

I Mina Trentai Kuåtto Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
361-34 (COR) As amended by the Committee on Environment, Land, Agriculture and Procurement Reform; and further amended on the Floor.	Thomas C. Ada Joe S. San Agustin	AN ACT TO AMEND § 61208 OF ARTICLE 2, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE LANDOWNERS OF THE STRIP OF LAND EAST OF ROUTE 1 IN THE MUNICIPALITY OF YIGO FROM OUR LADY OF LOURDES CATHOLIC CHURCH TO TRACT 9210 TO VOLUNTARILY REZONE THEIR LOTS TO COMMERCIAL ZONE (C). 10/12/18 3:26 p.m.	10/12/18 3:26 p.m.	10/23/18	Committee on Environment, Land, Agriculture, and Procurement Reform	10/26/18 2:00 p.m.	12/10/18 8:20 a.m.	Fiscal Note Request 10/30/18 Fiscal Note 11/1/18	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	12/10/18	AN ACT TO AMEND § 61208 OF ARTICLE 2, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE LANDOWNERS OF THE STRIP OF LAND EAST OF ROUTE 1 IN THE MUNICIPALITY OF YIGO FROM OUR LADY OF LOURDES CATHOLIC CHURCH TO TRACT 9210 TO VOLUNTARILY REZONE THEIR LOTS TO COMMERCIAL ZONE (C).	12/19/18	12/19/18 6:57 p.m.	12/31/18				



COPY

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
Thirty-Fourth Guam Legislature

December 19, 2018

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam 96910

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 357-34 (COR), 361-34 (COR), 368-34 (COR), 369-34 (COR), 370-34 (COR), 376-34 (COR), and 380-34 (LS) which were passed by *I Mina'Trentai Kuáttro Na Liheslaturan Guåhan* on December 19, 2018.

Sincerely,

RÉGINE BISCOE LEE
Legislative Secretary

Enclosure (7)

SHAWN J. MENDO
18:57, 12/19/18

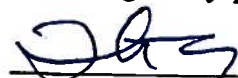


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I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2018 (SECOND) Regular Session

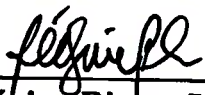
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

This is to certify that Bill No. 361-34 (COR), "AN ACT TO AMEND § 61208 OF ARTICLE 2, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING THE LANDOWNERS OF THE STRIP OF LAND EAST OF ROUTE 1 IN THE MUNICIPALITY OF YIGO FROM OUR LADY OF LOURDES CATHOLIC CHURCH TO TRACT 9210 TO VOLUNTARILY REZONE THEIR LOTS TO COMMERCIAL ZONE (C)," was on the 19th day of December 2018, duly and regularly passed.



Therese M. Terlaje
Acting Speaker

Attested:



Régine Bissoe Lee
Legislative Secretary

This Act was received by *I Maga'láhen Guáhan* this 19th day of DEC,
2018, at 6:57 o'clock P.M.



Shawn J. Mend
Assistant Staff Officer
Maga'láhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'láhen Guáhan

Date: _____

Public Law No. _____

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 361-34 (COR)

As amended by the Committee on Environment,
Land, Agriculture and Procurement Reform; and
further amended on the Floor.

Introduced by:

Thomas C. Ada
Joe S. San Agustin
FRANK B. AGUON, JR.
William M. Castro
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO AMEND § 61208 OF ARTICLE 2, CHAPTER
61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE
TO ALLOWING THE LANDOWNERS OF THE STRIP OF
LAND EAST OF ROUTE 1 IN THE MUNICIPALITY OF
YIGO FROM OUR LADY OF LOURDES CATHOLIC
CHURCH TO TRACT 9210 TO VOLUNTARILY REZONE
THEIR LOTS TO COMMERCIAL ZONE (C).**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the municipality of *Yigo* is rapidly developing and that there is a need for prudent

1 planning to ensure compatible and sustainable development in all areas of the
2 municipality.

3 *I Liheslaturan Guåhan* finds that Marine Corps Drive (Route 1) in the
4 municipality of *Yigo* from the Our Lady of Lourdes Catholic Church to Tract 9210
5 was not included in master plan legislation, Public Law 12-160, codified under 21
6 GCA Chapter 61. Master Plan Public Law 12-160 was enacted in 1974, some forty-
7 four (44) years ago.

8 *I Liheslaturan Guåhan* finds that the strip of land along Marine Corps Drive
9 (Route 1) in *Yigo* is best suited for commercial activities, which require a
10 Commercial Zone (C) designation; and rezoning to a “C” zone through legislative
11 action is a contributive first step.

12 *I Liheslaturan Guåhan* further finds that the western side of Marine Corps
13 Drive (Route 1) in *Yigo* is exclusively *Chamorro* Land Trust residential and
14 agricultural property, and *I Liheslatura* does not intend to change the zone(s) or
15 use(s) of this western area.

