



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Refer to
Legislative Secretary

JUN 25 1997


The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 81 (COR), "AN ACT TO AMEND §61501(a), ADD §61501(b) AND §61501 (c), TO PART 1 OF ARTICLE 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE MINIMUM YARD AND LOT AREA TABLE.", which I have signed into law today as **Public Law No. 24-51**.

This legislation restores the minimum yard and lot area table which was inadvertently repealed in prior law.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>AR</u>
Time	<u>1:50pm</u>
Date	<u>6-25-97</u>

Attachment 00302

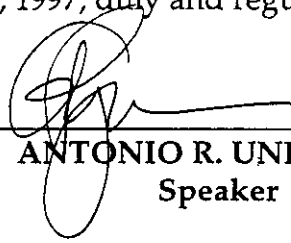
cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 6-25-97
Time: 12pm
Rec'd by: myh
Print Name: Monique Yvette

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 81 (COR), "AN ACT TO AMEND §61501(a), ADD §61501(b) AND §61501(c), TO PART 1 OF ARTICLE 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE MINIMUM YARD AND LOT AREA TABLE," was on the 7th day of June, 1997, duly and regularly passed.



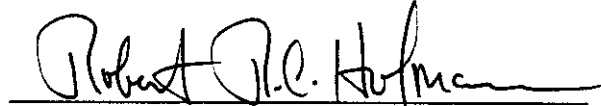
ANTONIO R. UNPINGCO
Speaker

Attested:




JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 13th day of June, 1997, at
8:10 o'clock A.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 6-25-97

Public Law No. 24-51

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 81 (COR)

As substituted by the Committee on
Agriculture, Land, Housing, Community
and Human Resources Development, and as
further substituted on the Floor and amended.

Introduced by:

M. C. Charfauros
A. L.G. Santos
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO AMEND §61501(a), ADD §61501(b)
AND §61501(c), TO PART 1 OF ARTICLE 5 OF
CHAPTER 61 OF TITLE 21 OF THE GUAM CODE
ANNOTATED, RELATIVE TO RESTORING THE
MINIMUM YARD AND LOT AREA TABLE.**

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

2 **Section 1. Legislative Statement and Intent.** The Guam Legislature
3 finds that Public Law No. 21-72 repealed and reenacted §61501 to amend the
4 minimum setback requirements for the construction of buildings in
5 agriculturally zoned areas to permit individuals and families to build within
6 their properties. The Guam Legislature finds that this amendment
7 inadvertently deleted the Table of Yard and Lot Areas. The Guam Legislature
8 finds that because the Yard and Lot Area Table still has potential use and the
9 language of P.L. 21-72 reflects to its existence, it is the intent of this Legislature
10 to further amend §61501 to restore the Yard and Lot Area Table.

11 **Section 2.** Section 61501(a) and add §§61501(b) and (c) of Part 1 of
12 Article 5 of Chapter 61 of Title 21 of the Guam Code Annotated is hereby
13 amended to read:

14 **"§61501. (a) Minimum Yards and Lot Areas Established.** No
15 building or structure shall be erected or maintained, nor shall any
16 existing building or structure be altered, enlarged, moved or
17 maintained, on any lot, unless a front yard, a rear yard and two (2) side
18 yards are provided and maintained on such lot. The depth of such front
19 and rear yards and the width of such side yards shall not be less than
20 the depth and width specified in the following Yards and Lot Area
21 Table. Further, no lot width or lot area, nor any lot area per dwelling
22 shall be less than that specified in "(b) Table." A commercial building to
23 occupy the whole width of a lot must be of four-hour fire resistive
24 construction. If party walls are to be erected, the written consent of the
25 owners of adjacent lots must be obtained as a prerequisite for the

issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, the side yards of eight (8) feet must be provided. In the rural (A) Zone, all structures shall have a front yard of fifteen (15) feet, a rear yard of ten (10) feet, and side yards of eight (8) feet. The width of each lot shall be no less than fifty (50) feet with an area equal to or greater than ten thousand (10,000) square feet, provided that no lot shall have a length to width relationship that exceeds a three-to-one (3:1) ratio. The lot area per dwelling unit in the Rural Zone (A) shall not be less than nineteen thousand two hundred (19,200) square feet without sewer connection only if located on top of the Northern Aquifer. The lot area per dwelling unit in the Rural Zone (A) shall not be less than nine thousand six hundred (9,600) square feet with sewer connection, if located on top of the Northern Aquifer.

(b) Table.

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

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

* For properties not located on top of the Northern Aquifer.

1 **(c) Lots Over the Aquifer.** Lot sizes and set-back on properties above
2 the aquifer -shall be established by the Guam Environmental Protection
3 Agency."



