

# ZONE VARIANCE

## TYPE OF VARIANCE REQUESTED:

<input type="checkbox"/> Use Variance	<input type="checkbox"/> Setback Variance	<u>Required</u>	<u>Current</u>
<input type="checkbox"/> Height Variance	<input type="checkbox"/> Right Side	8'-0' ft	<input type="text"/> ft
<input type="checkbox"/> Density Variance	<input type="checkbox"/> Left Side	8'-0' ft	<input type="text"/> ft
<input type="checkbox"/> Parking Variance	<input type="checkbox"/> Front	15'-0' ft	<input type="text"/> ft
<input type="checkbox"/> Sign Variance	<input type="checkbox"/> Rear	10'-0' ft	<input type="text"/> ft

TO: Executive Secretary, Guam Land Use Commission  
c/o Land Planning Division, Department of Land Management  
Government of Guam, P.O. Box 2950, Hagatna, Guam 96932

The Undersigned owner(s)/lessee(s) of the following described property hereby requests consideration for a Zone Variance, pursuant to Section 61616-61623, Article 6 (Administration & Enforcement), Division 2 (Regulations of Real Property Uses), Chapter 61 (Zoning Law), 21 GCA Real Property.

### 1. Information on Applicant:

Name of Applicant: \_\_\_\_\_ U.S. Citizen: ☐ Yes ☐ No

Mailing Address: \_\_\_\_\_

Telephone No.: Business: \_\_\_\_\_ Cellular: \_\_\_\_\_

### 2. Location, Description and Ownership:

Subdivision Name: \_\_\_\_\_

Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Tract: \_\_\_\_\_

Lot Area: Acres \_\_\_\_\_ Square Meters \_\_\_\_\_ Square Feet \_\_\_\_\_

Village: \_\_\_\_\_ Municipality: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Certificate of Title No.: \_\_\_\_\_ Recorded Document No.: \_\_\_\_\_

### 3. Current and Proposed Land Use:

Current Use: \_\_\_\_\_ Zoned: \_\_\_\_\_

Proposed Use: \_\_\_\_\_ Proposed Zone: \_\_\_\_\_

Master Plan Designation: \_\_\_\_\_

4. **Attach a one page** typed, brief and concise justification (letter format) explaining the compatibility of the proposed project with adjacent and neighborhood developments as they exist and the nature of variance request in accordance with ***Guam Code Annotated 21 GCA, Chapter 61, Section 61617.***

- a. That the strict application of the provisions of Section 61617, 21 GCA would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law;

**ATTACHMENT: Section 61616 (Variance) – 61623 (Review by Municipal Planning Council) is attached for your information and guidance in preparing of your application and justification. For additional requirements, visit the Zoning Section, Land Planning Division.**

## ZONE VARIANCE

### 4. (Continuation):

- b. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use thereof that do not apply generally to other property in the same zone;
- c. That the granting of Variance(s) will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood in which the property is located;
- d. That granting of such Variance(s) will not be contrary to the objectives of any part of the "Guam Master Plan" adopted by the Commission or Legislature; and,
- e. That, as to Variance(s) from the restrictions of Section 61617, 21 GCA, the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed and that such building shall not interfere with or adversely affect the surrounding property owners' or the public's right to an untrammelled use of the beach.

### 5. Supporting Information. The following supporting information shall be attached to this application:

- a. **Site Plan required:** Plans, drawn to scale, showing dimensions and shape of lot; lot size; size and location of buildings; locations and dimensions of proposed buildings or alterations;
- b. 8 1/2" X 11" map, drawn to scale, showing existing zoning circled within a 1000 feet radius from the subject lot's boundaries.
- c. 8 1/2" x 11" map, drawn to scale, showing all parcels and their uses within a 750 feet radius circled from the subject lot's boundaries. The map shall also contain:
  - (1) Lot number of every parcel(s);
  - (2) Identify by name and use all existing activities on all parcel(s);
  - (3) All adjacent inclusive and exclusive easements and roads to the property, their widths, and condition of surfaces;
  - (4) The nearest location of all public utilities to the subject lot;
  - (5) Any natural or topographic peculiarities.
- d. 8 1/2" X 11" map, drawn to scale, showing all parcels within a 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with a property lot number.
- e. The most recent survey map, certified and recorded in the Department of Land Management, showing the subject property;
- f. An initial comprehensive *Environmental Impact Assessment (EIA)* in accordance with Executive Order 90-10, or *Findings of No Significant Impact* if acceptable to GEPA in place of an *EIA*.
- g. Additional information as required by the Guam Chief Planner.

