I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 361-34 (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** **December 19, 2018**					
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**	✓					
Senator James V. **ESPALDON**			✓			✓
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**	✓					
Senator Louise B. **MUÑA**					✓	✓
Senator Telena Cruz **NELSON**		I ✓				
Senator Dennis G. **RODRIGUEZ, Jr.**	✓					
Senator Joe S. **SAN AGUSTIN**	✓					
Senator Michael F.Q. **SAN NICOLAS**	✓					
Acting Speaker Therese M. **TERLAJE**		✓				
Senator Mary Camacho **TORRES**			✓			✓

TOTAL:	**9**	**2**	**2**		**1**	**3**
	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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2018 (SECOND) Regular Session

Bill No. 361-34 (COR)
As amended by the Committee on Environment, Land, Agriculture and Procurment Reform; and further amended on the Floor.

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Introduced by: 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).

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the municipality of *Yigo* is rapidly developing and that there is a need for prudent planning to ensure compatible and sustainable development in all areas of the municipality.

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

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

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

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

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

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

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

"**§ 61208. Yigo Commercial Zone.**

All property lying on either side of Route 1 (Marine Corps Drive) between the Old Marbo PX and the *Yigo* Catholic Church, to a depth of two hundred (200) feet from the edge of the right-of-way along Route 1, is hereby

established as commercial zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly.

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

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

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

Section 5. Affirmation of Rezoning. Within ninety (90) working days from enactment of this Act, owners of the lots identified in 21 GCA § 61208(a), or their duly authorized representatives, must provide written affirmation to the Director of Land Management of their concurrence to rezone their lots up to Commercial Zone (C). For lots where the owner elects to the rezoning per the provisions of this Act, the Department *shall* disseminate a notice to lot owners within a five hundred (500) foot radius.

Section 6. Failure to Affirm or Non-Concurrence. The current lot zone *shall* remain unchanged in the event the landowner, or authorized representative, of the lot does not submit a written affirmation per Section 5 of this Act, or does not

concur with rezoning to "C." Any subsequent change in zoning *shall* be processed pursuant to 21 GCA Chapter 61.

Section 7. 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 hundred twenty (120) days of enactment of this Act.

Section 8. Recordation.

(a) The Department of Land Management *shall* post in 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 one hundred twenty (120) days of enactment of this Act.

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

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

Section 9. Rezoning Fee. Each landowner agreeing to rezone their lot up to a Commercial Zone (C) *shall* be assessed a fee of One Thousand Two Hundred Eighty Dollars ($1,280) per lot 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).

Section 10. 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.