COMMITTEE ON AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCE DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

May 27, 1997

The Honorable Antonio R. Unpingco, Speaker
Twenty-Fourth Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

The Committee of Agriculture, Land, Housing, Community and Human Resource Development, to which was referred Bill 81 "An Act to amend §61501 of Title 21 guam Code Annotated relative to restoring the minimum yard and lot area table," held a public hearing on May 20, 1997 to receive testimonies on said bill.

Following a markup meeting, the Committee hereby wishes to report out same with a recommendation TO DO PASS.

The Committee votes are as follows:

To Do Pass	4
Not To Pass	0
Abstain	0
Other (Off-Island)	0

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,

John T. M...
for Senator John Camacho Salas

Attachments



24th GUAM LEGISLATURE

SENATOR JOHN CAMACHO SALAS

CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

VOTING SHEET

Bill Number **81 (As substituted by Comm on Agriculture, Land...)**

Title An Act to amend §61501 of Title 21 Guam Code Annotated relative to restoring the Minimum Yard and Lot Area Table.

	TO DO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
 John Camacho Salas, Chairman	✓			
 Edwardo J. Cruz, M.D., Vice-Chairman	✓			
Elizabeth Barrett-Anderson, Member				
 Larry F. Kasperbauer, Member	✗			
 Carlotta M. Leon Guerrero, Member	✓			
Thomas C. Ada, Member				
William B.S.M. Flores, Member				
Antonio R. Unpingco, Ex-Officio Member				



COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

COMMITTEE REPORT

Bill 81 - An Act to amend §61501 of Title 21 Guam Code Annotated relative to restoring the Minimum Yard and Lot Area Table

Senator John Camacho Salas, Chairman for the Committee, conducted a public hearing on May 20, 1997 at the Legislative Public Hearing Room, Agana, Guam, to receive testimonies on the this bill.

Committee members present included:

Senator John Camacho Salas, Chairman
Senator Edwardo J. Cruz, M.D., Vice-Chairman
Senator Larry F. Kasperbauer, Member
Senator Thomas C. Ada, Member

Non-member senators present included:

Senator Ben C. Pangelinan
Senator Lou A. Leon Guerrero
Senator Frank B. Aguon, Jr.
Senator Alberto C. Lamorena, V.
Senator Angel L.G. Santos

I. HEARING SUMMARY.

There were no witnesses present to give testimony on the bill. However, the Chairman noted that the Committee had received several written testimonies. He informed the members present that these will be properly noted into the record. These written testimonies included:

Mr. Carl J.C. Aguon, Acting Director of the Department of Land Management, stated that DLM is in full support of the passage of Bill 81. He stated that "the reinstatement of the Yards and Lot Area Table will ensure proper development in terms of adequate light, air and ventilation, as well as the health, safety and welfare of our residents, are maintained as Guam continues to develop".

Senator Mark C. Charfauros, the author of Bill 81, explained that "when the 21st Guam Legislature repealed and reenacted §61501 to amend the minimum setback requirements for the construction of buildings in agriculturally-zoned areas, the Yard and Lot Area Table and Lot Areas were not included in the new statute. When the Attorney General's Office attempted to enforce this statute, the court ruled that this section was unenforceable due to this administrative error. In order for the government of Guam to enforce this section, the Legislature must reinstate the Table of Yard and Lot Areas".

Ms. Maria G. Fitzpatrick, Assistant Attorney General for the Civil Division, recommended the passage of Bill 81 as "essential for the protection and promotion of the public health, safety and general welfare of the people of the Territory of Guam". She noted, however, "the portion of Bill 81 relative to lot size in agricultural zones over the aquifer appear to conflict with the area of agricultural lots over the aquifer as set forth in PL 23-59" and this discrepancy needs to be resolved before Bill 81 is passed.

II. COMMITTEE RECOMMENDATION.

The Committee Chairman held a markup meeting on May 24, 1997 to deliberate on the written testimonies presented at the hearing. The Committee agreed with the need to make some amendments to the bill as presented. After the necessary changes are made, the Committee voted to report out Bill 81, as substituted by the Committee, with a recommendation TO DO PASS. The Voting Sheet on Bill 81 "to do pass" is hereto attached.