**Submit one set of the Application with all the supporting information listed above. Once the Application is reviewed and accepted, applicant must submit the required number of hard copies (32 sets) of the application and nine (9) copies of the Application in electronic format (example: in CD format, flash drives or thumb drives, etc.)**

6. **Filing Fee: Seventy-Five Dollars (\$75.00)** filing fee plus \$2.00 for the first five pages, and \$0.25 for any additional page, under Public Law 29-02, Chapter V, Part III (*Fees and Charges Assessed by the Department of Land Management*).

## ZONE VARIANCE

7. In an effort to provide a more effective means by which the municipality's concerns are heard and accommodated according to the laws and regulations of real property uses, this land use application must be assessed for the need to the empanelment of a Hybrid Commission pursuant to **P.L. 33-219**. A Hybrid Commission will be empaneled if this application represents a development cost of **more than three million dollars (\$3,000,000.00)**, exclusive of the cost of the real property as described in this application.

**WILL THIS PROJECT COST MORE THAN \$3,000,000.00?** YES \_\_\_\_\_ NO \_\_\_\_\_

(See attachment for more information on PL 33-219 and PL 33-209, as they affect the process of assessment of this application.)

Please sign attesting to your answer ➡ \_\_\_\_\_

8. **Required Signatures:** All legal owners/lessees of designated parcel shall sign form with name(s) typed or handwritten, signed and dated:

***"I hereby certify that all information contained in this application and its supplements is true and correct. I also understand that any misrepresentation in this application shall void the entire submission. Further, that thirty-two (32) sets of the above listed required information is provided."***

\_\_\_\_\_  
(Owner(s) or Lessee(s) and Date)

\_\_\_\_\_  
(Representative, if any, and Date)

**THIS FORM SHALL NOT BE MAILED. APPLICANT OR REPRESENTATIVE SHALL SUBMIT IN PERSON, BY APPOINTMENT ONLY, TO THE LAND PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT.**

### FOR OFFICIAL USE ONLY

Date Accepted: \_\_\_\_\_ Accepted By: \_\_\_\_\_

Date of Notice in Newspaper(s): \_\_\_\_\_

Date of Notice to Adjacent Property Owners: \_\_\_\_\_

Date of Public Hearing: \_\_\_\_\_

Filing Fee(s) Paid (\$ ): Yes [ ] No [ ] Check [ ] Cash [ ] Other [ ] \_\_\_\_\_

Receipt No.: \_\_\_\_\_ Application Number: \_\_\_\_\_

Date of GLUC Action: \_\_\_\_\_ Conditions: Yes [ ] No [ ] (See Below)

Conditions of Approval: \_\_\_\_\_

GLUC Resolution No.: \_\_\_\_\_ Date of Notice of Action: \_\_\_\_\_

(No Smaller than 4 FT X 8 FT Sign Board)

# NOTICE TO REZONE\*

- \*1. Shall Occupy Two (2') Feet X Eight (8') Feet of the Sign Area

\*2. Letters are to be Twelve (12") Inches High, Colored Red on a White Background
3. Sign Shall be Erected and Displayed in a Visible and Prominent Place on the Subject Site No Less than Five (5) Days after Application is filed with the Commission and Shall be Removed when the Commission renders a Final Decision or Applicant Officially Withdraws the Application.
- 

## PUBLIC NOTICE

### AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A ZONE VARIANCE

APPLICATION DESCRIPTION:

OWNER:

DEVELOPER:

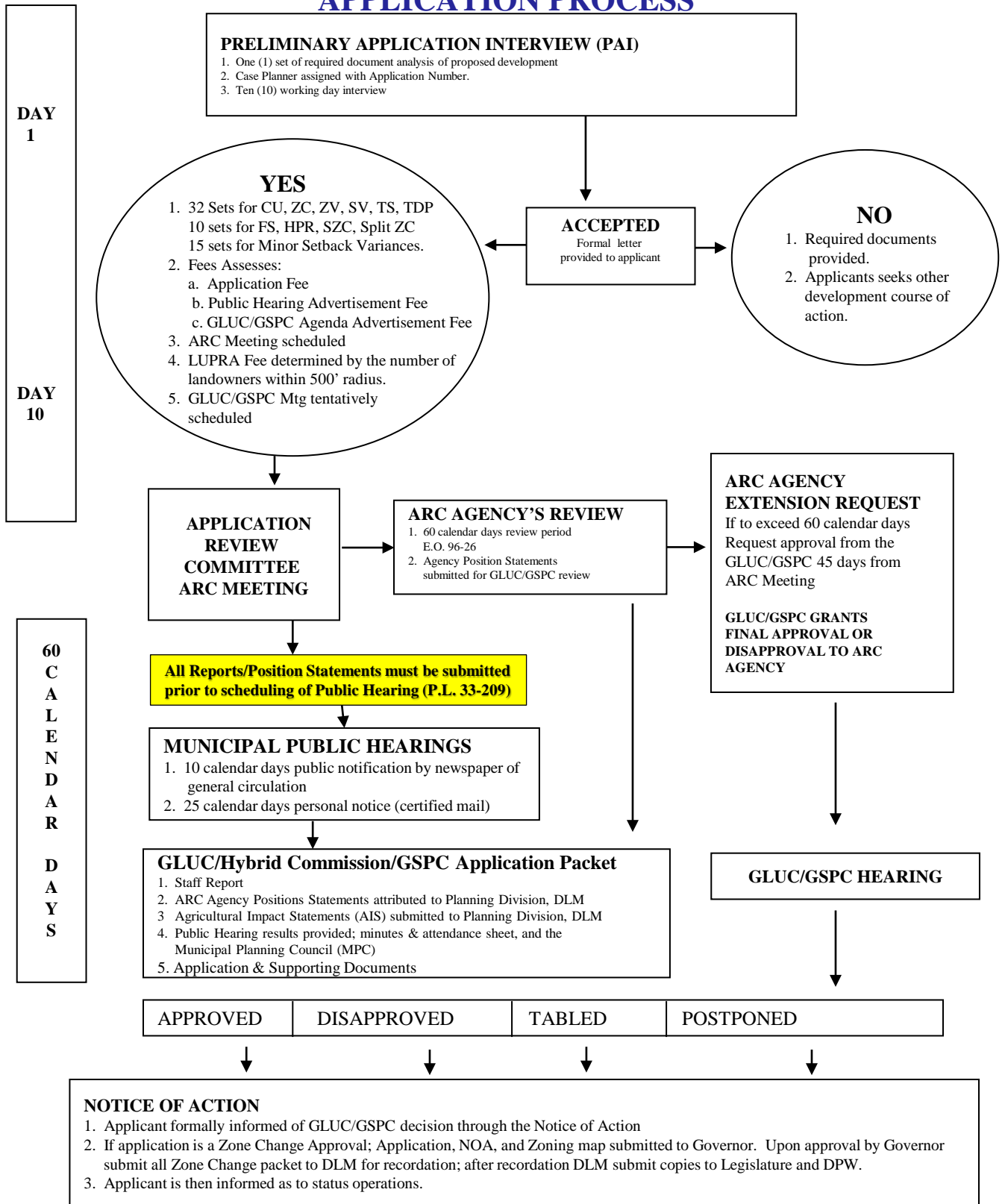
LOT, BLOCK, TRACT, MUNICIPALITY:

PROPOSED ZONE VARIANCE:

	DATE:	TIME:	PLACE:
PUBLIC HEARING:	_____	_____	_____
GLUC MEETING:	_____	_____	_____

# GUAM LAND USE COMMISSION GUAM HYBRID LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

## APPLICATION PROCESS



*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>PUBLIC LAW 33-209 365-33 (COR)</b>	T. C. Ada Tommy Morrison	AN ACT TO ADD A NEW § 61106 TO CHAPTER 61, TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS.	08/16/16 4:08 p.m.	08/16/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement	09/23/16 1:00 p.m.	11/21/16 10:37 a.m.	<b>Fiscal Note Request</b> 08/18/16 <b>Fiscal Note Waiver</b> 08/26/16
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>DATE AND TIME TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LÄ HEN GU'Ä HAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	12/02/16	AN ACT TO ADD A NEW § 61106 TO ARTICLE 1 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS.	12/05/16	4:50 p.m.	12/16/16	12/15/16	P.L. 33-209	<b>M&amp;C No.</b> 33GL-16-2280



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

DEC 15 2016

33-16-2280

Office of the Speaker  
Judith T. Won Pat, Ed.D.

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Tres Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

Date: 12-19-16  
Time: 9AM  
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is Bill No. 365-33 (COR), "AN ACT TO ADD A NEW § 61106 TO ARTICLE 1 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS," which was signed into law on December 15, 2016, as **Public Law 33-209**.

*Senseramente,*

  
**EDDIE BAZA CALVO**

2016 DEC 19 AM 10:50 123

2280



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

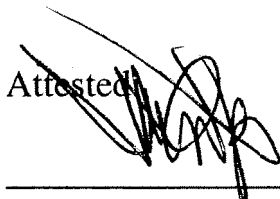
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN***

This is to certify that **Bill No. 365-33 (COR)**, "AN ACT TO ADD A NEW § 61106 TO ARTICLE 1 OF CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO SETTING A SEQUENTIAL PROCESS FOR THE APPLICATION REVIEW COMMITTEE (ARC) AND THE MUNICIPAL PUBLIC HEARING IN THE GUAM LAND USE COMMISSION APPLICATION PROCESS," was on the 2<sup>nd</sup> day of December 2016, duly and regularly passed.



**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 1<sup>st</sup> day of Dec,  
2016, at 4:50 o'clock P.M.

  
**Assistant Staff Officer**  
***Maga'låhi's Office***

APPROVED:



**EDWARD J.B. CALVO**  
***I Maga'låhen Guåhan***

Date: DEC 15 2016

Public Law No. 33-209

**OFFICE OF THE GOVERNOR**  
**CENTRAL FILES**

RECEIVED BY  
TIME 4:50 DATE 12-15-16



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 365-33 (COR)**

As amended by the Committee on Transportation,  
Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement; and  
further amended on the Floor.

Introduced by:

T. C. Ada  
Tommy Morrison  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
Brant T. McCreddie  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW § 61106 TO ARTICLE 1 OF  
CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED,  
RELATIVE TO SETTING A SEQUENTIAL PROCESS  
FOR THE APPLICATION REVIEW COMMITTEE (ARC)  
AND THE MUNICIPAL PUBLIC HEARING IN THE  
GUAM LAND USE COMMISSION APPLICATION  
PROCESS.**

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

**Section 1.** A new § 61106 is *added* to Article 1 of Chapter 61, Title 21,  
Guam Code Annotated, to read:

1                   **“§ 61106. Requirements Before Municipal Public Hearings.**

2                   (a) Upon receipt by the Department of Land Management of a land  
3 use application, a copy *shall* be transmitted to the Mayor of the affected  
4 municipality.

5                   (b) In any land use action that requires the review and decision by  
6 the Guam Land Use Commission, no municipal public hearing shall be  
7 scheduled and conducted in the affected municipality until any and all  
8 available reports and position statements have been received from the  
9 Department of Land Management. To the maximum extent possible, said  
10 reports and position statements *shall* be provided by the Application Review  
11 Committee within thirty (30) days from the filing of the application. Upon  
12 receipt of any report or position statement submitted by the Application  
13 Review Committee, the Department of Land Management *shall* transmit said  
14 documents to the Mayor of the affected municipality.

