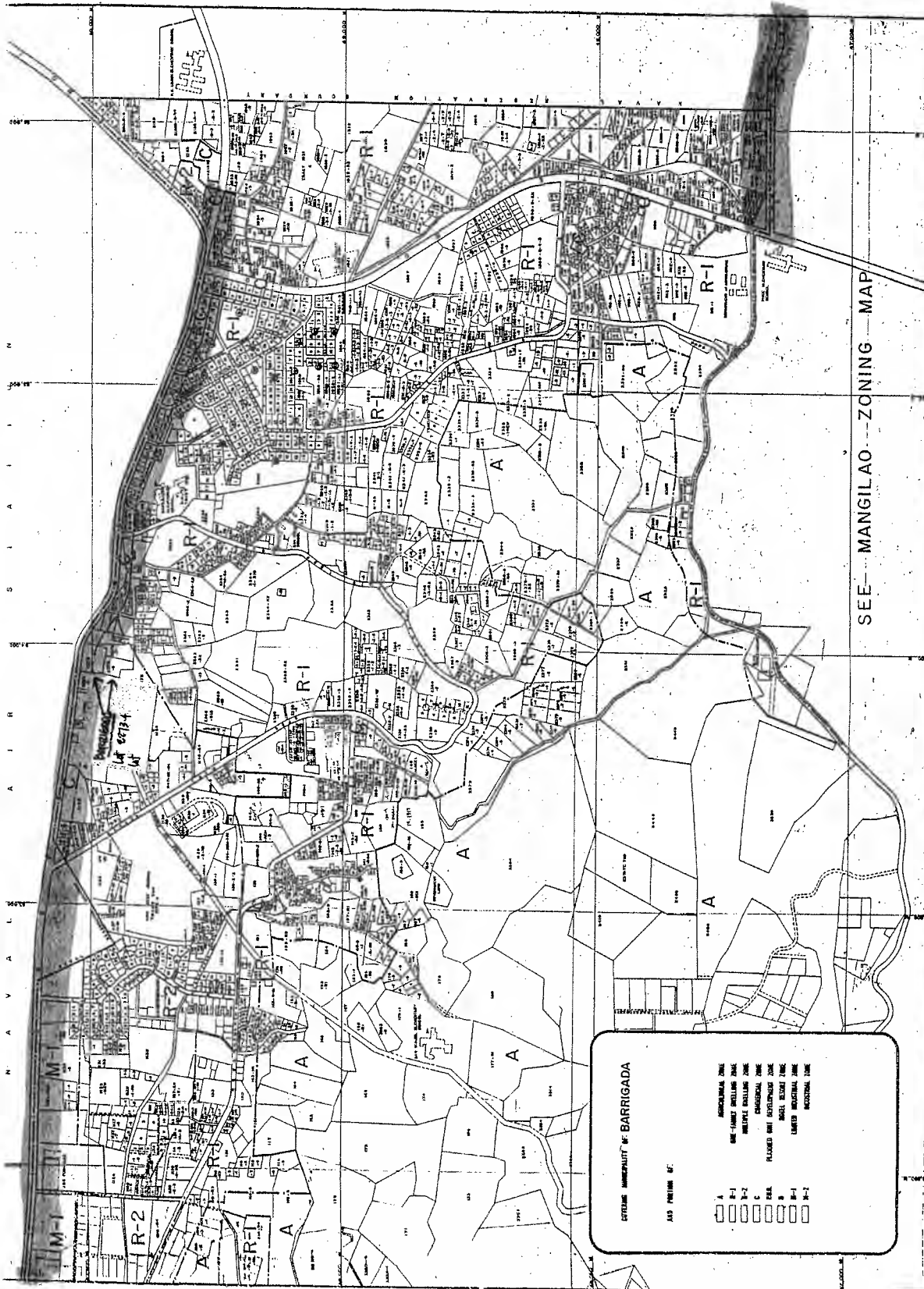
A AGRICULTURAL ZONE
R-1 ONE-FAMILY DWELLING ZONE
R-2 TWO-FAMILY DWELLING ZONE
C COMMERCIAL ZONE
M-1 MANUFACTURING ZONE
M-2 PLANNED INDUSTRIAL ZONE
M-3 LIMITED INDUSTRIAL ZONE
M-4 INDUSTRIAL ZONE