Article 5
Yard and Area Regulations

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

Part 1
Yard and Area

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

§61501. Minimum yards and lot areas established. No building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved or maintained, on any lot, unless a front yard, a rear yard and two (2) side yards are provided and maintained on such a lot. The depth of such front and rear yards and the width of such side yards shall not be less than the depth and width specified in the following Yards and Lot Area table. Further, no lot width or lot area, nor any lot area per dwelling shall be less than that specified in said table. A commercial building to occupy the whole width of a lot must be of four-hour fire resistive construction. If party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite

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

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

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

YARD AND LOT AREA

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

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



COMMITTEE ON
AGRICULTURE, LAND, HOUSING,
COMMUNITY & HUMAN RESOURCES DEVELOPMENT

SENATOR JOHN CAMACHO SALAS
CHAIRMAN

PUBLIC HEARING

Legislative Public Hearing Room
Tuesday, May 20, 1997

AGENDA

9:00 A.M. - 12:00 Noon

- Confirmation of Mr. Carl J.C. Aguon to the position of Director of the Department of Land Management
- Confirmation of Mr. Ronald M. Young to the Territorial Planning Council
- Confirmation of Mr. Vicente Q. Finona to the Guam Housing Corporation Board of Directors
- Bill 162 - Act to amend Subsection (c) of §4103, Title 12, Guam Code Annotated, relative to the lending requirements of the Guam Housing Corporation.
- Bill 81 - An Act to amend §61501 of Title 21 Guam Code Annotated relative to restoring the Minimum Yard and Lot Area Table

12:00 Noon - 1:00 P.M. (Lunch Break)

1:00 P.M. - 3:00 P.M.

- Bill 30 - An Act classify employees within the Chamorro Land Trust Commission, as substituted by the Committee on Power, Foreign Affairs, and General Governmental Services. (JOINT HEARING)
- Bill 114 - An Act to authorize the Governor to exchange Lot Nos. 17 and 18, Block 24, New Agaña, to Francis L. Moylan and Yuk Lan Moylan.
- Bill 117 - An Act to rezone Lot No. 1098-1-3 NEW, Mangilao, from "R-1, One Family Dwelling" to "C, Commercial".



Senator John Camacho Salas

Chairman of the Committee on
Agriculture, Land, Housing, Community
and Human Resources Development

will conduct public hearings on the following Bills in the Legislature's Public Hearing Room in the dates and times listed below.

MONDAY, MAY 19 (6 P.M.—9 P.M.) & WEDNESDAY, MAY 21 (6 P.M.—9 P.M.)

Bill 237 (as amended by the Committee of the Whole)—An Act to adopt the final Land Use Plan; to repeal and re-enact a new Chapter 61, Title 21 GCA entitled *The Zoning Code of Guam*, and to amend certain sections of Article 4, Chapter 60, Title 21 GCA, relative to the composition and duties of the Territorial Land Use Commission, and this Act is called the "*I Tano'-ta Land Use Plan*."

TUESDAY, MAY 20 (9 A.M. - 3 P.M.)

Confirmation of:

- Carl J.C. Aguon - Director, Department of Land Management
- Vicente Q. Finona - Member, Guam Housing Corporation Board of Directors
- Ronald M. Young, - Member, Territorial Planning Council

Bill 81 An Act to amend §61501 of Title 21 Guam Code Annotated relative to restoring the Minimum Yard and Lot Area Table.

Bill 114 An Act to authorize the Governor to exchange Lot Nos. 17 and 18, Block 24, New Agaña, to Francis L. Moylan and Yuk Lan Moylan.

Bill 117 An Act to rezone Lot No. 1098-1-3 NEW, Mangilao, from "R-1 One Family Dwelling" to "C Commercial."

Bill 162 An Act to amend Subsection (c) of §4103, Title 12, Guam Code Annotated, relative to the lending requirements of the Guam Housing Corporation.

Bill 30 An Act to classify employees within the Chamorro Land Trust Commission, as substituted by the Committee on Power, Foreign Affairs, and General Governmental Services (Joint Hearing).

The public is invited to participate with written and/or oral testimony. The *I Tano'-Ta Land Use Plan* is available for review at the Office of Senator John Camacho Salas (Ph: 472-3585). Fax testimony will also be accepted at 472-3583.

A.B. Won Pat International Airport
Monday thru Friday (9:00 a.m. - 5:00 p.m.)
NO PHONE CALLS PLEASE.

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If you believe this job is for you, send a resume indicating personal and professional background via facsimile, mail, or hand delivery no later than Monday, May 19 to:

Human Resources Manager
Station Managers of Guam, Inc.
P.O. Box EU, Agana, Guam 96932
642 East Marine Drive
Agana, Guam 96910

or fax resumes to (671) 646-7820.

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SENATOR JOHN CAMACHO SALAS CHAIRMAN

COMMITTEE ON AGRICULTURE, LAND, HOUSING, COMMUNITY AND HUMAN RESOURCES DEVELOPMENT

TESTIMONY SIGN IN SHEET

Tuesday, May 20, 1997

Legislative Public Hearing Room

Bill Number **81** *NO WITNESSES APPEARED*

Title An Act to amend §61501 of Title 21 Guam Code Annotated relative to restoring the Minimum Yard and Lot Area Table.