15                  (c) At the request of the Mayor, permanent voting members of the  
16 Application Review Committee, who have submitted position statements,  
17 *shall*, to the maximum extent possible, be present at the municipal public  
18 hearing to provide information relative to their findings.”

19                  **Section 2. Severability.** If any provision of this law or its application to  
20 any person or circumstance is found to be invalid or contrary to law, such invalidity  
21 *shall not* affect other provisions or applications of this law that can be given effect  
22 without the invalid provisions or applications and to this end the provisions of this  
23 law are severable.

*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>PUBLIC LAW 33-219 335-33 (COR)</b>	T. C. Ada Tommy Morrison	AN ACT TO AMEND AND ADD NEW SUBSECTIONS (a), (b), (c), (d) AND (e) TO § 60401 OF CHAPTER 60, ARTICLE 4, TITLE 21 AND TO REPEAL § 61105 OF CHAPTER 61, ARTICLE 1, TITLE 21, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION AND VOTES NEEDED FOR APPROVAL.	06/13/16 5:33 p.m.	06/14/16	Committee on Transportation, Infrastructure, Lands, Border Protection, Veterans' Affairs and Procurement	06/27/16 5:00 p.m.	08/29/16 5:48 p.m.	<b>Fiscal Note Request</b> 06/15/16 <b>Fiscal Note</b> 06/27/16
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>DATE AND TIME TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'L Å HEN GU Å HAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	12/02/16	AN ACT TO AMEND § 60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES, AND RESPONSIBILITIES OF MAYORS.	12/05/16	4:50 p.m.	12/16/16	<b>12/17/16 LAPSED INTO LAW</b>	<b>P.L. 33-219</b>	<b>M&amp;C No. 33GL-16-2300</b>



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

DEC 20 2016

Honorable Judith T. Won Pat, Ed.D.

Speaker

*I Mina'trentai Tres Na Liheslaturan Guåhan*

155 Hesler Street

Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 335-33 (COR) "AN ACT TO AMEND §60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES AND RESPONSIBILITIES OF MAYORS," which lapsed into law on December 13, 2016, as Public Law 33-219.

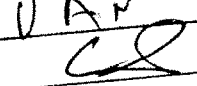
Senseramente,

  
EDDIE BAZA CALVO

33-16-2300  
Office of the Speaker  
Judith T. Won Pat, Ed.D.

Date: 12/25/16

Time: 9:00 AM

Received By: 

2300



***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**


**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN***

This is to certify that **Bill No. 335-33 (COR), "AN ACT TO AMEND § 60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES, AND RESPONSIBILITIES OF MAYORS,"** was on the 2<sup>nd</sup> day of December 2016, duly and regularly passed.

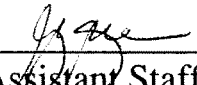


Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 7<sup>th</sup> day of Dec,  
2016, at 4:50 o'clock P.M.

  
Assistant Staff Officer  
*Maga'låhi's* Office

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: DEC 17 2016

Public Law No. 33-219

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECEIVED BY [Signature]  
TIME 4:50 pm DATE 12.5.16

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2016 (SECOND) Regular Session**

**Bill No. 335-33 (COR)**

As amended by the Committee on Transportation,  
Infrastructure, Lands, Border Protection,  
Veterans' Affairs and Procurement; and  
further amended on the Floor.

Introduced by:

T. C. Ada  
Tommy Morrison  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
B. J.F. Cruz  
James V. Espaldon  
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R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND § 60401 OF ARTICLE 4, CHAPTER 60, AND REPEAL § 61105 OF ARTICLE 1, CHAPTER 61, BOTH OF TITLE 21, GUAM CODE ANNOTATED; AND TO ADD A NEW SUBSECTION (s) TO § 40112 OF ARTICLE 1, CHAPTER 40, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM LAND USE COMMISSION; THE EMPANELMENT OF A HYBRID COMMISSION; THE VOTES NEEDED FOR APPROVAL; AND THE POWERS, DUTIES, AND RESPONSIBILITIES OF MAYORS.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 recognizes that the decisions of the Guam Land Use Commission (GLUC) and  
4 other decisions affecting building, zoning, use, and subdivision laws may not  
5 adequately be representative of the municipality that is affected by such decisions.