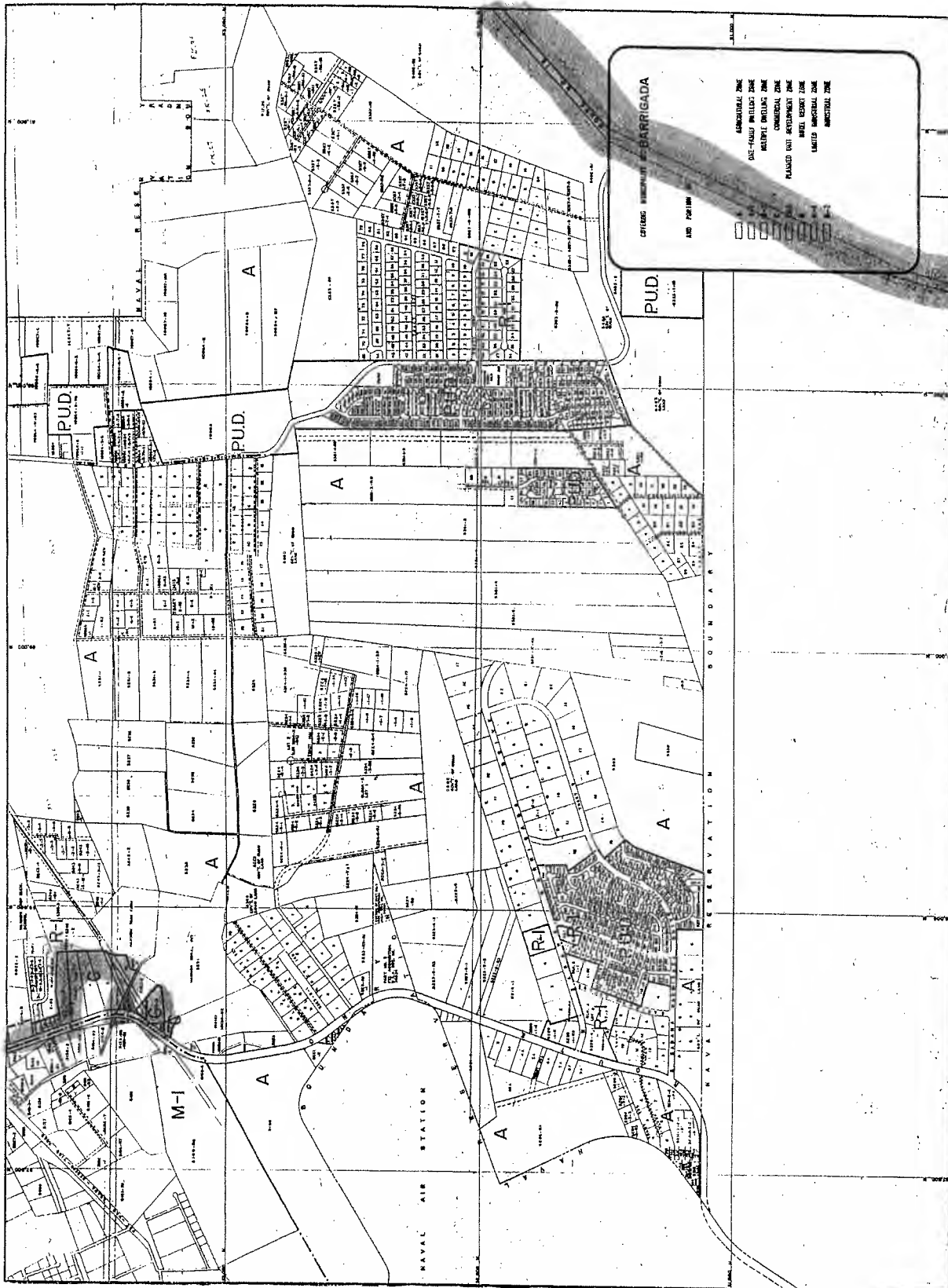
OFFICIAL ZONING MAP

AGAÑA - SINAJANA

MAP PREPARED BY
 TERRITORIAL PLANNING COMMISSION
 DEPARTMENT OF LAND MANAGEMENT
 GOVERNMENT OF GUAM



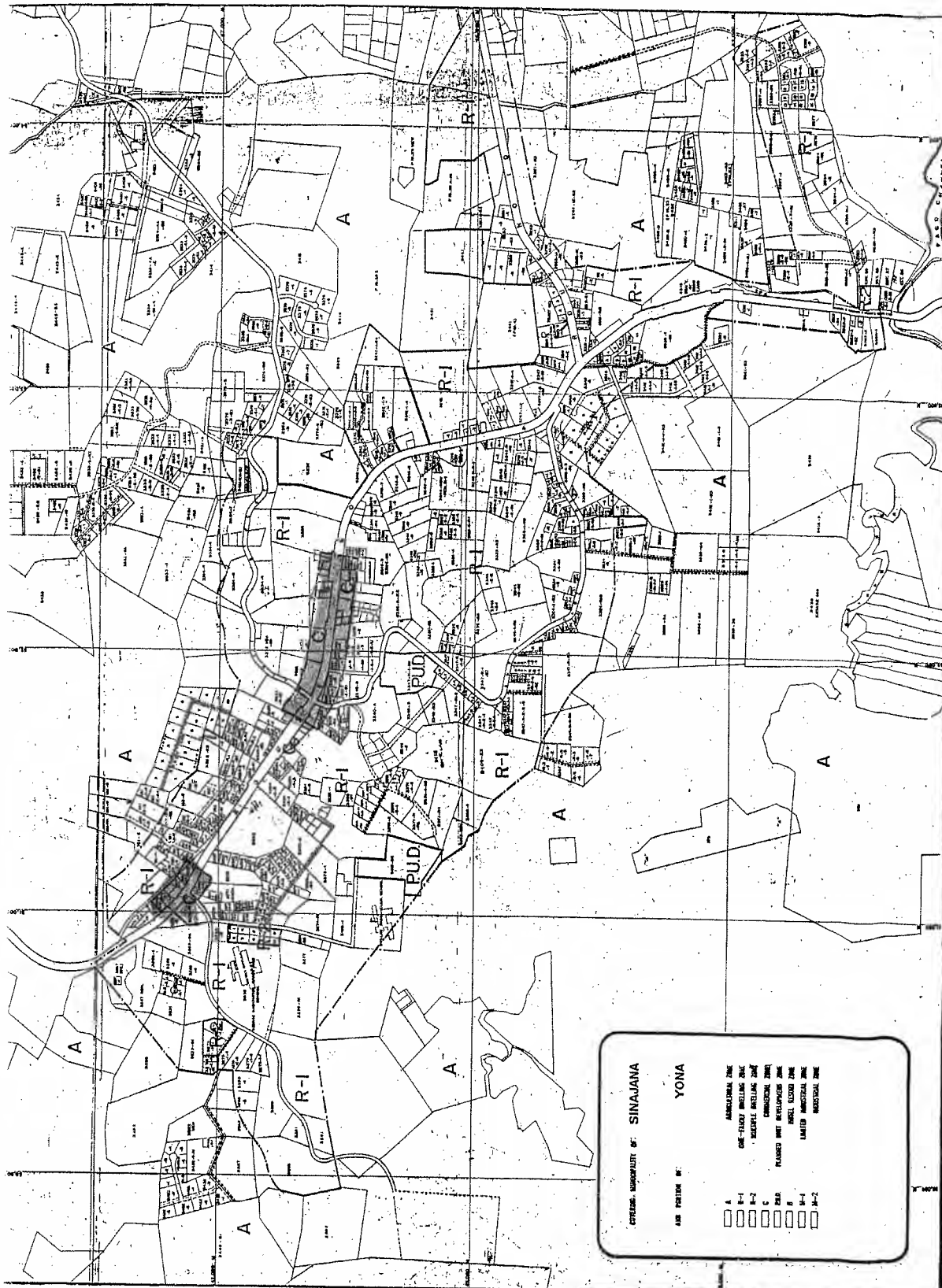




OFFICIAL ZONING MAP **BARRIGADA - DEDEDO**

MAP PREPARED BY
 PLANNING DIVISION
 DEPARTMENT OF LAND MANAGEMENT
 TERRITORIAL PLANNING COMMISSION
 GOVERNMENT OF GUAM





CITY OF SINALAGUA

YONA

- A
- R-1
- PUD
- PLANNED UNIT DEVELOPMENT
- RESIDENTIAL
- INDUSTRIAL
- COMMERCIAL
- RECREATION
- AGRICULTURAL
- UNDEVELOPED
- WATER
- ROADS
- RAILROADS
- UTILITIES
- OTHER