NAME	ORGANIZATION	TESTIMONY	
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Senator Mark C. Charfauros

Twenty-Fourth Guam Legislature

Ada's Commercial and Professional Center
138 East Marine Drive, Suite 101C-Annex
Agana, Guam 96910

Tel: (671) 472-3342/3/5
Fax: (671) 472-3440
E-Mail: markchar@ite.net

May 20, 1997

The Honorable John C. Salas
Chairman
Committee on Agriculture, Land, Housing,
Community, Planning and Human Resources
Development
T.S. Tanaka Bldg.
Rte. 4, Suite 202
Agana, Guam 96910

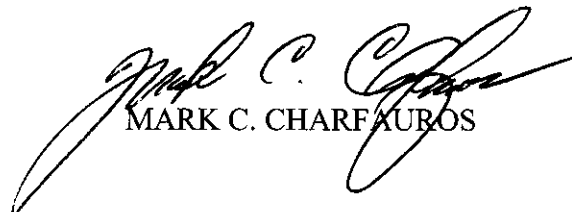
Dear Senator Salas:

Thank-you for conducting a public hearing on Bill 81, "Relative to restoring the Minimum Yard and Lot Area Table." I apologize for not attending today's public hearing but due to an urgent matter that has just been brought to my attention I will be attending a time critical meeting today.

I would however, like to submit written testimony on the intent of Bill 81. When the 21st Guam Legislature repealed and reenacted §61501 to amend the minimum setback requirements for the construction of buildings in agriculturally zoned areas the Yard and Lot Area Table and Lot Areas were not included in the new statute. When the Attorney General's Office representing the government of Guam attempted to enforce this statute, the court ruled that this section was unenforceable due to this administrative error. In order for the government of Guam to enforce this section the Legislature must reinstate the Table of Yard and Lot Areas.

The intent of Bill 81 is to reinstate the Table of Yard and Lot Areas as recommended by the court in order for the government of Guam to legally enforce §61501 of Title 5, Guam Code Annotated.

Si Yu'os Ma'åse',



MARK C. CHARFAUROS



DEPARTMENT OF LAND MANAGEMENT
(DIPATTAMENTON TANO')
GOVERNMENT OF GUAM
AGANA, GUAM 96910
TEL: (671) 475-LAND - FAX: (671) 477-0883

CARL T. C. GUTIERREZ
Governor

MADELEINE Z. BORDALLO
Lieutenant Governor

CARL J. C. AGUON
Acting Director

FRANCISCO P. SAN NICOLAS
Deputy Director

May 19, 1997

Senator John C. Salas
Chairman,
Committee on Agriculture, Land, Housing, Community
and Human Resources Development
T.S. Tanaka Building
Route 4, Suite 210
Agana, Guam 96910

Re: Testimony on Proposed Bill Nos. 81, 114 and 117

Hafa Adai Senator Salas:

Thank you for the opportunity to comment on Bill No. 81 - An Act to Amend Section 61501 of Title 21 Guam Code Annotated Relative to Restoring the Minimum Yard and Lot Area Table; Bill No. 114 - An Act to Authorize the Governor to Exchange Lot Nos 17 and 18, Block 24, New Agana, to Francis L. Moylan and Yuk Lan Moylan; and, Bill No. 117 - An Act to Rezone Lot No. 1098-1-3-New, Mangilao From "R-1" (One-Family Dwelling) to "C" (Commercial).

Having completed our review of the three bills referenced above, the following testimony is presented on behalf of the Department of Land Management.

Bill No. 81 - An Act to Amend Section 61501 of Title 21 Guam Code Annotated Relative to Restoring the Minimum Yard and Lot Area Table.

DLM is in full support of the passage of Bill No. 81 to reinstate the setback requirements within the various zoning districts as presented. "The Yards and Lot Area Table" as stated in Bill No. 81 was inadvertently left out of Section 61501 of Chapter 61, Title 21 GCA when it was amended by Public Laws 21-72 and 22-161.

The reinstatement of the Yards and Lot Area Table, which is inclusive of density requirements, will insure that proper development in terms of adequate light, air and ventilation, as well as the health, safety and welfare of our residents, are maintained as Guam continues to develop.



Commonwealth Now!

Bill No. 114 - An Act to Authorize the Governor to Exchange Lot Nos. 17 and 18, Block 24, New Agana, to Francis L. Moylan and Yuk Lan Moylan.

DLM does not object to Bill No. 114 per se, however, we are unclear as to what parcel or parcels are being exchanged with the lots identified. It appears as though the lots previously condemned and taken by the government are now being returned under a new lot and block designation. If this is the case, i.e., if the lots are simply being returned to the Moylans under the new lot and block system of New Agana, then we would suggest that Bill No. 114 be amended to read "An Act to Authorize the Conveyance of Lot Nos 17 and 18 of Block 24, New Agana...." The return of land previously taken, minus a small acreage of 168.16 square meters, for the most part appears to be fair and equitable. The remaining 168.16 square meters must still be compensated for however in all fairness to the Moylans. Aside from this, DLM supports the passage of Bill No. 114.

