EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

Speaker Benjamin J.F. Cruz

OCT 17 2017

OCT 23 2017
Time: 2:58 AM PM File No
Received By:
GL# 34-17-1124

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
The Thirty-Fourth Guam Legislature
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "A" (Rural) to "M1" (Light Industrial) zone, on Lots 5224-5-2 & 5224-5-3, municipality of Barrigada; Application No. 2017-11.

Bueñas Yan Hafa Adai Speaker Cruz:

I am pleased to submit for you and your colleagues the above-referenced zoning documents for the Legislature's consideration. This is pursuant to **Title 21, Guam Code Annotated (Real Property), Chapter 61 (Zoning Law), Part 4, Section 61647.**

I have **APPROVED** the Applicants, Jung Min Seo and Won Sun Min**,** request to re-zone from "A" (Rural) to "M1" (Light Industrial) zone for the construction of warehouses and to engage in light industrial uses, on Lots 5224-5-2 and 5224-5-3, in the municipality of Barrigada.

I am sure you recognize the public benefits of this endeavor, and respectfully ask your expeditious response.

Eddie Baza Calvo
Governor of Guam

2017 OCT 23 PM 3:52

Ricardo J. Bordallo Governor's Complex • Adelup, Guam 96910
Tel: (671) 472-8931/6 • Fax: (671) 477-4826 • www.governor.guam.gov

1124

GUAM LAND USE COMMISSION
ZONE CHANGE
APPLICATION NO: 2017-11
LOTS 5224-5-2 and 5224-5-3
MUNICIPALITY OF BARRIGADA

COPY
Signature

ATTACHMENT 1

Space for Recordation

Government of Guam, Department of Land Management
Office of the Recorder

File for Record is Instrument No. 913939

On the Year 20 17 Month 10 Day 20 Time 3:40

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jane Yamasaki
JANE T YAMASAKI

Doc. No. 34GL-17-1124

GLUC ZONE CHANGE
APPLICATION NO.: 2017-11
APPLICANT: JUNG MIN SEO and
WON SUN MIN

PREPARED ON SEPTEMBER 14, 2017

FROM: "A" (AGRICULTURAL/RURAL)

TO: "M-1" (LIGHT INDUSTRIAL)

LOTS: 5224-5-2 and
5224-5-3

BLOCK: N/A

TRACT: N/A

MUNICIPALITY: BARRIGADA

PLACE NAME: N/A

SCALE: N/A

AMENDMENT NO.: A-41

ZONING MAP NO.: F3-67S50

THE GUAM LAND USE COMMISSION, AT ITS
HEARING ON SEPTEMBER 14, 2017
APPROVED IN WHOLE THE ZONE CHANGE
FROM "A" TO "M-1" FOR LOTS 5224-5-2 and 5224-5-3
MUNICIPALITY OF BARRIGADA

==========

[✓] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

JOHN Z. ARROYO
CHAIRMAN
GUAM LAND USE COMMISSION

10/12/17
DATE

==========

[ ] APPROVED IN WHOLE
[ ] APPROVED IN PART
[ ] DISAPPROVED

EDDIE BAZA CALVO
GOVERNOR OF GUAM

10/17/17
DATE



813888

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 17 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
The Thirty-Fourth Guam Legislature
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: GLUC Zone Change Approval from "A" (Rural) to "M1" (Light Industrial) zone, on Lots 5224-5-2 & 5224-5-3, municipality of Barrigada; Application No. 2017-11.

Bueñas Yan Hafa Adai Speaker Cruz:

I am pleased to submit for you and your colleagues the above-referenced zoning documents for the Legislature's consideration. This is pursuant to **Title 21, Guam Code Annotated (Real Property), Chapter 61 (Zoning Law), Part 4, Section 61647.**

I have **APPROVED** the Applicants, Jung Min Seo and Won Sun Min, request to re-zone from "A" (Rural) to "M1" (Light Industrial) zone for the construction of warehouses and to engage in light industrial uses, on Lots 5224-5-2 and 5224-5-3, in the municipality of Barrigada.

I am sure you recognize the public benefits of this endeavor, and respectfully ask your expeditious response.