6           *I Liheslaturan Guåhan* reiterates its intent, expressed in § 1201(a)(4) of  
7 Article 2, Chapter 1, Title 5 GCA, the Centralized Planning Law, “*to ensure that*  
8 *the people of Guam are not subjected to unbridled and unmanageable growth that*  
9 *would threaten the benefits, comforts and privileges to which each Guam resident*  
10 *is entitled.*”

11           It is the intent of *I Liheslaturan Guåhan* to provide a more effective means  
12 by which the municipality’s concerns are heard and accommodated according to  
13 the laws and regulations of real property uses.

14           **Section 2.** § 60401 of Article 4, Chapter 60, Title 21, Guam Code  
15 Annotated, is hereby *amended* to read:

16           **“§ 60401. Guam Land Use Commission.**

17           (a) There is within the government of Guam the Guam Land Use  
18 Commission (Commission). The Commission *shall* be composed of five (5)  
19 members to be appointed by *I Maga’låhi* (the Governor) by and with the advice  
20 and consent of *I Liheslatura* (the Legislature) for a period of five (5) years;  
21 provided, however, that of the five (5) members first appointed, one (1)  
22 member *shall* serve for a term of one (1) year, two (2) members *shall* serve for  
23 terms of three (3) years each, and the remaining two (2) members *shall* serve  
24 for terms of five (5) years each, as designated by *I Maga’låhi*. Quorum *shall*  
25 require the presence of three (3) members.

1           (b) When, pursuant to this Act, a Hybrid Commission is to be  
2 empaneled, four (4) additional members *shall* be seated as part of the Guam  
3 Land Use Commission, and designated as “Municipal Commissioners” (MCs).

4           (1) MCs *shall* be appointed on an ad hoc basis as determined  
5 by the location of a land use application submitted pursuant to Chapter  
6 61 of Title 21, Guam Code Annotated, and in accordance with the  
7 following guidelines:

8           (A) The first (1<sup>st</sup>) Municipal Commissioner *shall* be the  
9 Mayor of the respective municipality where the land use action  
10 will occur.

11           (B) The second (2<sup>nd</sup>), third (3<sup>rd</sup>), and fourth (4<sup>th</sup>)  
12 Municipal Commissioners, who *shall* be elected Mayors or Vice-  
13 Mayors, *shall* be appointed by the President of the Mayors  
14 Council, with the recommendation of the first (1<sup>st</sup>) Municipal  
15 Commissioner.

16           (2) The term of the Municipal Commissioners *shall*  
17 terminate when final disposition of the land use project or application  
18 for which the Hybrid Commission was empaneled has been  
19 completed.”

20           (3) Quorum under an empaneled Hybrid Commission *shall*  
21 be five (5) members.

22           (c) Votes Needed for Approval.

23           (1) When a Hybrid Commission is empaneled, a total of five  
24 (5) affirmative votes is required for the approval of any Commission  
25 action for any decision in any land use matter; except summary zone  
26 change applications.



1                   (2)     Otherwise, when a Hybrid Commission is not empaneled,  
2                   a total of three (3) affirmative votes is required for the approval of any  
3                   Commission action for any decision in any zoning matter, change or  
4                   variance; except summary zone change applications.

5                   (d)     Empanelment of a Hybrid Commission.

6                   A Hybrid Commission *shall* be empaneled for projects or  
7                   applications projected to have a development cost, exclusive of the  
8                   cost of the subject real property, of more than Three Million Dollars  
9                   (\$3,000,000).

10                **Section 3.**   § 61105 of Article 1, Chapter 61, Title 21, Guam Code  
11                Annotated, is hereby *repealed*.

12                **Section 4.**   A new Subsection (s) is hereby *added* to § 40112 of Article 1,  
13                Chapter 40, Title 5, Guam Code Annotated, to read:

14                       “(s)   To serve on the Hybrid Guam Land Use Commission as  
15                       “Municipal Commissioners” pursuant to § 60401 of Article 4, Chapter  
16                       60, Title 21 GCA.”

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