BARRIGADA

Office of the Mayor & Vice Mayor
124 Luayao Lane, Barrigada, Guam 96913

GL#34-17-409
Speaker Benjamin J.F. Cruz

April 14, 2017

APR 1 0 2017
Time: 8:09 [X] AM [ ] PM File No. 34-317
Received By:

Honorable Benjamin J.F. Cruz,
Speaker,
Guam Legislature
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is a copy of Resolution No. 2017-004 which was duly and regularly adopted by the Barrigada Municipal Planning Council on March 30, 2017.

> **Resolution No. 2017 – 004**, as amended: Relative to expressing the official position of the Barrigada Municipal Planning Council on Bill No. 13-34 (COR), AS Corrected by the Prime Sponsor, "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* 17 (EDC Parcel 1) and Lot Naval Air Station *Agaña* 20 (EDC Parcel 2) from Agricultural (A) to Light Industrial Zone (M1).

2017 APR 18 AM 9:10

Sinseramente,

ROWENA HERNANDEZ
Acting Council Secretary

cc: All Senators

Attachment:

GUAM LEGISLATURE
CENTRAL FILES
ACKNOWLEDGEMENT RECEIPT
Received by:
Time: 3:30
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0409

P.O. Box 786, Hagatña, Guam 96932 * Tel: (671) 734-3737/3859 * Fax: (671) 734-1988 * Email: bmoadmin *a* teleguam.net

BARRIGADA

Municipal Planning Council
March 30, 2016

Resolution No. 2017 – 004
As amended

Introduced by: Chairman and all members of the Barrigada Municipal Planning Council

Relative to expressing the official position of the Barrigada Municipal Planning Council on Bill No. 13-34 (COR), as corrected by the Prime Sponsor, "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* 17 (EDC Parcel 1) and Lot Naval Air Station *Agaña* 20 (EDC Parcel 2) from Agricultural ("A") to Light Industrial Zone ("M1").

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:

WHEREAS, on Tuesday, February 28, 2017, the Legislative Committee on Environment, Land, Agriculture and Procurement Reform conducted a public hearing at the Barrigada Community Center to hear testimony on Bill No. 13-34 (COR) and Bill No. 18-34 (COR); and

WHEREAS, the Mayor, Vice Mayor and Members of the Municipal Planning Council submitted initial comments on the proposed rezoning of properties within Tiyan area; and

WHEREAS, a closer look at the legislation (Bill No. 13-34 (COR)), reveals that approximately 250 acres of land, comprising about forty (40) different lots contained in Parcels 1 and 2, were to be rezoned from Agriculture ("A") to Light Industrial ("M1"); and

WHEREAS, when the Federal government returned these properties back to the government of Guam in 2000, it was with the express purpose that they be used for economic development; and

WHEREAS, in its initial testimony, the Committee was reminded by the Mayor that the Barrigada Municipal Planning Council does not support legislative zoning or rezoning. We have seen what legislative zoning can do. While the rezoning goes through the legislative route, we have seen the role of the Department of Land Management and other regulating agencies diminish; and

WHEREAS, the Committee was reminded that with the rezoning of approximately 250 acres of land for economic purposes that they should exploring alternative routes in and out of Tiyan; and

WHEREAS, the Tiyan roadway or highway system must be improved to accommodate the proposed development of the area; now, therefore, be it

RESOLVED, that the Barrigada Municipal Planning Council submits the following concerns:

1. The government must explore other possibilities aimed at implementing a "connector road system". This suggested road pattern should involve the full development and utilization of Mariner Avenue. For the Record, Mariner Avenue has been deeded back to the government to Guam.
2. Is there sufficient infrastructure (water, power, sewer)?
3. Are these infrastructure lines the property of the government of Guam or the Federal government?
4. We like to the Department of Agriculture to prepare and submit a thorough Agricultural Impact Statement.
5. With approximately 250 acres of land to be rezoned, who are the affected landowners?
6. Although the Municipal Planning Council is unaware of any unexploded ordnance on the lands in question, we must not forget that Guam was a battlefield and that unexploded ordnances could be encountered. We suggest that prior to development, the landowners make every effort to insure that there are no unexploded ordnance on the property.

and be it further

RESOLVED, that §61637 of Title 21 Guam Code Annotated reads: "... no land presently zoned "A" may be rezoned without the Commission first having considered an Agricultural Impact Statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

(a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.

(b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved."

and be it further

RESOLVED, that the Barrigada Municipal Planning Council takes the position that should any of the concerns not be responded appropriately, that the Barrigada Municipal Planning Council will vote no on the proposed rezoning; and be it further

RESOLVED, that the Barrigada Municipal Planning takes the position that "If 250 acres are to be rezoned for economic purposes, then we should also have alternative routes leading in and out of Tiyan. The present roadway system must be improved to accommodate the proposed development of the area. There must be an alternative access leading to and from the properties to be rezoned. We do not want this area to be another Harmon Industrial area; and be it further.

RESOLVED, since the author of the legislation chairs the Committee having jurisdiction over land, zone changes and land use permits, that joint efforts be made with the Departments of Land Management and Public Works to fully utilize Mariner Avenue to insure that we have an alternative ingress and egress to the area; and be it further

RESOLVED, in our review we found that the Base Reuse Master Plan, reserved land for three (3) major arteries for access to and through Tiyan, especially through the proposed economic development zoned area in southern Tiyan, also, there is a proposed connection of Routes 8 and Route 16 via Mariner Avenue. This connection will create an intersection with Route 8 at the Canada Toto Loop entrance to B.P. Carbullido Elementary School, and another intersection with Route 16 north of the existing U.S. Main Post Office. Overall, we see the development of a 4-way intersection with Routes 8, 10 and 16; now therefore be it

RESOLVED, that the Chairperson of the Council, certify to and the Vice Mayor and the Secretary of the Council attest to the adoption hereof, and that copies of the same be thereafter transmitted to Senators Thomas C. Ada and James V. Espaldon, authors of Bill No. 13-34; to Michael Borja, Director, Department of Land Management; to the Chairman and Members of the Guam Land Use Commission; to Mr. Glenn Leon Guerrero, Department of Public Works; to Manuel Q. Cruz, Director, Bureau of Statistics and Plans; to Mr. William Reyes, Acting Director, Department of Parks and Recreation; to Mr. Matthew L.G. Sablan, Director,

Department of Agriculture; to Mr. John M. Benavente, P.E., General Manager, Guam Power Authority; to Mr. Miguel C. Bordallo, P.E., General Manager, Guam Waterworks Authority; Mr. Walter Leon Guerrero, Administrator, Guam Environmental Protection Agency; to the Honorable Benjamin J.F. Cruz, Speaker, Guam Legislature, and to the Honorable Edward J.B. Calvo, *I Maga'lahen Guåhan*, Governor of Guam.

DULY AND REGULARLY ADOPTED ON THE 30th DAY OF MARCH 2017.

JUNE U. BLAS
Mayor

JESSIE P. BAUTISTA
Vice Mayor

ROWENA HERNANDEZ
MPC Member and Acting Council Secretary