Eddie Baza Calvo
Governor of Guam

Street Address:
90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

October 16, 2017

Memorandum

To: The Governor

From: Executive Secretary, Guam Land Use Commission

Subject: **GLUC Zone Change Approval from "A" (Rural) to "M-1" (Light Industrial) zone for Lots 5224-5-2 & 5224-5-3, Barrigada; Applicant, Jung Min Seo and Won Sun Min [2017-11]**

Submitted for your consideration and action is Zone Change Application No. 2017-11. The Applicant, Jung Min Seo and Won Sun Min requests for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone for the construction of warehouses and to engage in light industrial uses.

Application chronology is as follows:

- April 3, 2017 – Application officially accepted
- March 16, 2017 – Reviewed by the Application Review Committee (ARC)
- August 23, 2017 – Public Hearing, Barrigada Community Center
- September 14, 2017 – Guam Land Use Commission (GLUC) Public Hearing (approval of Zone Change)

Pursuant to the Guam Code Annotated, Title 21 (Real Property), Chapter 61 (Zoning Law), Section 61634 (Decision by the Commission), which states, *"if the application is approved in whole or in part by the Commission, the same shall be forwarded to the Governor who may approve or disapprove the proposed change in whole or in part";* this application is being sent to you for your action.

CFT 1017-4901

This application is being sent to you pursuant to Title 21, GCA, Chapter 61 (Zoning), Section 61634.

Please contact Land Planning Division at 649-5263, extension 375 should you have any questions and/or need further clarification.

Si Yu'os Ma'ase,

MICHAEL J.B. BORJA
Executive Secretary
Guam Land Use Commission

Attachments:

1) Amendment No. A-41, Zoning Map No. F3-67S50
2) Zone Change Application
3) Formal letter to Mayor(s) for Public Hearing (July 28, 2017)
4) Public Hearing Minutes of August 23, 2017
5) Staff Report with Summary of ARC Position Statements
6) GLUC Agenda Notice – Guam Daily Post (Dated September 7th and 12th, 2017)
7) GLUC Agenda of September 14, 2017 – Disposition
8) GLUC Minutes of September 14, 2017 (Document No. 913612)
9) Notice of Action – Findings of Facts
    - Exhibit A – Affidavit of Publication
        - Attachment A – Official Memorandum to GDP (Dated August 8, 2017)
        - Attachment B – Public Hearing Advertisement (August 13, 2017)
    - Exhibit B – Affidavit of Mailing
        - Attachment A – U.S. Postal Certified Receipts, August 11, 2017
        - Attachment B – Official Notice Public Hearing, July 28, 2017

DLM Case No.	2017-11
Jung Min Seo & Won Sun Min c/o Frank C. Roberto	
Accepted Date	April 3, 2017
Case Planner	Frank Taitano

A REQUEST TO RE-ZONE LOTS 5224-5-2 & 5224-5-3

MUNICIPALITY OF BARRIGADA



AS PREPARED BY FRANK C. ROBERTO

ATTACHMENT 2

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Mr. Michael J.B. Borja
Executive Secretary, Guam Land Use Commission
590 South Marin Corps Drive
Suite 733 ITC Building
Tamuning, Guam 96913

Re: Application for a Change of Zone of Lots 5224-5-2 and 5224-5-3, Barrigada

Dear Mr. Borja:

On behalf of Land owners, Jung Min Seo and Won Sun Min, I submit this request for a change of zone for Lots 5224-5-2 and 5223-5-3 on behalf of land owners of Lots 5224-5-2 and 5224-5-3, of whom are both residents and owners of local businesses on Guam. This is a request to rezone these properties from "A" Agriculture to "M-1" Light Industrial for the purpose of constructing warehouses and to have the opportunity to engage in light industrial activities as may be permitted in the zoning law.

The properties are located in an area that has since been subjected to rezoning to "M-1" by the authority of either the Guam Legislature or the Guam Land Use Commission. As a result, various properties either adjacent to or in proximity to these properties have undergone rezoning to meet the predominant designation of light industrial use.

Lot 5224-5-3 contains an area of 5,423 square meters and Lot 5224-5-2 contains an area of 5424 square meters for a total area under consideration for this request at 10,847 square meters. This area is inclusive of a dotted easement that has not been fully severed from the property.

Lot 5224-5-3 is a corner lot and is serviced by two easements: the main 60-foot wide public easement better known as "Bello" Road and a 50-foot wide arterial road along its east boundary that also provides a front easement for the adjacent subject property Lot 5224-5-2. Both easements are paved and maintain utility structures for water and power for immediate servicing. Public sewer is available in the immediate area however, as with any development scheme that may be applied to the properties, the connection of utilities to include the most appropriate method of waste disposal must be coordinated with appropriate regulatory agencies.