Bill No. 117 - An Act to Rezone Lot No. 1098-1-3-NEW, Mangilao from "R-1" (One-Family Dwelling) to "C" (Commercial).

DLM has made its position known in past occasions pertaining to rezoning of privately owned lands by the Legislature. This practice is best left in the hands of the Territorial Land Use Commission, a job for which the Commission was created for. As such, the Department objects to the passage of Bill No. 117.

Senseramente,



CARL J.C. AGUON

Acting Director

Department of Land Management

Carl T.C. Gutierrez
Maga'láhi
Governor



JG.
for file

Calvin E. Holloway, Sr.
Hinirát Abugao
Attorney General

Madeleine Z. Bordallo
Tifente Gubelnadora
Lt. Governor

Ufisinan Hinirát Abugao
Tiritorian Guáhan

Gus F. Diaz
Atkádi, Sigundo Hinirát Abugao
Chief Deputy Attorney General

Office of the Attorney General
Territory of Guam

CONFIRMATION

May 21, 1997

Honorable Senator John Camacho Salas
Chairman, Committee on Agriculture, Land, Housing, Community
and Human Resources Development
Twenty-Fourth Guam Legislature
Territory of Guam
Tanaka Building, Suite 100
Agana , Guam 96910

Re: Testimony Re: Bill 81, Relevant to Restoring the Minimum Yard and Lot Area
Table

Dear Senator Salas:

Hafa Adai!

Thank you for inviting our office to participate in the hearings concerning Bill 81 which will
restore the Minimum Yard and Lot Area Table to Title 21 GCA.

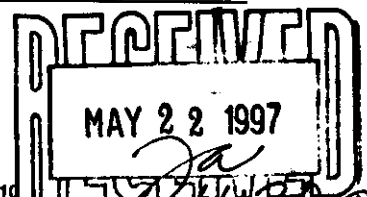
The purpose of the zoning code is set forth in 21 GCA § 61102 as set forth below:

... to establish minimum regulations for the protection and promotion of the Public
health, safety and general welfare of the people of the Territory of Guam, which
regulations are deemed necessary in order to encourage the most appropriate use
of land, to provide adequate open spaces about buildings for light and air, to



Commonwealth Now!

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JA
AM

Ltr. to Honorable Senator John Camacho Salas
Re: Testimony (Bill 81) Relevant to Restoring the Minimum Yard & Lot Area Table
May 21, 1997
Page 2

prevent undue concentration of population, and to assure adequate provisions for community utilities and facilities such as water, schools, parks and other public requirements.

The establishment of minimum yards and lot areas serves the purposes set forth above. The public health and safety is served by having adequate space between buildings to allow for adequate drainage, light, circulation of air, and perhaps most importantly, fire safety. When buildings are close together, fires spread more easily and it becomes difficult to get fire fighting equipment in and around buildings. Repair of utility connections is also facilitated by open spaces. Front yards provide a safety buffer between the buildings and the street. Without adequate front yards, there exists a greater chance that a car accident can damage a home and seriously injure residents thereof.

The establishment of minimum front and side yards facilitates long term planning and allows for the widening of roadways, installation of sewers and side walks without the additional costs to the government and economic waste of destroying buildings. Repair and maintenance of utility connections is also facilitated by open spaces.

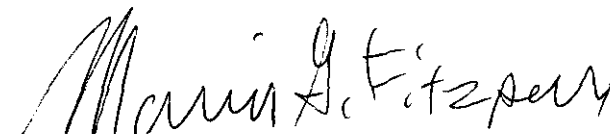
Adequate open spaces is aesthetically pleasing and provides privacy in our neighborhoods thus preventing "undue concentration of population."

It should be noted however, that the portion of Bill 81 relative to lot size in agricultural zones over the aquifer appears to conflict with the area of agricultural lots over the aquifer as set forth in P.L. 23-59 which amends 21 GCA §§ 62105(a), 62108.1 and 61501. Our office recommends that this discrepancy be resolved before Bill 81 is acted upon by the Legislature.

For the above reasons, we recommend passage of Bill 81. We believe Bill 81 is essential for the protection and promotion of the public health, safety and general welfare of the People of the Territory of Guam.

Dangkolo Na Agradesimento - Thank You Very Much!

Sincerely,



MARIA G. FITZPATRICK
Assistant Attorney General
Civil Division

cc: Senator Mark C. Charfauros

P.L. NO. 23-59

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

Section 1... Legislative Statement.

Section 2... Subsection (a) of §62105, Title 21, Guam Code Annotated is amended.

Section 3... §62108.1 of Title 21, Guam Code Annotated is amended.

Section 4... §61501 of Title 21, Guam Code Annotated is amended.