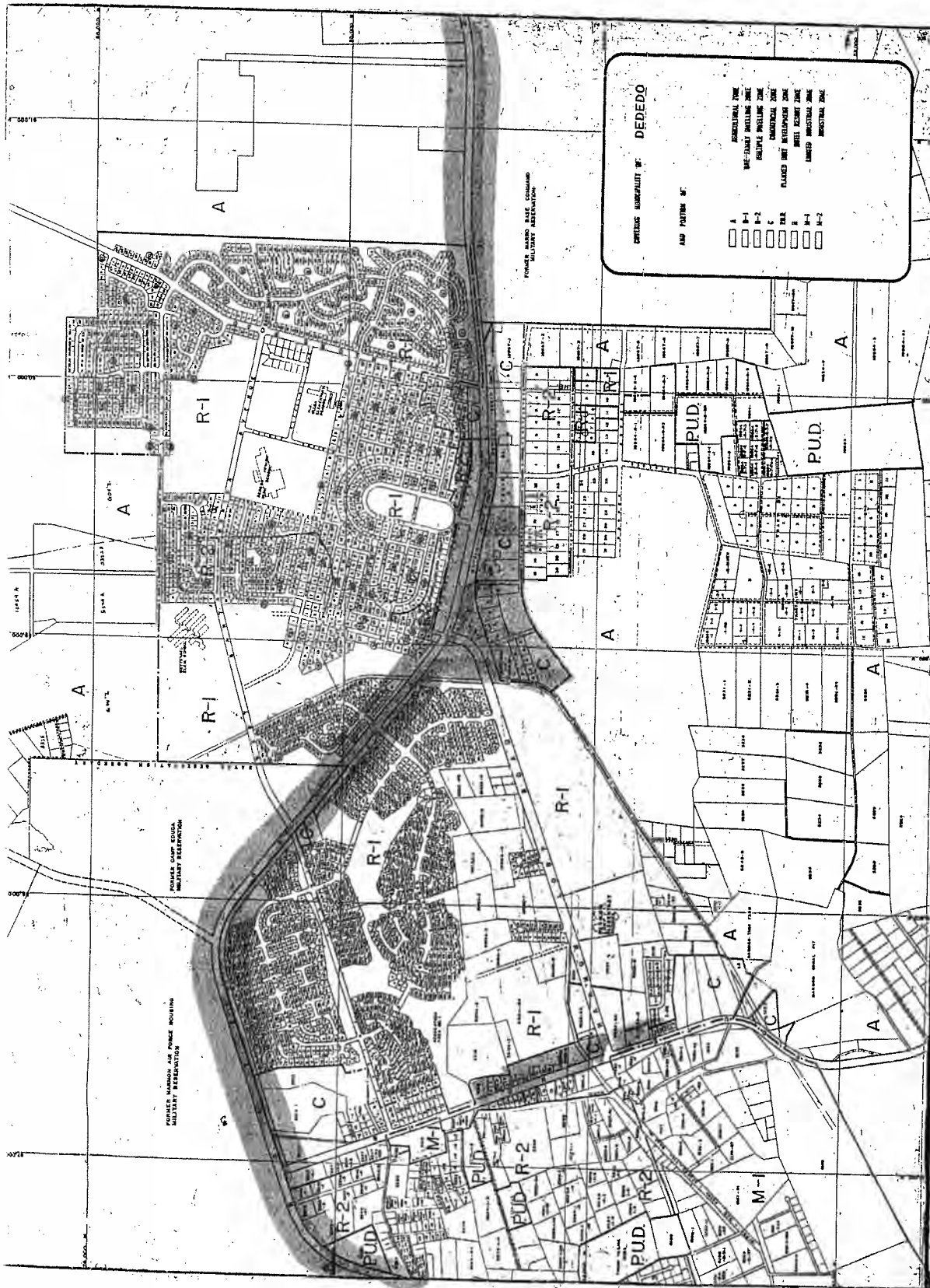


OFFICIAL ZONING MAP CHALAN PAGO - ORDOT

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DEPARTMENT OF LAND MANAGEMENT
for the
TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM



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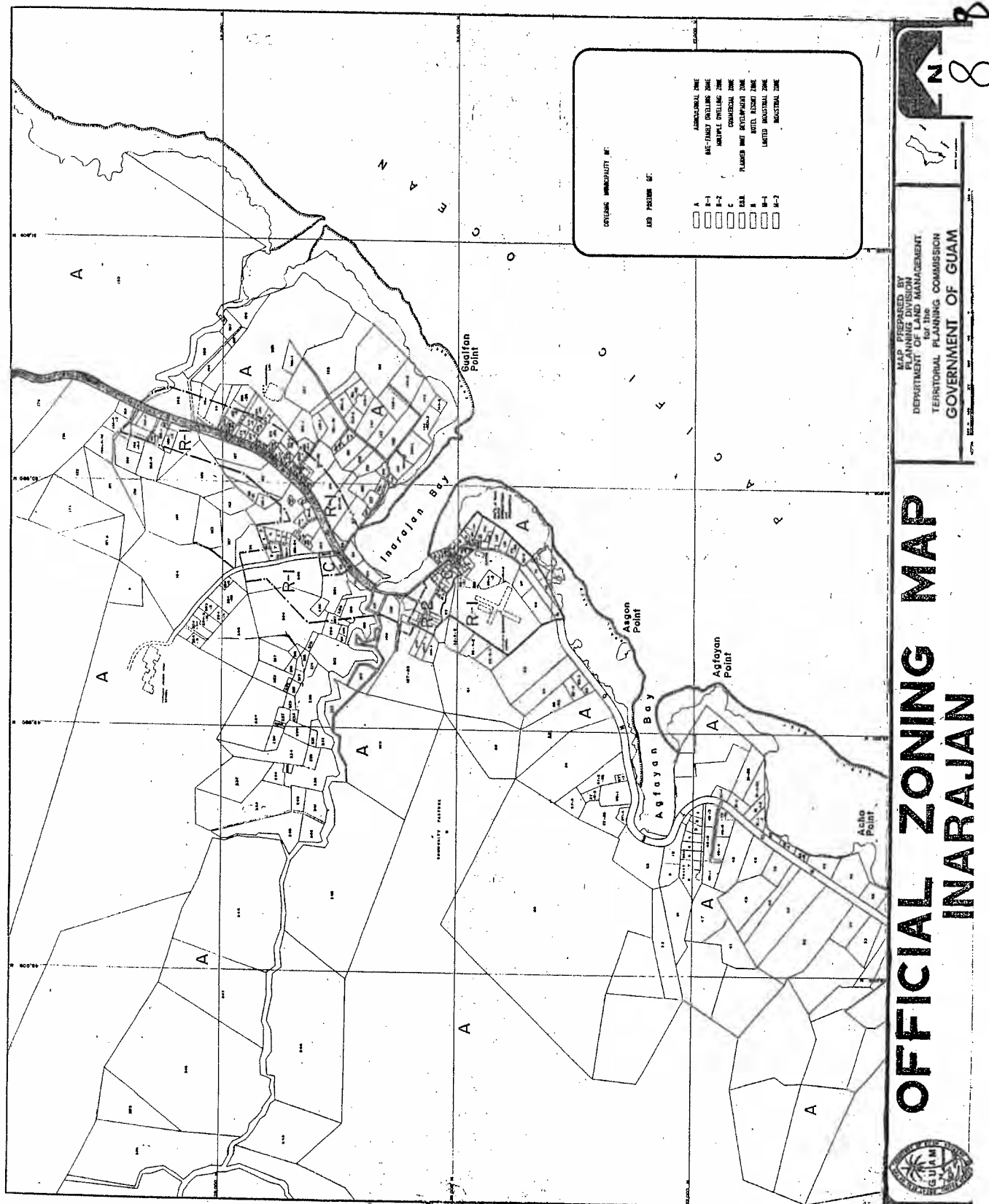