Title 21 Guam Code Annotated, Sub-Article 3, Section 61630 allows the GLUC, with the approval of the Governor of Guam, change zones established under the Zoning Law whenever it finds that the public necessity, convenience and general welfare justify such action. And therefore, as part of the application, we provide that should the Commission find favor with this request, public necessity, convenience, and general welfare is justified based on the following:

The properties' existing zoning is not in line with the majority of uses in the immediate and surrounding area. Although certain properties in the area are zoned agricultural, predominant land uses show light industrial or light industrial-related uses occur along Bello Road and extended areas. Single family homes and duplex still exists in the area, however, this is outweighed by various industrial uses. Immediately to the west and south, properties within 500 feet have been rezoned to "M-1" by the Guam Land Use Commission.

The properties are directly in the flight path of the Guam International Airport and within an Air Installation Compatibility Use Zone or AICUZ so much so that the property owners were discouraged from considering a small residential subdivision or any other type of residential development.

We believe that because of these two characteristics public necessity is achieved by allowing the properties to best fit through a change to "M-1" and to be consistent with predominant uses in their immediate and surrounding area and without raising the concern of adversely changing the land use characteristics of the area. General welfare is achieved because a change of zone will occur in an area consistent with such a use and will discourage residential development by allowing a consistent use of industrial activities to span into these properties. Public convenience is achieved by avoiding "spot zoning" and remaining within predominant land use characteristics.

We do not anticipate the re-zoning of these properties will cause an adverse effect to the surrounding community but instead will compliment occurring activities that exist due to the predominant industrial use overlay.

The properties remain vacant with no past or ongoing development other than vegetation clearing that has occurred recently. We do not anticipate any adverse impacts to agricultural uses in the immediate or extended areas of the properties. An overview of the surrounding area shows no signs of any uses familiar to agricultural activities such as subsistent or commercial farming. The zoning law allows for residential use in an "A" zone, specifically single family dwellings and duplexes. If the property owners wish to apply this use with available sewer, they would be entitled to a density of approximately 6 duplex units or a total of 12 residential units. We strongly believe these uses will have a greater impact on water and sewer utilities from that of the proposed warehouse.

We look forward to working with the Department of Land Management in hope of receiving positive assessment of this zone change request.

Sincerely,

Frank C. Roberto
Duly Authorized Representative

AFFIDAVIT OF AUTHORIZATION

We, Jung Min Seo and Won Sun Min, residents of Guam, who are of legal age and are owners of Lots 5224-5-2 and 5224-5-3 in the municipality of Barrigada, Guam through this instrument hereby depose and the say the following:

1. That Mr. Frank C. Roberto is hereby authorized to request the Guam Land Use Commission to review and consider this request for approval of a Zone Change Application for properties as described in this affidavit; and

2. That Mr. Frank C. Roberto may conduct himself accordingly to arbitrate, negotiate, commit, revoke, represent, mitigate and abate the proposed project through all reviewing instrumentalities involved in the Zone Change Application process.

In TESTIMONY THEREOF, we hereunto affix our signature to our depositions.

Jung Min Seo

Won Sun Min

Owners as Tenants in Common of
Lots 5224-5-2 and 5224-5-3, Barrigada

ACKNOWLEDGEMENT

GUAM)
City of Hagåtña)ss.
)

On this 27th day of January, 2017, before me personally appeared Jung Min Seo and Won Sun Min, know to me as the persons whose names are subscribed to this instrument and who acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I hereby lay my hand and affix my official seal on the day, month, and year aforementioned above.

Notary Public

BERNADETTE S. CACAYAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: DEC. 02, 2017
1957 Army Drive Tamuning, Guam 96913

Doc. No. 34GL-17-1124 .

GUAM LAND USE COMMISSION

Chairman John Z. Arroyo
Vice Chairman Victor F. Cruz
Commissioner Conchita D. Bathan

Commissioner Tae S. Oh
Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA

Regular Meeting

Thursday, September 14, 2017, 2017 at 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on September 7th and September 12th, 2017]]

I. Notation of Attendance [ ] Quorum [ ] No Quorum

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, August 24, 2017

III. Old or Unfinished Business

IV. New Business

Zone Change

A. The Applicants, Jung Min Seo and Won Sun Min represented by Frank C. Roberto; request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, for the proposed construction of warehouses and other permitted uses within an "M-1" zone, on Lots 5224-5-2 and 5224-5-3, in the Municipality of Barrigada, Application No. 2017-11.
Case Planner: Frank Taitano

V. Administrative & Miscellaneous Matters

Request for Extension

B. The Applicant, Agana Shopping Center; request for consideration for the continued operation of the Agana Shopping Center's four (4) electronic video wall signs, on Lot 82-1-5-R10-NEW-3, in the Municipality of Hagatna, in "C" (Commercial) zone, under Application No. 2012-22.
Case Planner: Penmer Gulac

VI. Adjournment

ZONE CHANGE

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

The Undersigned owner(s)/lessee(s) of the following described property hereby request consideration for a *Zone Change*.