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

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

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

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

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

P.L. NO. 23-59

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

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

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

"§61501. **Minimum Yards and Lot Areas Established.** No building or structure shall be erected or maintained, nor shall any existing building or structure be altered, enlarged, moved or maintained, on any lot, unless a front yard, a rear yard and two (2) side yards are provided and maintained on such a lot. The depth of such front and rear yards and the width of such side yards shall not be less than the depth and width specified in the following Yards and Lot Area table. Further, no lot width or lot area, nor any lot area per dwelling shall be less than that specified in said table. A commercial building to occupy the whole width of a lot must be of four-hour fire resistive construction. If party walls are to be erected, the written consent of the owners of adjacent lots must be obtained as a prerequisite for the issuance of a building permit to start construction. If the building to be erected is not of fireproof construction, the side yards of eight (8) feet must be provided. In the rural (A) Zone, all structures shall have a front yard of fifteen (15) feet, a rear yard of ten (10) feet, and side yards of eight (8) feet. The width of each lot shall be no less than fifty (50) feet with an area equal to or greater than ten thousand square feet, provided that no lot shall have a length to width relationship that exceeds a 3 to 1 ratio. The lot area per dwelling unit in the Rural Zone (A) shall not be less than ten thousand (10,000) square feet without sewer connection only if located on top of the Northern Aquifer."

21 GCA - REAL PROPERTY
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government of Guam shall not be held responsible for making the said improvement. The deed transferring the property may provide that the children or descendants may mortgage the property for the purpose of constructing a residence on the property.

SOURCE: GC §18001.5 amended by P.L. 11-125; P.L. 13-153:1; subdivision (b) amended by P.L. 15-131:5. Subsection (b) amended by P.L. 21-144:9(a) (12/29/92). Subsection (b) amended by P.L. 22-153:1(b) (12/30/94).

§62105. Definitions. The following words and phrases, when used herein, shall have the meaning respectively hereto ascribed to them, except where a different meaning may be clearly indicated by the context:

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

(b) *Commission* shall mean the Territorial Land Use Commission.

(c) *Easement* shall mean a grant by the owner of land for a specified use or uses of said land to a person

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(h) In cases where public access is not already provided, dedicate land for public access by right-of-way for pedestrian travel from a public highway or public street to abutting lands below the high-water mark on any coastal shoreline, and to dedicate land for public access by right-of-way from a public highway or public street to abutting public lands in the hills and jungle so such lands shall be accessible for hiking, hunting, fruit-picking and other recreational purposes.

The right-of-way shall be clearly designated on the final map of the subdivision or development upon the dedication of land for a right-of-way as required by this Subparagraph and acceptance by the Territory, the Territory shall thereafter assume the cost of improvements for and the maintenance of the right-of-way, and the subdivider shall accordingly be relieved from such costs.

SOURCE: GC §18005. Subsection (b) amended by P.L. 10-157; (h) added by P.L. 13-69:2. Subsection (b) amended by P.L. 21-130:10.

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

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

SOURCE: Added by P.L. 22-161:5(b) (12/30/94).