16 Whenever piece-meal rezoning is contemplated, applied for, or reviewed, the
17 process can be time-consuming and delayed by the inability of the Guam Land Use
18 Commission (GLUC) to respond to the numerous applications before it.

19 *I Liheslaturan Guåhan* further finds that the GLUC currently has only three
20 (3) members of five (5) authorized by law, and achieving a quorum is often a
21 challenge.

22 *I Liheslaturan Guåhan* desires to promote the development of economic
23 activities along the *Yigo* strip of land. Therefore, *I Liheslaturan Guåhan* intends to
24 avail the opportunity for private landowners along that strip of land in the
25 municipality of *Yigo* from Our Lady of Lourdes Catholic Church (but not including
26 the Church lot) to Tract 9210 (but not including any lot in Tract 9210) to voluntarily
27 opt-in to rezone their properties up to Commercial Zone (C).

1 **Section 2.** § 61208 of Article 2, Chapter 61, Title 21, Guam Code
2 Annotated, is hereby *amended* to read:

3 “§ 61208. **Yigo Commercial Zone.**

4 All property lying on either side of Route 1 (Marine Corps Drive)
5 between the Old Marbo PX and the *Yigo* Catholic Church, to a depth of two
6 hundred (200) feet from the edge of the right-of-way along Route 1, is hereby
7 established as commercial zone property. The Department of Land
8 Management is hereby directed to amend its zoning maps accordingly.

9 (a) *Yigo* Commercial Zone Extension. Additionally, private
10 landowners of all properties between the *Yigo* Catholic Church, Our
11 Lady of Lourdes, (but not including the Church lot) to Tract 9210 (but
12 not including any lot in Tract 9210), to a depth of two hundred (200)
13 feet from the edge of Route 1 to the east may voluntarily opt-in to
14 rezone their properties up to Commercial Zone (C).”

15 **Section 3. Rezoning Voluntary not Mandatory.** This legislative rezoning
16 is voluntary and not mandatory; and affirmative action needs to be taken to complete
17 rezoning.

18 **Section 4. Notification to Landowners.** Within fifteen (15) working days
19 from enactment of this Act, the Director of Land Management *shall* send, by
20 certified mail, notices to the last known recorded owners of the lots in 21 GCA §
21 61208(a), informing them of this Act. A copy of this Act and information related to
22 use regulations pursuant to 21 GCA § 61307 *shall* be attached to the notice.

23 **Section 5. Affirmation of Rezoning.** Within ninety (90) working days
24 from enactment of this Act, owners of the lots identified in 21 GCA § 61208(a), or
25 their duly authorized representatives, must provide written affirmation to the
26 Director of Land Management of their concurrence to rezone their lots up to
27 Commercial Zone (C). For lots where the owner elects to the rezoning per the

1 provisions of this Act, the Department *shall* disseminate a notice to lot owners within
2 a five hundred (500) foot radius.

3 **Section 6. Failure to Affirm or Non-Concurrence.** The current lot zone
4 *shall* remain unchanged in the event the landowner, or authorized representative, of
5 the lot does not submit a written affirmation per Section 5 of this Act, or does not
6 concur with rezoning to “C.” Any subsequent change in zoning *shall* be processed
7 pursuant to 21 GCA Chapter 61.

8 **Section 7. Update of Master Zoning Map and Other References.** The
9 Department of Land Management and the Bureau of Statistics and Plans *shall* update
10 the Master Zoning Map and any other such documents, maps, public notices and
11 websites within one hundred twenty (120) days of enactment of this Act.

12 **Section 8. Recordation.**

13 (a) The Department of Land Management *shall* post in its Records
14 Division journals, its Planning Division lists, and its Survey Division maps, against
15 each relevant lot, its affirmed zone or its retention zone within one hundred twenty
16 (120) days of enactment of this Act.

17 (b) The Department of Land Management *shall* through its existing
18 procedures notify the Department of Revenue and Taxation of the updated rezoning
19 within one hundred fifty (150) days of enactment of this Act.

20 (c) The Department of Revenue and Taxation *shall* assess applicable real
21 property taxes on these parcels, to be effective in the following tax year.

22 **Section 9. Rezoning Fee.** Each landowner agreeing to rezone their lot up
23 to a Commercial Zone (C) *shall* be assessed a fee of One Thousand Two Hundred
24 Eighty Dollars (\$1,280) per lot to defray costs related, but not limited to, research,
25 notification, processing, recordation, and posting. Said fees *shall* be deposited in the
26 Department of Land Management Land Survey Revolving Fund (LSRF).

1 **Section 10. Severability.** If any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
3 *not* affect other provisions or applications of this Act that can be given effect without
4 the invalid provision or application, and to this end the provisions of this Act are
5 severable.