1. Information on Applicant:

Name of Applicant: **Jung Min Seo (Trustee o M.J. Living Trust) and Won Sun Min**

U.S. Citizen: ■ Yes [ ] No

Mailing Address: **1270 N. Marine Corps Drive, Tamuning, GU 96913**
PO Box 6547, Tamuning, GU 96931

Telephone No.: **Business 671-472-7160** Home: _____

2. Location, Description and Ownership:

Subdivision Name: **Y-Lisong, Barrigada**

Lot(s): **5224-5-2 & 5224-5-3** Block: **N/A** Tract: **N/A**

Lot Area: Acres: **Total: 2.68** Square Meters **Total: 10,847** Square Feet: **Total: 116,756.14**

Village: **Barrigada** Municipality: **Barrigada**

Registered Owner: **Land registered on July 1, 1969 under Teresita B. Umagat**

Certificate of Title No.: **40875 & 40876** Recorded Document No.: **893950 & 887044**

3. Current and Proposed Land Use:
Current Use: **Vacant Land** Zoned: **"A" (Agricultural)**

Proposed Use: **To construct a warehouse** Proposed Zone: **"M-1" (Light Industrial)**

Master Plan Designation: **No master plan other than current zoning designation**

4. Attached 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; your intentions and purpose of the Zone Change request justifying public necessity, public convenience and general welfare in accordance with ***Guam Code Annotated 21 GCA, Chapter 61, Section 61630.***

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

a. 8 1/2" X 14" map, drawn to scale, showing existing zoning within 1000 feet radius from the subject lot's boundaries.

ATTACHMENT: Section 61630 (Requirements For Changes) and Section 61638 (Review by Municipal Planning Council is attached for your information and guidance in preparation of your Zone Change Application. For additional requirements, visit the Zoning Section, Land Planning Division.

5. Supporting Information (Continuation):

b. All parcels and their uses within 750 feet radius from the subject lot's boundaries. The map shall also contain:

(1) Lot number for every parcel(s);
(2) Identify by name and use all existing activities on all parcel(s) through a legend/code reference;
(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) All natural or topographic peculiarities.

c. 8 1/2" X 14" map, drawn to scale, showing all parcels within 500 feet radius of the subject lot's boundaries. Each parcel shall be identified with property lot number.
d. The most recent survey map, certified and recorded at the Department of Land Management, showing the subject property.
e. A detailed As-Built Plan of the lot shall include the following:
(1) Total number and types of building;
(2) Parcel size in square meters/feet;
(3) Layouts of utilities and drainage;
(4) Proposed lot coverage of building(s) and accessories in square meters/feet;
(5) Approximate gross and net densities allowed on parcel;
(6) Feasibility study;
(7) Topography;
(8) Existing earth faults and sinkholes;
(9) Water courses and lens;
(10) Reservation, conservation and historic places;
(11) Total percentage of open spaces exclusive of parking stalls and other man-man features;
(12) Percentage of building footprint (PD only); and
(13) Compatibility to surrounding uses (PD only).

f. If leased, lease agreement (the assignment of lease and the covenant).
g. An initial comprehensive ***Environmental Impact Assessment (EIA)*** in accordance with Executive Order 90-10.
h. Additional information as required by the Guåhan 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, etc.)

6. Filing Fee: Fifty Dollars ($50.00) filing fee for the first five pages, and $.25 for any additional page, under Public Law 29-02, Chapter V, Part III *(Fees and Charges Assessed by the Department of Land Management).*

7. **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."

