I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2017 (FIRST) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 106-34 (COR)
As amended by the Committee on Environment, Land, Agriculture, and Procurement Reform; and further amended on the Floor.

Speaker Antonio R. Unpingco Legislative Session Hall
July 26, 2017

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. **ADA**	√					
Senator FRANK B. **AGUON, JR.**	√					
Senator William M. **CASTRO**	√					
Speaker B. J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**	√					
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**					√	√
Senator Dennis G. **RODRIGUEZ, Jr.**	√					
Senator Joe S. San **AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**	√					
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					

TOTAL:	14				1	1
	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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Introduced by: Thomas C. Ada

AN ACT TO *ADD* A NEW § 61218 TO ARTICLE 2 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO REZONING LOT NAVAL AIR STATION *AGAÑA* 13 (OFFICERS HOUSING AREA) FROM AGRICULTURAL ZONE (A) UP TO MULTIPLE DWELLING ZONE (R2).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* (the Guam Legislature) finds that the U.S. Congress enacted the *Defense Base Realignment and Closure Act of 1990* (BRAC 1990), which set the stage for the return of lands at the Naval Air Station *Agaña* to the government of Guam.

I Liheslaturan Guåhan also finds that prior to effectuation of the conveyance, the government of Guam was required to develop a reuse master plan for the returned lands. The *Tiyan Plan* was developed by the *Komitea Para Tiyan*, a committee commissioned by *I Maga'låhen Guåhan* (the Governor of Guam) and recognized by the U.S. Department of Defense as the Local Redevelopment Authority. The *Tiyan Plan* envisioned the reuse of Lot Naval Air Station *Agaña* 13 (Officers Housing Area) for continued use as a housing subdivision.

I Liheslaturan Guåhan further finds that in September 2000, the Guam Economic Development Authority (GEDA) received the property on behalf of the government of Guam (Quitclaim Deed, DLM No. 636649). The land was returned with the proviso that use of the property would be continued as a housing subdivision, unless consented otherwise by the United States.

I Liheslaturan Guåhan also finds that in October 2002, pursuant to Public Law 26-100, the above-mentioned parcel was further deeded to the Guam Ancestral Lands Commission (GALC) for the return of the property to the original landowners (Quitclaim Deed, DLM No. 638644).

I Liheslaturan Guåhan intends to further facilitate the development of *West Tiyan* as was envisioned in the *Tiyan Reuse Master Plan* by legislatively providing the opportunity to rezone lots in the parcel previously known as Lot Naval Air Station *Agaña* 13 (Officers Housing Area) from Agricultural Zone (A) to Multiple Dwelling Zone (R2). This rezoning will enable the landowners to maximize the use of their properties.

Section 2. A new § 61218 is *added* to Article 2 of Chapter 61, Title 21, Guam Code Annotated, to read:

"**§ 61218. Rezoning of Lot Naval Air Station *Agaña* 13 (Officers Housing Area) from Agricultural Zone (A) to Multiple Dwelling Zone (R2).**

(a) Applicability. Rezoning considerations *shall* be applicable to the following original lots in Lot Naval Air Station *Agaña* 13 (Officers Housing Area): Lots 2053-A-1, 2053-1-1, 2053-2-1, 2054, 2055, 2056, 2057, 2057-1, 2058 western section, 2058 eastern section, 2066-REM, and subdivisions of these lots, or as determined by the Department of Land Management to be within the boundaries of Lot Naval Air Station *Agaña* 13 (Officers Housing Area).

(b) Notification to Landowners. Within fifteen (15) working days from the enactment of this Act, the Director of the Department of Land Management *shall* send, by certified mail, notices to the last known registered owners of the lots or subdivisions of the basic lots listed in Subsection (a) of this Section informing them of this Act. A copy of this Act and information related to use regulations under the R2 Multiple Dwelling Zone, pursuant to 21 GCA § 61306, *shall* be attached to the notice.

(c) Affirmation of Rezoning. Within one hundred eighty (180) working days from the enactment of this Act or from the date of conclusion of probate proceedings, owners of the lots listed in Subsection (a) of this Section, or their administrator or administratrix, must provide written affirmation to the Director of the Guam Department of Land Management of their concurrence to rezone their lots to Multiple Dwelling Zone (R2).

(d) Failure to Affirm or Non-Concurrence. The current lot zone *shall* remain unchanged in the event the owner of the lot, or an authorized representative, does not submit a written affirmation per Subsection (c) of this Section or does not concur with the rezoning to Multiple Dwelling Zone (R2). Any subsequent change in zoning *shall* be processed pursuant to 21 GCA Chapter 61.

(e) Update of Master Zoning Map and Other References. The Department of Land Management and the Bureau of Statistics and Plans *shall* update the Master Zoning Map and any other such documents, maps, public notices, and websites within one (1) year of the enactment of this Act.

(f) Recordation.

(1) The Department of Land Management *shall* post on its Records Division journals, its Planning Division lists, and its Survey Division maps, *against each relevant lot*, its affirmed zone or its

retention zone within two hundred seventy (270) days of the enactment of this Act.

(2) The Department of Land Management *shall*, through its existing procedures, notify the Department of Revenue and Taxation of the updated rezoning within two hundred seventy (270) days of the enactment of this Act.

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

(g) Rezoning Fee. Each lot owner agreeing to the rezoning of their lots to Multiple Dwelling Zone (R2) *shall* be assessed a fee of One Thousand Two Hundred Eighty Dollars ($1280.00) to defray costs related, but not limited to, research, notification, processing, recordation, and posting. Said fees *shall* be deposited in the Department of Land Management Land Survey Revolving Fund (LSRF).

(h) The administrator/administratrix of any lot that is listed in Subsection (a) of this Section, and that is still going through probate, must present to the Department of Land Management a court order giving specific authority to effect a zoning change on behalf of the estate, as part of the written affirmation."

Section 3. "Land Zoning Consideration Report"; Required. A "Land Zoning Consideration Report" is required pursuant to 2 GCA § 2110 for inclusion in the committee report of the legislative standing committee reporting the bill out of committee before being placed on a legislative session agenda.

Section 4. Agricultural Impact Statement; Required. Pursuant to 21 GCA § 61637, the Director of the Department of Agriculture *shall* submit an Agricultural Impact Statement regarding the lots in the parcel known as Naval Air

Station *Agaña* 13 (Officers Housing Area), referenced in Section 2(a) of this Act, to the Guam Land Use Commission before said lot is rezoned.

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