

TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.

EXECUTIVE ORDER NO. 92-08

ESTABLISHING INTERIM RULES AND REGULATIONS FOR
INDIVIDUAL, SMALL LANDOWNER ZONE CHANGES

WHEREAS, the technical review of zone change applications to the Territorial Land Use Commission (TLUC or Commission) often requires resources beyond what small, individual land owners are able to reasonably commit and provide; and

WHEREAS, the technical review of individual, small landowner zone changes can be differentiated from large land development/impact zone changes; and

WHEREAS, the technical review of zone change applications has become overly time-consuming to the small individual landowners where a standardized course of direction is not available to process these types of applications separately from larger development applications; and

WHEREAS, the expertise to streamline the review process exists within the Development Review Committee (DRC); and

WHEREAS, zone changes from "A" to "R-1" or "R-2" or from "R-1" to "R-2" on properties no larger than two acres in size should not result in significant adverse impacts on the environment and human community; and

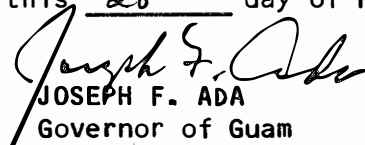
NOW, THEREFORE, I, JOSEPH F. ADA, Governor of the Territory of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do hereby order that:

1. It is hereby the responsibility of the Department of Land Management to develop and implement the process for granting zone changes for individual small landowners as required by P.L. 21-82.
2. These zone changes to R-1 or R-2 are intended strictly for the small, individual landowners, with properties not exceeding two acres in size.
3. An Environmental Impact Assessment (EIA) is not required for zone changes under this process unless required by the Guam Environmental Protection Agency for cause in writing.
4. Developments on properties granted zone changes pursuant to Public Law 21-82 shall be in compliance with the Territory's land use laws applicable under the property's new zone.
5. Pursuant to Title 21, GCA, Chapter 61, Section 61633, a public hearing in the municipality in which the lot is located is required for all zone changes. The applicant shall pay the advertising expense for notice of the hearing.

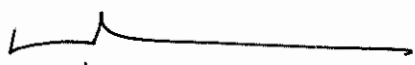


- 6a. Zone change applications for R-1 zoning need not be accompanied by preliminary design drawings showing density, proposed use, and location of property.
- b. Zone change applications for R-2 zoning shall be accompanied by preliminary design drawings showing density, proposed use, and location of property. Approval of said zone change applications shall be conditioned upon the acceptance of the accompanying development plans.
7. An application for a zone change pursuant to P.L. 21-82 must meet the following requirements:
 - a. Two acres of property or less zoned "A" or "R-1";
 - b. Infrastructure clearances from PUAG, GEPA, and GPA;
 - c. Clearance from DPW if the lot is within a flood hazard area;
 - d. A waiver from GEPA stating an EIA is not required;
 - e. Conform to density requirements as provided by law; and
 - f. Must not be requesting any type of variances for the proposed use.
8. An application is not deemed submitted and accepted until determined complete by the Department of Land Management.
9. The Department of Land Management has two working days from receipt of completed applications to distribute said applications to all DRC members.
10. Failure of any DRC member to submit their recommendation on an application pursuant to Public Law 21-82 within forty-five (45) days after receipt of the application shall constitute concurrence with the requested zone change.
11. Should any DRC agencies recommend disapproval of a zone change under this process, the application and recommendations of the DRC shall be reviewed by the Director, and upon consultation with the Attorney General, a final determination shall be rendered by the Director. If necessary, the Director may hold a hearing at which the applicant and objecting DRC agency are present to explain their positions and answer questions.
12. The Director shall submit to the Legislature his final determination on all applications made pursuant to these Rules within (60) days after receipt by the Director of the application.
13. These Interim Rules and Regulations shall remain in effect until such time as final regulations are approved and adopted under the Administrative Adjudication Act.
14. The Department of Land Management shall submit proposed rules to the Legislative Secretary with one hundred twenty (120) days.

SIGNED AND PROMULGATED at Agana, Guam this 28th day of FEBRUARY, 1992.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:


FRANK F. BLAS
Lieutenant Governor of Guam