JUNG HIN SEO Won Sun P Min 2/9/17

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

Frank C. Roberto 2/9/17

(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 [ ] (See Below) No [ ]

Conditions of Approval: _____

_____

GLUC Resolution No.: _____ Date of Notice of Action: _____

893950

Island of Guam, Government of Guam
Department of Land Management Office of the Recorder

File for Record is Instrument No. 893950

On the Year 16 Month 6 Day 21 Time 846

Recording Fee 11.50 Receipt No. 45123

Deputy Recorder

Security Title

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

We, **DANIEL U. TORRES**, whose mailing address is 3231 San Luces Way, Union City CA 94587, and **LINDA A. TORRES**, whose mailing address is 3231 San Luces Way, Union City CA 94587, hereinafter referred to as **"GRANTOR"**, for TEN DOLLARS ($10.00) and other good and valuable consideration paid by **JUNG MIN SEO, AS TRUSTEE OF THE M.J. LIVING TRUST DATED AUGUST 31, 2007** whose mailing address is 1270 N. Marine Corps Drive, Suite 101-532, Tamuning GU 96913, **AND WON SUN P. MIN,** whose mailing address is P.O. Box 6547, Tamuning, Guam 96931, hereinafter referred to as **"GRANTEE"**, do hereby grant, bargain, sell and convey any and all of the Grantor's right, title and interest unto GRANTEE, and GRANTEE'S heirs, administrators, executors, successors and assigns, *as tenants in common,* in fee simple, the following described real properties in the MUNICIPALITY OF BARRIGADA:

Lot Number 5224-5-2, Barrigada, Guam, Estate Number 23639, Suburban, as said Lot is described in that Agricultural Subdivision, Basic Lot No. 5224-5, as shown on Drawing Number SDCO128-0672, as L.M. Check Number 881 FY 72, dated 26 July 72 and recorded on 29 August 72 under Instrument No. 115585 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 5,424 ± square meters.

Last Certificate of Title Number: 40875 – J. U. Torres

TOGETHER with all and singular the tenements, privileges, hereditaments, and appurtenances, whatsoever belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issue and profits thereof, and all the estate, rights, title interest, property, claim and demand whatsoever of the said GRANTOR, at law or in equity, in and to the same.

TO HAVE AND TO HOLD the same, together with all tenements, hereditaments, and appurtenances hereunto belonging and in anywise appertaining unto the said GRANTEE, their heirs, and executors administrators and assigns, forever.

AND GRANTOR DOES HEREBY for themselves and assigns, covenant with said GRANTEE, their heirs, and executors, administrators and assigns; that GRANTOR is lawfully seized in fee of the granted premises; that it is free from all encumbrances other than:

25' (in part) access easement along the eastern boundary of the property, as disclosed on that Agricultural Subdivision, Basic Lot No. 5224-5, as shown on Drawing Number SDCO128-0672, as L.M. Check Number 881 FY 72, dated 26 July 72 and recorded on 29 August 72 under Instrument No. 115585 at Land Management.

That to sell the same as aforesaid; that GRANTOR shall warrant and defend the same to the said GRANTEE, their heirs, and assigns, forever against the lawful claims and demands of all persons.

AND GRANTEE, for themselves and their successors and assigns does hereby acknowledge and confirm that water and power are immediately available on the property or within 100 feet of the property described above.

893950

IN WITNESS WHEREOF, this instrument has been executed this 1 day of ~~March~~ April, 2016. J.B.

GRANTOR:

Daniel U. Torres
DANIEL U. TORRES

GRANTOR:

Linda A. Torres
LINDA A. TORRES

Linda A. Torres
By: LINDA A. TORRES
ATTORNEY-IN-FACT
INSTRUMENT NO. 893949

STATE OF CALIFORNIA
} SS
COUNTY OF Alameda

J.B On this 1 day of ~~March~~ April, 2016, before me, a Notary Public in and for California, personally appeared **LINDA A. TORRES, INDIVIDUALLY AND AS ATTORNEY-IN-FACT FOR AND ON BEHALF OF DANIEL U. TORRES**, and she acknowledged to me that she executed the foregoing **WARRANTY DEED**, as her voluntary act and deed for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

LOUIS BELISO
COMM. # 2038501
NOTARY PUBLIC - CALIFORNIA
ALAMEDA COUNTY
MY COMM. EXP. AUG. 10, 2017

Louis Beliso
NOTARY PUBLIC
My commission expires:

893950

GRANTEE:

THE M.J. LIVING TRUST
DATED AUGUST 31, 2007

BY: _____
JUNG MIN SEO, TRUSTEE

GRANTEE:

_____
WON SUN P. MIN

GUAM, U.S.A. } SS

CITY OF TAMUNING

On this 1st day of June, 2016, before me, a Notary Public in and for GUAM, U.S.A., personally appeared **JUNG MIN SEO, TRUSTEE OF THE M.J. LIVING TRUST DATED AUGUST 31, 2007 AND WON SUN MIN**, and they acknowledged to me that they executed the foregoing **WARRANTY DEED**, as their voluntary act and deed for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____
NOTARY PUBLIC
My commission expires:

NORMA MARTINEZ SABLAN
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: OCT. 01, 2019
356 S. Marine Dr., Tamuning, Guam 96913

887044

Island of Guam, Government of Guam
Department of Land Management Office of the Recorder

File for Record/is Instrument No. 887044

On the Year 15, Month 12, Day 22, Time 3:42

Recording Fee 4.00 Receipt No. 42985

Deputy Recorder Luna M Cruz

Security Title

WARRANTY DEED

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

We, **DANIEL U. TORRES**, a widowed man, **and LINDA A. TORRES**, a single woman, whose mailing address is 3231 San Luces Way, Union City CA 94587, hereinafter referred to as "GRANTOR", for TEN DOLLARS ($10.00) and other good and valuable consideration paid by **JUNG MIN SEO, AS TRUSTEE OF THE M.J. LIVING TRUST (REVOCABLE) DATED AUGUST 31, 2007,** whose mailing address is 1270 N. Marine Corps Drive, Suite 101-532, Tamuning GU 96913, **AND WON SON P. MIN**, a married woman, whose mailing address is P.O. Box 6547, Tamuning GU 96931, hereinafter referred to as "GRANTEE", do hereby grant, bargain, sell and convey unto GRANTEE, and GRANTEE'S heirs, administrators, executors, successors and assigns, *as tenants in common,* in fee simple, the following described real property in the MUNICIPALITY OF BARRIGADA:

Lot Number 5224-5-3, Barrigada, Guam, Estate Number 23640, Suburban, as said Lot is described in that Agricultural Subdivision, Basic Lot No. 5224-5, as shown on Drawing Number SDC0128-0672, as L.M. Check Number 881 FY 72, dated 26 July 72 and recorded on 29 August 72 under Instrument No. 115585 at Land Management.

For informational purposes only, the above referenced map indicates the property contains an area of 5,423 ± square meters.

Last Certificate of Title Number: 40876 – J. U. Torres

TOGETHER with all and singular the tenements, privileges, hereditaments, and appurtenances, whatsoever belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issue and profits thereof, and all the estate, rights, title interest, property, claim and demand whatsoever of the said GRANTOR, at law or in equity, in and to the same

TO HAVE AND TO HOLD the same, WITH POWER OF SALE, together with all tenements, hereditaments, and appurtenances hereunto belonging and in anywise appertaining unto the said GRANTEE, their heirs, successors in trust, successors and assigns, forever.

AND GRANTOR DOES HEREBY for themselves and their assigns, covenant with said GRANTEE, their heirs, and executors, administrators and assigns; that GRANTOR is lawfully seized in fee of the granted premises; that it is free from all encumbrances other than:

1. *Real property taxes for the year 2015 not yet due and payable.*
2. *25' (in part) access easement along the eastern boundary of the property, 23' (in part) existing coral road along the southern boundary of the property, 40' (in part) easement along the southern boundary of the property and 5' additional setback for access easement along the southern boundary of the property, as disclosed on that Agricultural Subdivision, Basic Lot No. 5224-5, as shown on Drawing Number SDC0128-0672, as L.M. Check Number 881 FY 72, dated 26 July 72 and recorded on 29 August 72 under Instrument No. 115585 at Land Management.*

That to sell the same as aforesaid; that GRANTOR shall warrant and defend the same to the said GRANTEE, their heirs, successors in trust, successors and assigns, forever against the lawful claims and demands of all persons.

AND GRANTEE, for themselves and their successors in trust, successors and assigns, does hereby acknowledge and confirm that water and power ☑ **are** ☐ **are not** _____ immediately available on the property or within 100 feet of the property described above.