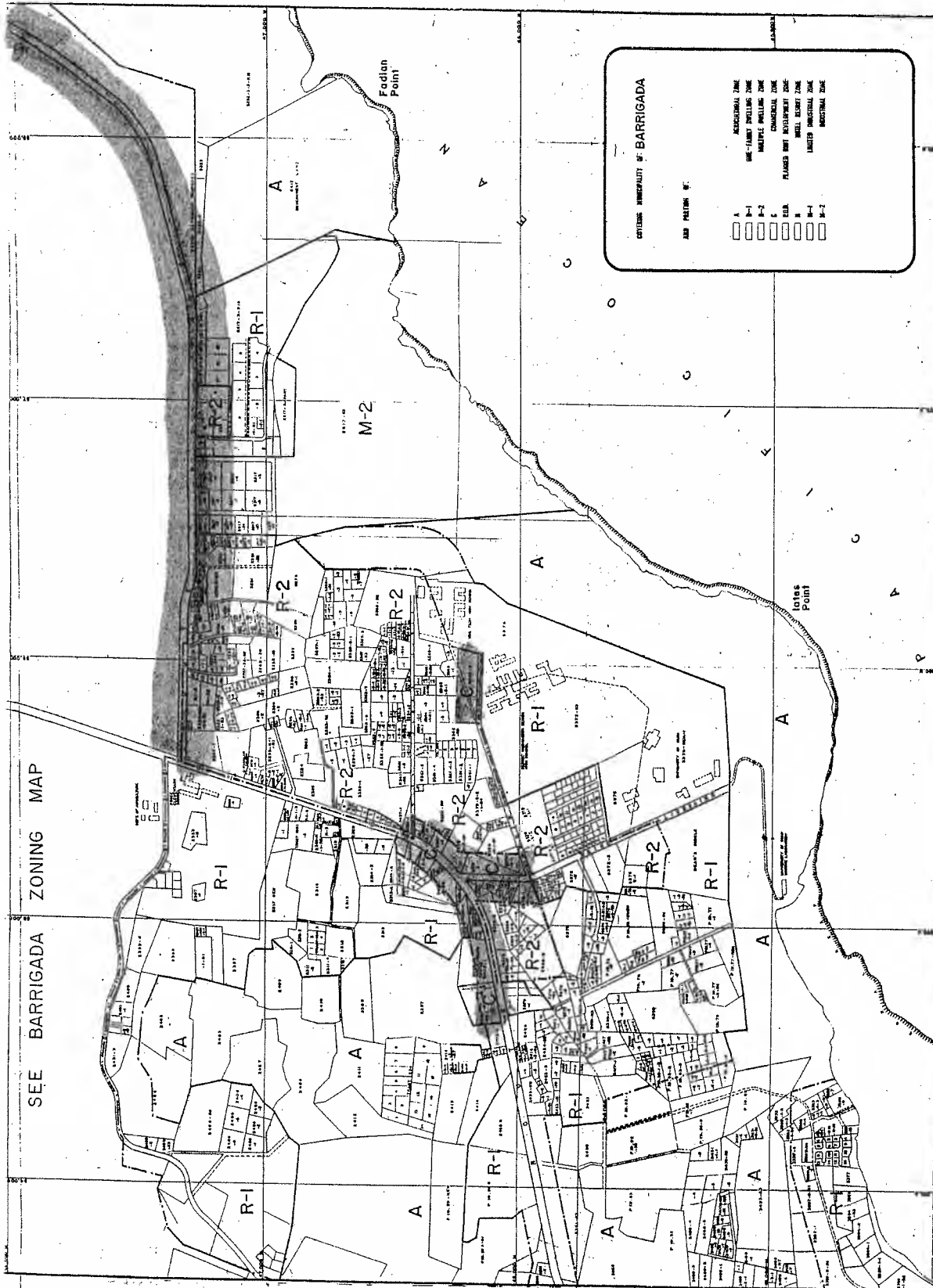
OFFICIAL ZONING MAP

DEEDED

MAP PREPARED BY
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FOR THE
TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM







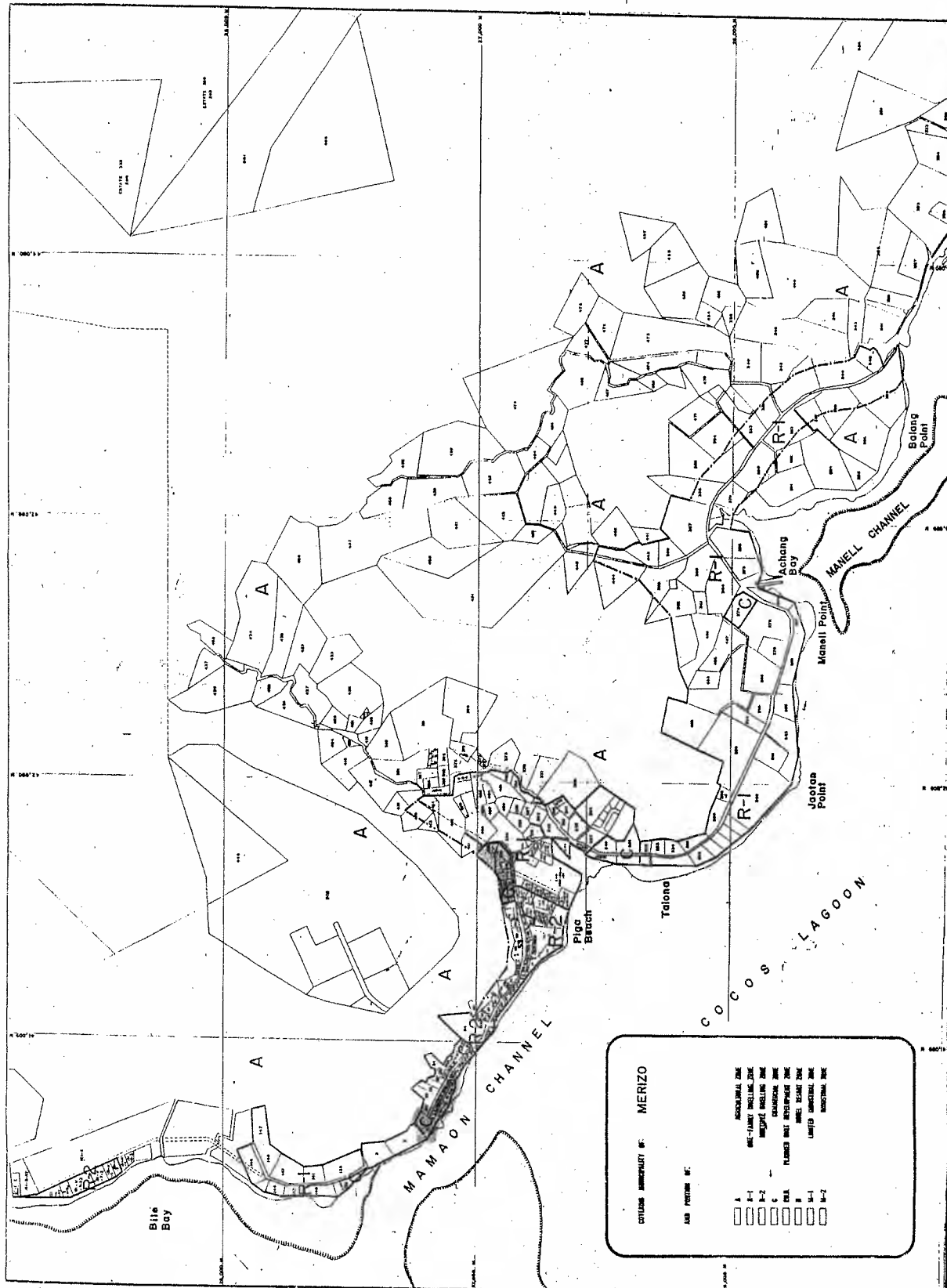


OFFICIAL ZONING MAP

MANGILAO

MAP PREPARED BY
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DEPARTMENT OF LAND AND MANAGEMENT
TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM

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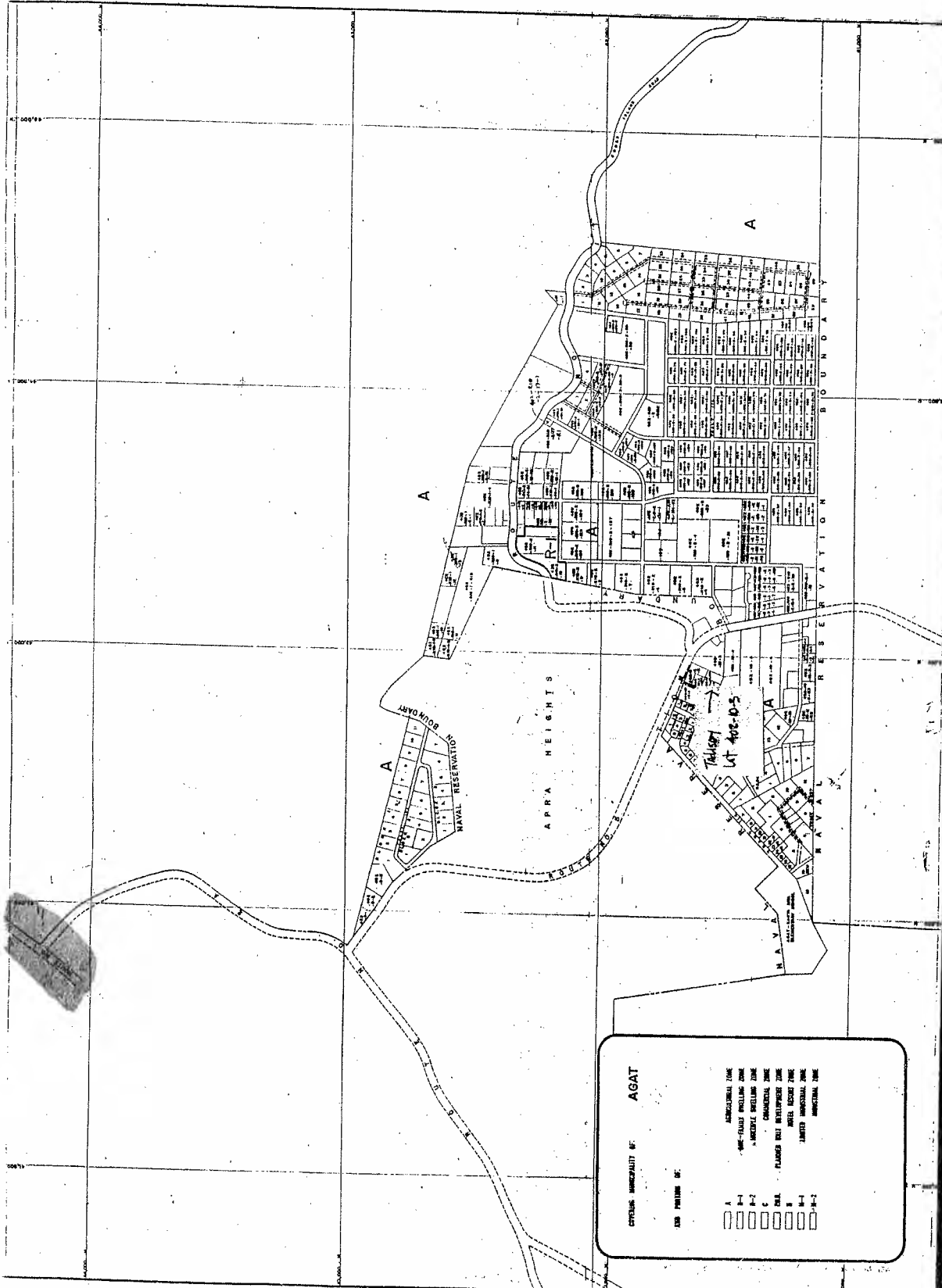
MAP PREPARED BY
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TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM

1

OFFICIAL ZONING MAP MERIZO



1010

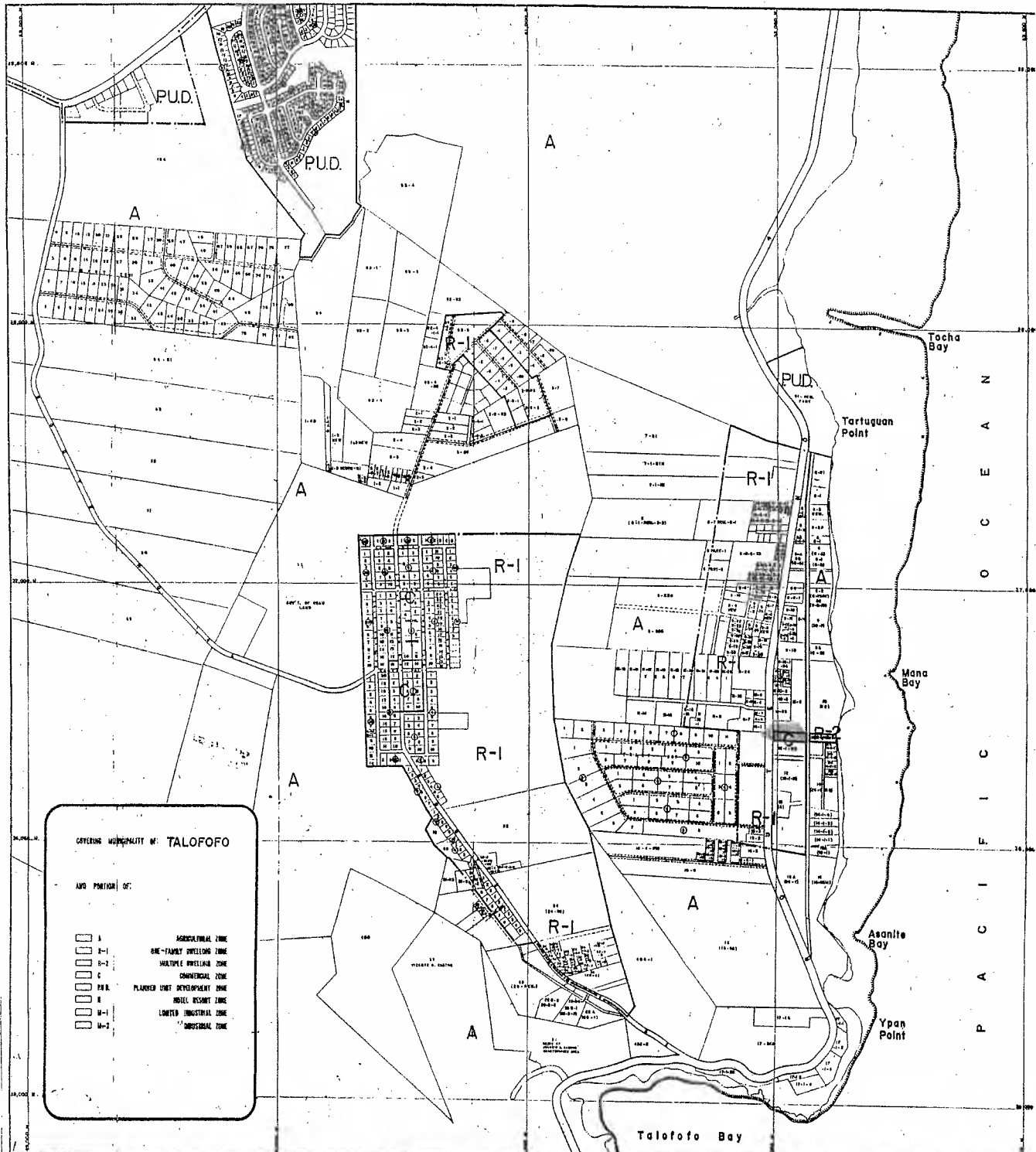


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TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM

OFFICIAL ZONING MAP SANTA RITA



11 11

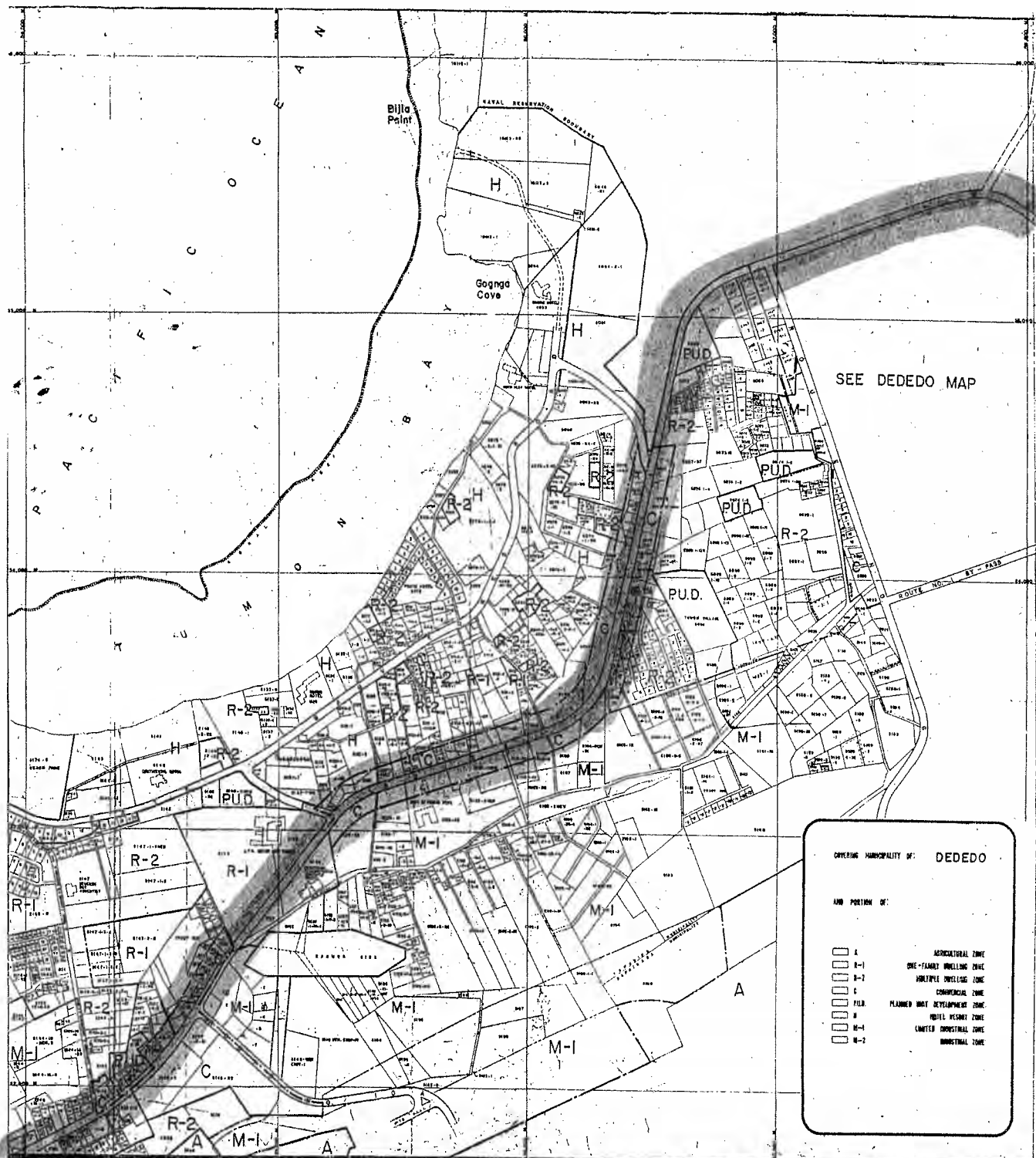


OFFICIAL ZONING MAP

TALOFOFO

MAP PREPARED BY
PLANNING DIVISION
DEPARTMENT OF LAND MANAGEMENT
for the
TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM

DATE: 1987
SCALE: 1" = 1000'
MADE: 1/1988



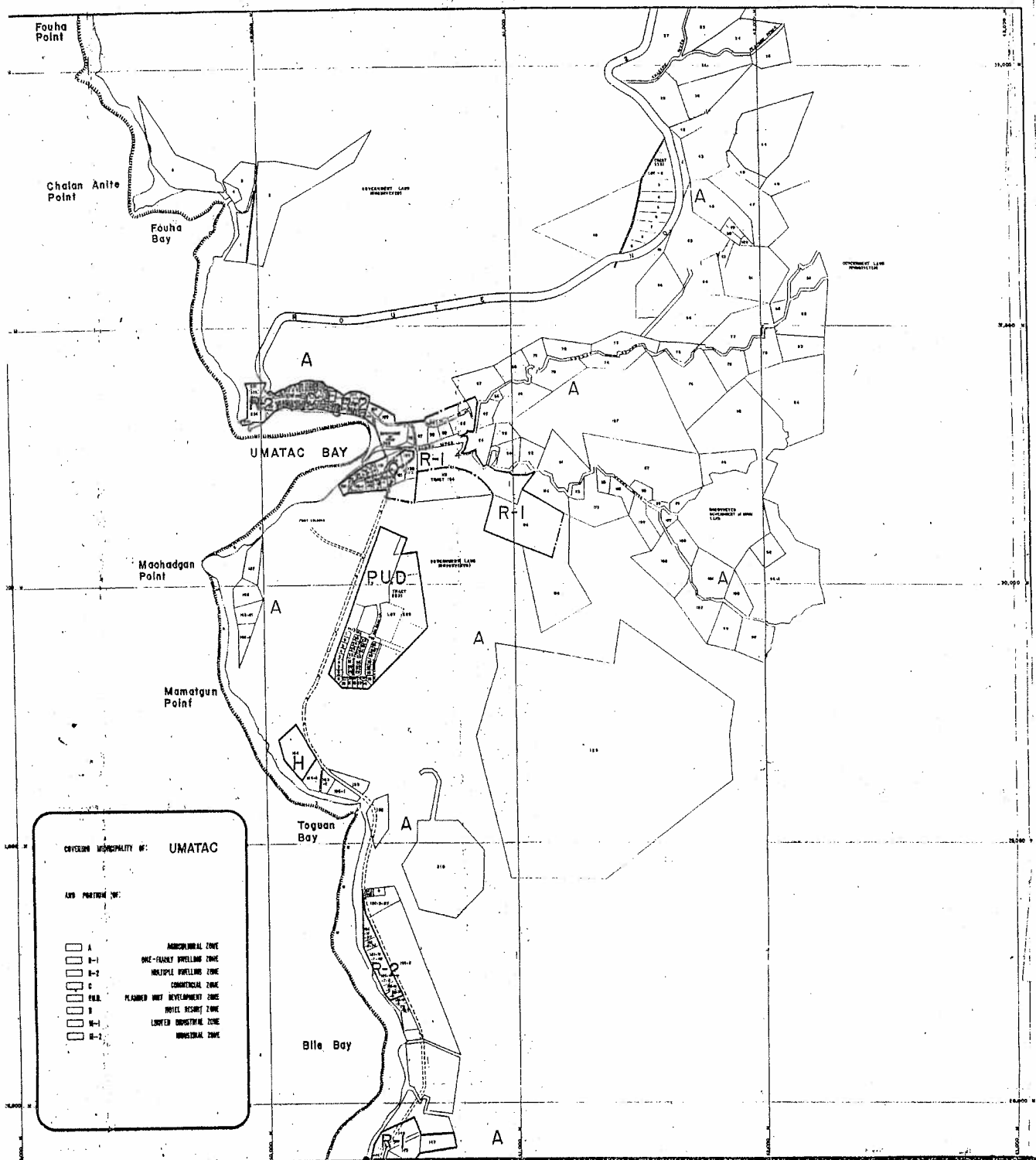
OFFICIAL ZONING MAP **TUMON - HARMON**

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TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM



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OFFICIAL ZONING MAP

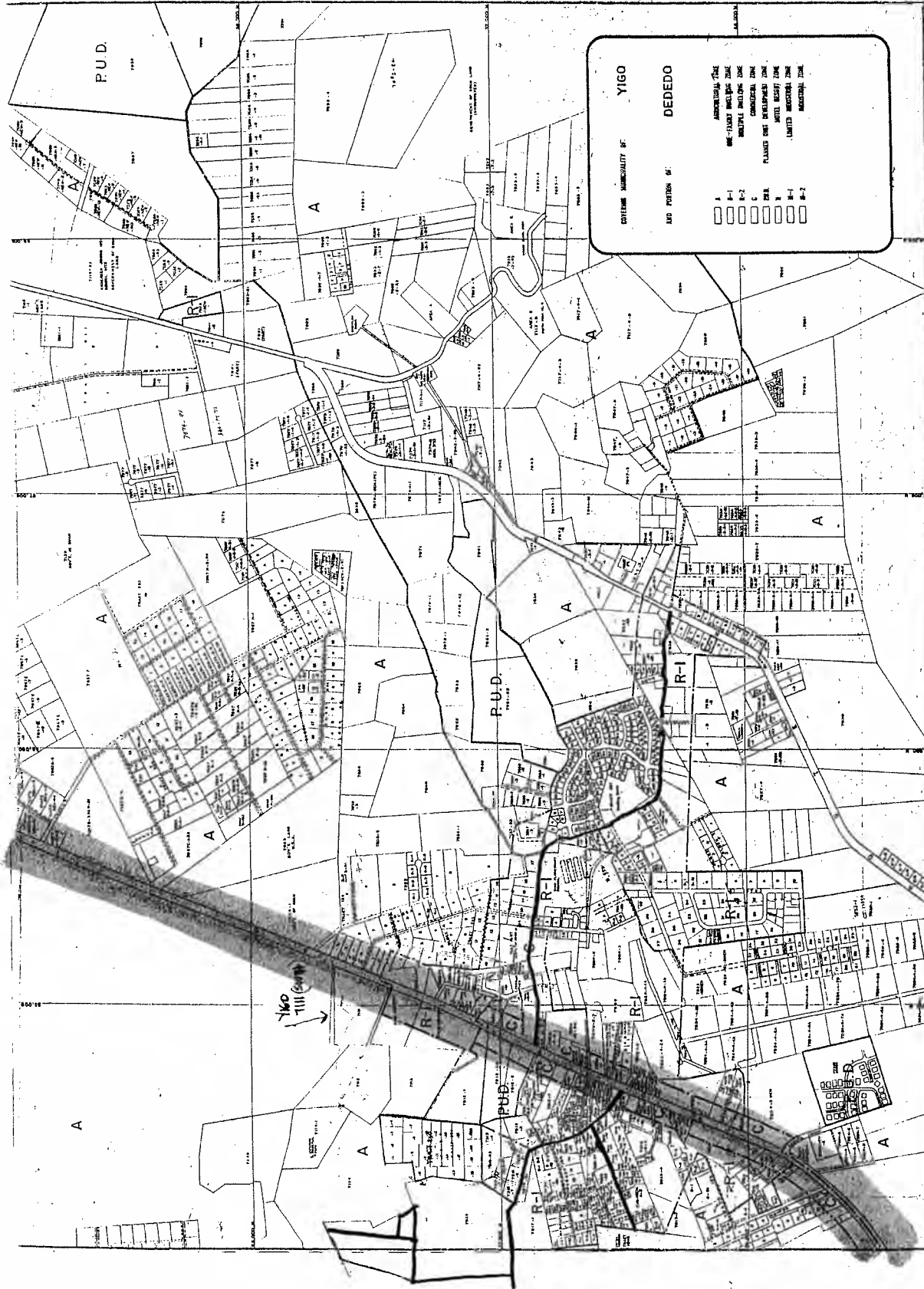
UMATAC

MAP PREPARED BY
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 DEPARTMENT OF LAND MANAGEMENT
 for the
 TERRITORIAL PLANNING COMMISSION
 GOVERNMENT OF GUAM

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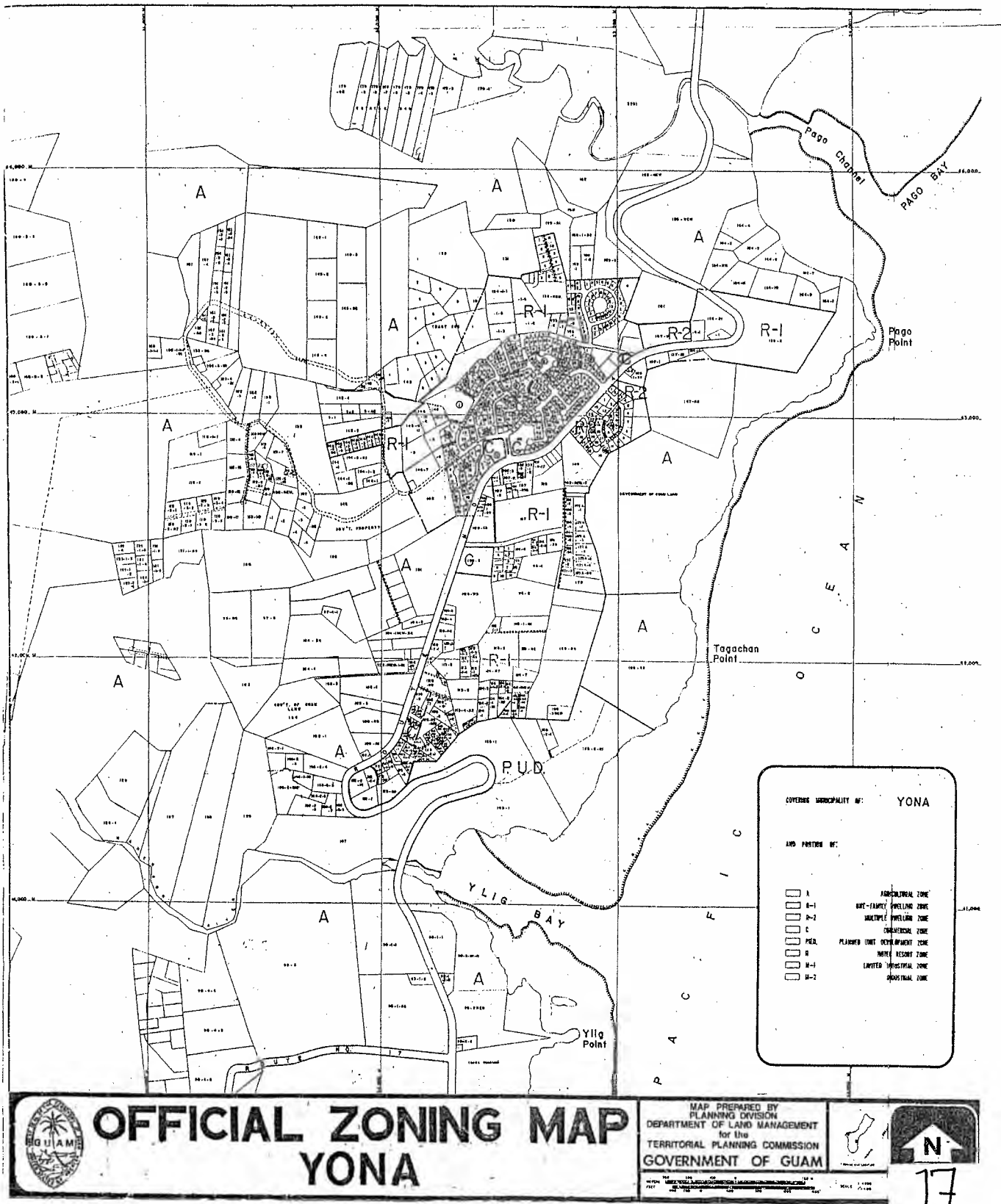
OFFICIAL ZONING MAP

YIGO

MAP PREPARED BY
PLANNING DIVISION
DEPARTMENT OF LAND MANAGEMENT
TERRITORIAL PLANNING COMMISSION
GOVERNMENT OF GUAM



16



Bureau of Budget & Management Research
Fiscal Note of Bill No. 174-31(COR)

AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS".

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Land Management	Dept. Head: Carlos R. Untalan, Acting Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Land Survey Revolving Fund) appropriation(s) to date:	3,364,412
Total Department/Agency Appropriation(s) to date:	\$3,364,412

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance ¹		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / x / Yes / / No
If Yes, see Attachment.
- Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A / / Yes / / No
If no, what is the additional amount required? \$ / x / N/A
- Does the Bill establish a new program/agency? / / Yes /x / No
If yes, will the program duplicate existing programs/agencies? / x / N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x / No
- Will the enactment of this Bill require new physical facilities? / / Yes /x / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x / Yes / / No
/ / Requested agency comments not received by due date. / / Other:

Analyst: Evelyn G. Fernandez Date: 5/17/11 Director: Depita A. Manglona Date: 5/24/11
 Evelyn G. Fernandez Depita A. Manglona

Footnotes:

- See attachment to fiscal note.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 174-31(COR)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General	1/	1/	1/	1/	1/
Other Fund:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	1/	1/	1/	1/	1/

Comments:

1/ There is a potential for additional revenues to the Government of Guam in terms of an increase in zoning variances and costs associated with conditional use application submittals. However, the administrative cost to implement the proposed provision may have an adverse effect on the department.