**WELLHEAD PROTECTION PLAN
NORTHERN GUAM LENS**

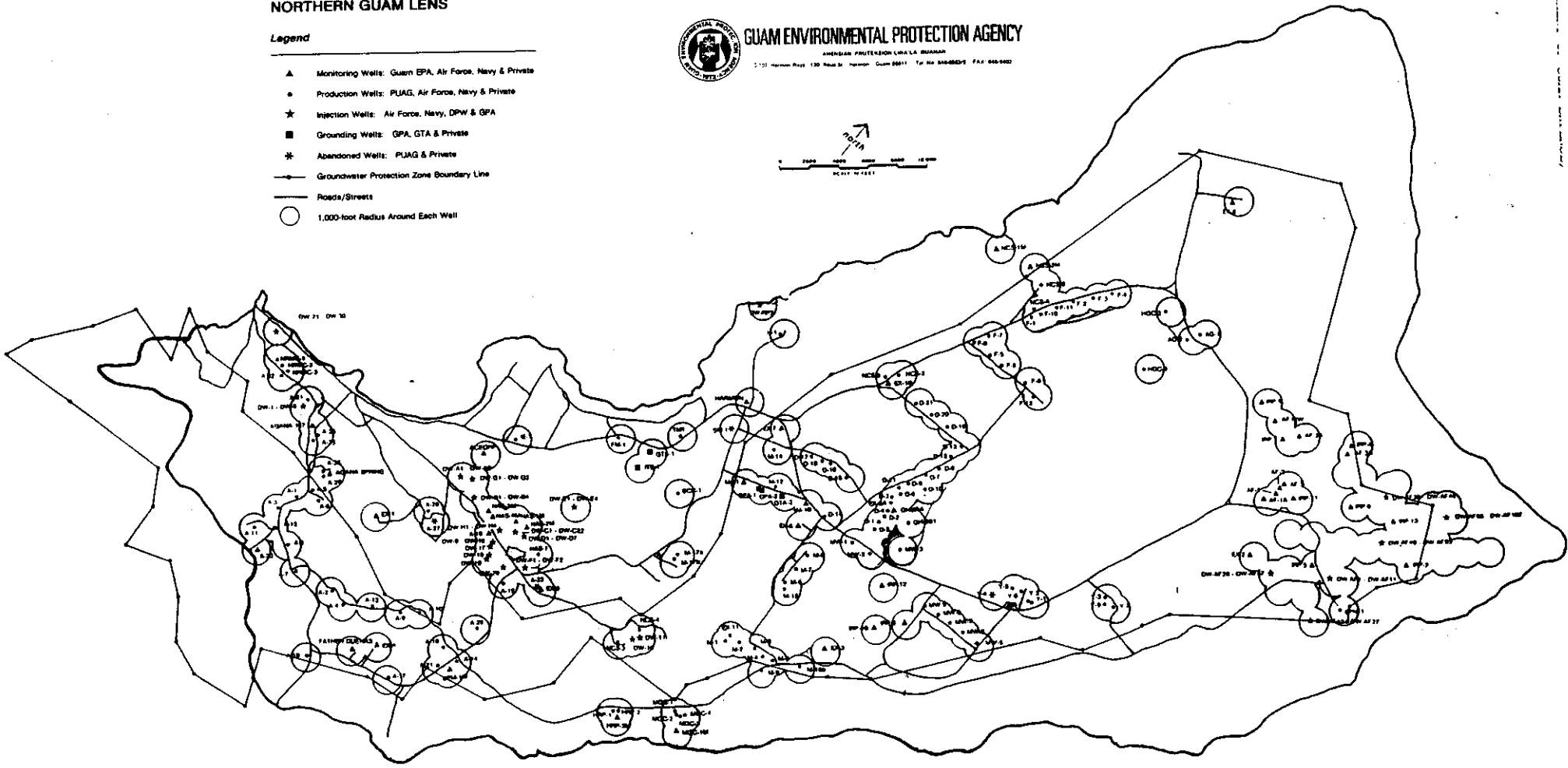
Legend

- ▲ Monitoring Wells: Guam EPA, Air Force, Navy & Private
- Production Wells: PUAG, Air Force, Navy & Private
- ★ Injection Wells: Air Force, Navy, DPW & GPA
- Grounding Wells: GPA, GTA & Private
- * Abandoned Wells: PUAG & Private
- Groundwater Protection Zone Boundary Line
- Roads/Streets
- 1,000-foot Radius Around Each Well



GUAM ENVIRONMENTAL PROTECTION AGENCY

AGENCIAN PROTEKSION LINGKA BIYARAN
1721 Harmon Place 130 West St. Harmon, Guam 96911 Tel No 846-6824 Fax 846-9922