GRANTEE CERTIFIES THAT, pursuant to said Trust Agreement, GRANTEE shall have power of sale, with full power to sell, convey, transfer, or otherwise dispose of at public or private sale, grant or exercise options to purchase, exchange, encumber, abandon, manage, improve, repair, insure, partition, mortgage, pledge, lease or grant easements for any term (within or beyond the permitted by law or the duration of said Trust), in fee simple, forever, without the necessity of producing the trust agreement. No person dealing with the Grantee as said Trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said Trustee shall be obliged to see to the application of any purchase money, rent, or money borrower or advanced on said premises, or be obliged to see that the terms of said trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said Trustee, or be obliged or privileged to inquire into any of the terms of said agreement; and every deed, agreement of sale, mortgage, lease or other instrument executed by said Trustee in relation to said real estate shall be conclusive evidence in favor of every person relying upon or claiming under any such conveyance, lease or other instrument that: (a) at the time of delivery thereof the trust created by the trust agreement referred to herein was in full force and effect; (b) such conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in said trust agreement or in some amendment thereof and binding upon all beneficiaries thereunder; (c) said Trustee was duly authorized and empowered to execute and deliver such deed, agreement of sale, lease, mortgage or other instrument; and, (d) if the conveyance is made to a successor or successors in

887044

ACKNOWLEDGEMENT BY NOTARY PUBLIC

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

}§

COUNTY OF Santa Clara

On this 14th day of December, 2015, before me, C. Melo, Notary Public, personally appeared Linda A. Torres, individually, and on behalf of Daniel U. Torres, as his designated Attorney-in-Fact, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

My Commission Expires: 12/26/2017

C. MELO
Commission # 2050499
Notary Public - California
Santa Clara County
My Comm. Expires Dec 26, 2017

887044

GRANTEE:

M.J. LIVING TRUST DATED AUGUST 31, 2007

By _____
JUNG MIN SEO
TRUSTEE

GUAM, U.S.A.
CITY OF TAMUNING } ss

On this 16th day of November, 2015, before me, a Notary Public in and for Guam, U.S.A., personally appeared Jung Min Seo, as Trustee of the M.J. Living Trust dated August 31, 2007, and he acknowledged to me that he executed the foregoing Warranty Deed, as his voluntary act and deed for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____
Notary Public
My Commission Expires:

LIA JOSHUA DUNGCA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: **JUNE 02, 2016**
356 S. Marine Corps. Dr., Tamuning, Guam 96913

887044

GRANTEE:

WON SUN P. MIN

GUAM, U.S.A.
CITY OF TAMUNING } ss

On this 16th day of November, 2015, before me, a Notary Public in and for Guam, U.S.A., personally appeared Won Sun P. Min, and she acknowledged to me that she executed the foregoing Warranty Deed, as her voluntary act and deed for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Notary Public
My Commission Expires:

LIA JOSHUA DUNGCA
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JUNE 02, 2016
356 S. Marine Corps. Dr., Tamuning, Guam 96913

trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of its, his or their predecessor in trust.

IN WITNESS WHEREOF, this instrument has been executed this 14th day of December, 2015.

GRANTOR:

Daniel U. Torres
DANIEL U. TORRES

GRANTOR:

Linda A. Torres
LINDA A. TORRES

BY Linda A. Torres
LINDA A. TORRES
ATTORNEY-IN-FACT
INSTRUMENT NO. 886960



This Google Earth image shows the extent of vegetation clearing that occurred without the property owners' knowledge. Property owners collaborated with Guam Environmental Protection Agency and other agencies to find the individual or individuals responsible with no results.

Clear Form

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA)
ENVIRONMENTAL IMPACT ASSESSMENT (SHORT FORM)

October 1999

GEPA has developed this EIA form for use by developers proposing projects or land use activities which may pose only insignificant environmental impacts. This form is provided as an alternative to the EIA standard format provided to satisfy the requirements of Executive Order 96-26. If potential environmental impacts and issues are assessed or determined to be significant either by the applicant or GEPA, a more detailed EIA may be required including a thorough presentation and discussion of alternatives as required by the *Guidelines for the Preparation of Environmental Impact Assessments and Statements* (GEPA October 1999).

This EIA format constitutes the minimum necessary assessment and disclosure of potential impacts for a project. This form may also be used as a preliminary scoping guide or checklist in consultation with the Agency.

Case No: _____

Project Title: Request to re-zone Lots 5224-5-2 and 5224-5-3 in the municipality of Barrigada

1. Name, address and business telephone of applicant:
Jung Min Seo and Won Sun Min

2. Name, title and telephone number of representative:
Frank C. Roberto, Duly Authorized Representative 671-688-2473

3. Name, title and telephone number of EIA document preparer
Frank C. Roberto, Duly Authorized Representative 671-688-2473

4. Location of the proposed project: (include tract, block, lot, municipality and a location map)
Lot Numbers 5224-5-2 and 5224-5-3 in the municipality of Barrigada

5. Describe the general nature or type of proposed project:
The property owner wishes to re-zone the properties to "M-1" (Light Industrial) in order to apply regulated industrial use with a focus on constructing a warehouse facility.