The overall potential financial impact of the Bill, in its present form, cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

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Christopher M. Duenas

May 2, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Subject: **Referral of Bill Nos. 171-31 (COR) through 175-31 (COR)
& 176-31 (LS)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 171-31(COR) through 175-31 (COR) & 176-31 (LS).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(6) Attachments

2011 MAY -3 AM 8:50

I Mina' Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

April 29, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
174-31 (COR)	C. M. Duenas	AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING "SPLIT-ZONE ELECTIONS".	4/29/11 1:49 p.m.	5/2/11		Committee on Appropriation, Taxation, Public Debt, Banking, Insurance, Retirement and Land.			

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Hafa Adai,

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 in the Guam Legislature Public Hearing Room. The following is on the agenda:

INEKUNGOK PUPBLEKO (PUBLIC HEARING)

gi Lunes, gi diha 20 gi Huño, 2011
 (Monday, June 20, 2011)

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
 (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu
 (9:00 AM)

TAREHA
 (AGENDA)

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 (Confirmation hearings)

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 Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
 Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board
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Lisa Cipollone
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Office of Senator ben c. pangelinan
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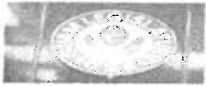
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Public Hearing - First Notice

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gi Lunes, gi diha 20 gi Huño, 2011
 (Monday, June 20, 2011)

Kuåtton Inekungok Pupbleko gi I Liheslaturan Guåhan
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Alas nuebi gi egga'an despu
 (9:00 AM)

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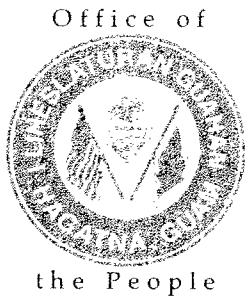
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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: All Senators

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

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Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

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Website: <http://senbenp.com>

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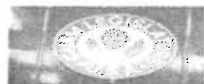
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(PUBLIC HEARING)**

gi Lunes, gi diha 20 gi Huño, 2011
 (Monday, June 20, 2011)

Kuátton Inekungok Pupbleko gi Liheslaturan Guáhan
 (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu
 (9:00 AM)

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cc **Senator Rory J. Respicio**

Nicole Santos to me

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Was Bill 43 heard? I just missed about 30 mins. Could you give me a quick run-down of what happened w/ Bill 43? Thanks, Lisa.

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Nicole Santos
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Office of Senator Thomas C. Ada
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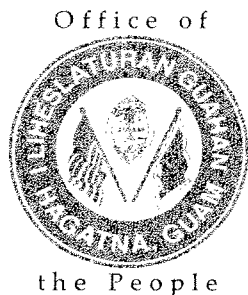
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I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 18, 2011

Memorandum

To: Media

From: Senator Vicente (ben) Cabrera Pangelinan

Re: Public Hearing Notice – SECOND NOTICE

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance and Land will conduct a public hearing beginning at **9:00am, Monday, June 20, 2011** at the Guam Legislature's Public Hearing Room. The following is on the agenda:

Confirmation of Mr. Artemio B. Illagan, Guam Banking and Insurance Commissioner

Confirmation of Mr. Mark Fish, Member Guam Banking & Insurance Board

Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board

Confirmation of Mr. Danilo M. Rapadas, Member Guam Banking and Insurance Board

Confirmation of Mr. Craig R. Thompson, Member, Alcoholic Beverage Control Board

Bill No. 43-31 (COR): An Act to Add a New Chapter 81 to Title 21, Guam Code Annotated relative to the Deployment of Broad band and Telecommunications Infrastructure on Public Rights of Way.

Bill No. 144-31 (COR: An Act to repeal and amend Chapter 28, Title 11 of the Guam Code Annotated relative to "Use Tax Law" Exemptions.

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Bill No. 162-31 (COR): An Act to amend §70132 of Title 11 of the Guam Code Annotated Relative to clearances required to obtain, renew or cancel a business license or any other license issued by a regulating agency or board.

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Bill No. 174-31 (COR): An Act to repeal and re-enact §61214 of Title 12, Guam Code Annotated, Relative to authorizing “Split-Zone Elections”.

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Public Hearing - Second Notice

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Date: Sat, Jun 18, 2011 at 10:42 AM

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 Sent by: guamlegislature.org

The Committee on Appropriations, Taxation, Public Debt, Banking, Insurance, Retirement and Land will hold a public hearing on Monday, June 20, 2011 beginning at 9:00am in the Guam Legislature Public Hearing Room. The agenda is as follows:

**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

gi Lunes, gi diha 20 gi Huño, 2011
 (Monday, June 20, 2011)

Kuáttón Inekungok Pupbleko gi I Liheslaturan Guåhan
 (Guam Legislature Public Hearing Room)

Alas nuebi gi egga'an despu
 (9:00 AM)

**TAREHA
(AGENDA)**

Komfitmasion Siha:
 (Confirmation hearings)

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 Confirmation of Mr. William West Cassidy, Member Guam Banking & Insurance Board
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Lisa Cipollone
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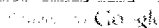
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INEKUNGOK PUPBLEKO (PUBLIC HEARING)
gi Lunes, gi diha 20 gi Huño, 2011 (Monday, June 20, 2011)
Kuáttion Inekungok Pupbleko gi i Liheslaturan Guåhan
(Guam Legislature Public Hearing Room)
Alas nuebi gi egga'an despu (9:00 AM)
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**INEKUNGOK PUPBLEKO
(PUBLIC HEARING)**

***gi Lunes, gi diha 20 gi Huño, 2011
(Monday, June 20, 2011)***

***Kuátton Inekungok Pupbleko gi I Liheslaturan Guahan
(Guam Legislature Public Hearing Room)***

***Alas nuebi gi egga'an despu
(9:00 AM)***

**TAREHA
(AGENDA)**

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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

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Bill No. 174-31 COR

Introduced by:

Chris Duenas 

**AN ACT TO REPEAL AND RE-ENACT § 61214 OF TITLE 21,
GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING
“SPLIT-ZONE ELECTIONS”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. The 25th Guam Legislature enacted § 61214 of Title 21, Guam Code Annotated, to allow a property owner, whose lot was divided by the Zoning Boundary, to select, without public notice or hearing, which zone to apply to the entire lot. This was done to alleviate advice that a lot thus split by the Zoning Boundary had no effective zone designation. The Legislature finds that, since passage, the split-zone election authorized by § 61214 has created certain unanticipated anomalies with planning and development decisions, and amendments to the law are necessary to retain consistency with the general zoning plan and local development processes.

Section 2. Repeal and Re-enact § 61214 of Title 21, Guam Code Annotated. § 61214 of Title 21, Guam Code Annotated, is hereby repealed and re-enacted as follows:

“§ 61214 (a) Split-Zone Election. Whenever a lot is affected by a Zoning Boundary which creates two (2) separate zoning designations within its boundaries, the property owner of such affected lot shall have the right to select one (1) of the two (2) zones and to have it apply to the entire lot. Upon receiving a written request by a property owner to elect a zoning designation for the affected lot, the Director of the Department of Land Management shall approve the request, shall process all necessary documents to reflect the approval, and shall update all official maps of the Island to indicate the zone which the property owner has chosen.

19 **(b) Conditional Use.** All uses permitted on the affected lot by the zone chosen by the
20 property owner making a split-zone election shall be conditional and subject to approval in the
21 manner required to obtain a zone variance as provided in § 61303, Title 21, Guam Code Annotated.
22 No such use shall be permitted upon any part of the lot described in subsection (a) above which is
23 inconsistent or incompatible with the uses of property adjacent to such part, nor which would
24 otherwise be detrimental to the public.

25 **(c) Effective Date.** A split-zone election shall only be made in respect of a lot in existence at
26 the time the Zoning Boundary line is designated. Without limitation, a lot created by consolidation
27 of a lot affected by a Zoning Boundary with another lot or lots unaffected by the Zoning Boundary,
28 after the effective date of a Zoning Boundary, shall have the zone classification of a lot unaffected
29 by the Zoning Boundary.”