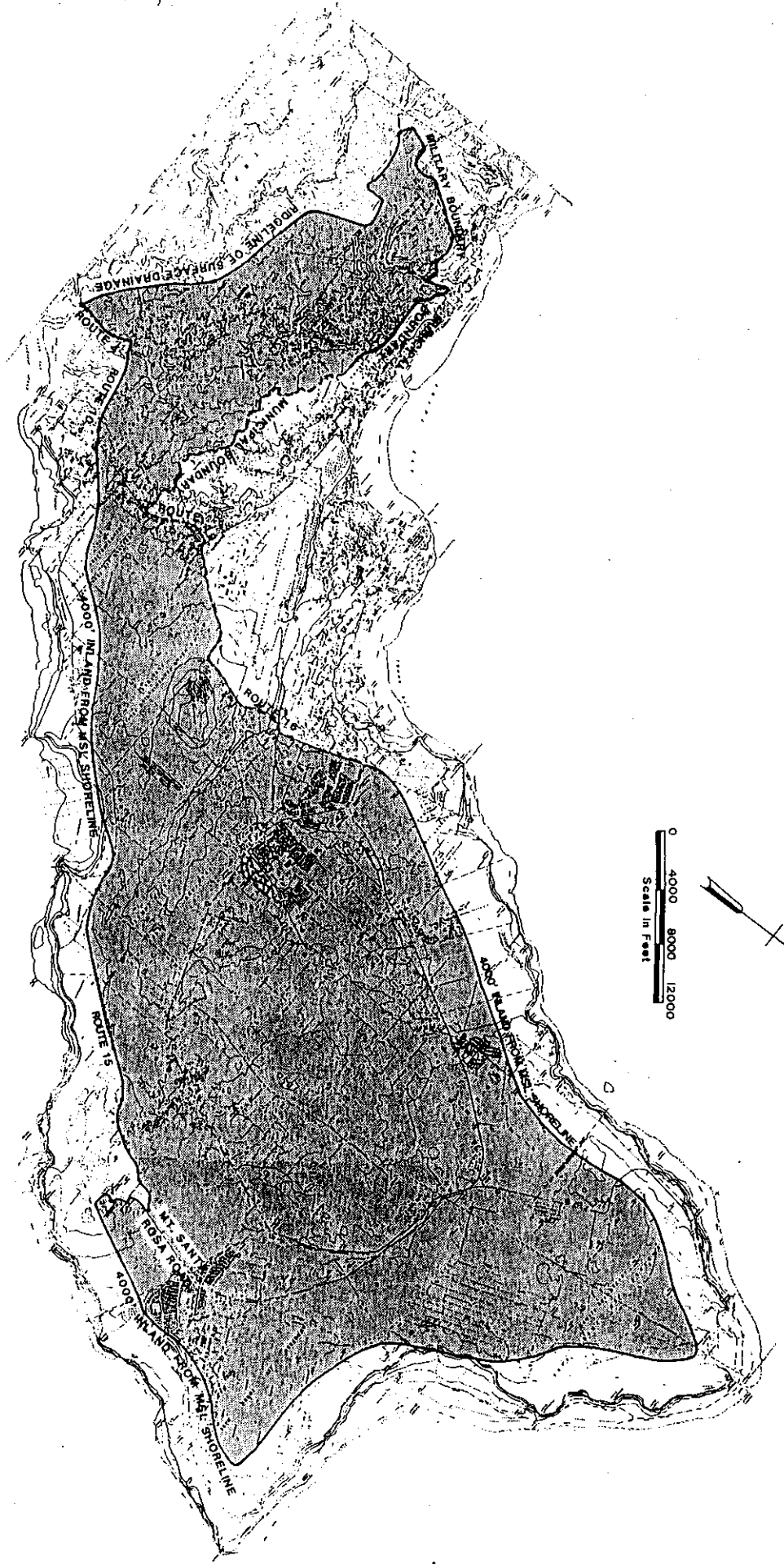


FIGURE 8-1
GROUNDWATER PROTECTION ZONE

biological properties of the waters of the territory, or to make or cause to be made any new outlet for the discharge of sewage, industrial waste or other wastes into any sewerage system or into the waters of the territory without first securing such permit as the Administrator may require, including the submission of plans and specifications and such other information as he deems relevant in connection with the issuance of such permits.

(c) No permit shall be issued under this Section for any use in violation of Water Quality Standards adopted under this Act.

§47107. Inspection and Entry. The Administrator or his duly authorized representative shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to pollution of any waters of the territory.

§47108. Classification and Standards. In order to effectuate a comprehensive program for the prevention, abatement and control of pollution in the waters of the territory, the Agency is authorized to group such waters into classes in accordance with their present and future most beneficial uses; such classification or standards may from time to time be altered or modified. Standards of quality and purity for each such classification shall be adopted in relation to the most beneficial use and benefit to which the waters are or may in the future be put; such standards may from time to time be altered or modified.

Before streams are classified or standards established or before such standards are modified or repealed, public hearing by the Agency shall be held in connection therewith. Notice of public hearing for the consideration, adoption of amendment or the classification of waters and the standards of purity and quality thereof shall specify the water concerning which a

classification is sought to be made or for which standards are sought to be adopted and the time, date and place of such hearing. Such notice is to be published at least once a week for two (2) consecutive weeks in a newspaper of general circulation and in addition shall be mailed to such other persons as the Agency has reason to believe may be directly affected by such classifications and the settings of such standards.

TITLE 10 GCA Chapter 47

§47108.1. Designation of Groundwater Protection Zone. (a) In order to implement measures to protect and preserve the integrity of underground water resources, the Agency shall prepare a groundwater protection zone map which defines those land areas which overlie existing and future groundwater development sites or provide recharge waters thereto. The groundwater protection zone map may from time to time be altered or modified based on new information including but not limited to, subsurface geological investigations, water quality analyses, climatological records, water level measurements, and hydrogeological studies and analyses. The Department of Land Management shall prepare a metes and bounds description of the land area designated the Administrator.

(b) Before the adoption of the groundwater protection zone map by the Agency or before said map is altered or modified, public hearings by the Agency shall be held in connection therewith. Notice of public hearings for the consideration, adoption or modification to the groundwater protection zone map shall indicate the time, date and place for such hearing and shall be published at least once a week for two (2) consecutive weeks in a newspaper of general circulation.

§47109. Enforcement. (a) Whenever the agency has reason to believe that a violation of any provision of this Act, or rule or regulation pursuant thereto, has occurred, it may cause