6. Are the following critical environmental factors affected by the proposed project? If yes, describe the impact and state why it would not be significant. If not affected, provide reasons why. If more space is required refer to and attach additional sheets.

a. Groundwater recharge area: The properties are located over the Guam Water Recharge Area. The owners will follow all regulatory requirements to insure groundwater resources are protected from any potential adverse effect that may may occur as a result of any structural development.

b. Watersheds: The property is located at the fringe of the Barrigada municipality and in an area of karst uplift. All water runoff that support components or elements of the surrounding watershed is supported by on-site percolation or appropriate off-site channelling of runoff.

c. Wellhead protection zone: The property is not known to be ina Wellhead protection zone.

d. Streams, lakes or ponds: No streams, lakes or ponds exist near or in surrounding areas.

e. Marine waters: No. The closest marine waters is approximately two miles away from the properties.

f. Reef flats: No. The closest reef flat is approximately two miles away from the properties.

g. Pristine forest: No. Properties surrounding the subject lots have been developed.

h. Critical habitat area: No. There are no known critical habitat in the area. The owner will consult with The Division of Aquatic & Wildlife Resource accordingly.

i. Wetlands: Soil makeup and gradual topography does not support wetland conditions.

j. Flood hazard area: No. The properties are not in a flood hazard area.

k. Archaeological feature(s) or historical sites: The property has been subject to past vegetation clearing and minor surface grading. We do not expect to find any archaeological features and the properties are not known to be or be in close proximity of historic sites.
There is no consideration of potential adverse impacts.

7. Will the project result in any of the following environmental or infrastructure impacts?

a. Production of toxic or hazardous waste: No. The property owners do not intent to engage in activities or industries that involve the production of toxic or hazardous waste. Such activities do not exist currently on the property.
There is no consideration of potential adverse impacts.

b. Dislocation of existing businesses, residents or public areas: No. By rezoning the property, the property owners will have the opportunity to engage in activities consistent with the surrounding community.
There is no consideration of potential adverse impacts.

c. Production of air contaminants (temporary or permanent):
No. The property owners do not intent to engage in activities or industry that involve the production of air contaminants.
There is no consideration of potential adverse impacts.

8. Will the project require an increase in the requirements for any of the following public services (provide estimated quantities or volumes)? If answering yes to any of these items you must describe how the impact affects current infrastructure capacity. In addition, if the applicant/developer proposes contributions or mitigation to offset impacts, describe the contribution or mitigation.

a. Drinking water: No. Drinking water use will be insignificant and restricted to the owner and/or employees of the warehouse.
There is no consideration of potential adverse impacts.

b. Sewage disposal (public system) : The owners will follow appropriate regulatory requirements.
There is no consideration of potential adverse impacts.

c.Vehicle traffic: No. Any increase in traffic will be insignificant as compared to existing traffic conditions.

9. Will clearing and/or grading be required (include the number of acres and a general description of site soil and slope conditions):

Yes. The property has been subjected to vegetation clearing and light surface grading in the past. Any clearing and grading will be limited to site preparation in the event the property owner wishes to commence development on the property.

10. Will the project utilize an individual waste water disposal system such as septic tank/leaching field system, secondary package treatment system..etc.?)

The owner will follow any appropriate direction provided by pertinent agencies such as Guam Environmental Protection Agency and Guam WaterWorks Authority.

11. Will the project include the use of above or below ground storage tanks for fuel or water?

No. The owners do not anticipate the use of above or below ground storage tanks for fuel or water. However, in the event these items are required, the owners will follow any appropriate direction provided by pertinent agencies such as Guam Environmental Protection Agency.

12. Does the project require permitting, land resources, financial aid or other assistance from the federal government (please provide type of permit, issuing agency, application dates, and contact person)? No. Iederal government intervention with respect to permitting, land resources, financial aid or other assistance ins anticipated either in the immediate or long-term future.

13. Does the project include any special or unique features that are not covered above?

No.

If preliminary construction drawing, site plans, or related documents are available please provide such as attachments. For more information and assistance you may call GEPA Environmental Planning & Review Division at 475-1662/3

DECLARATION BY APPLICANT

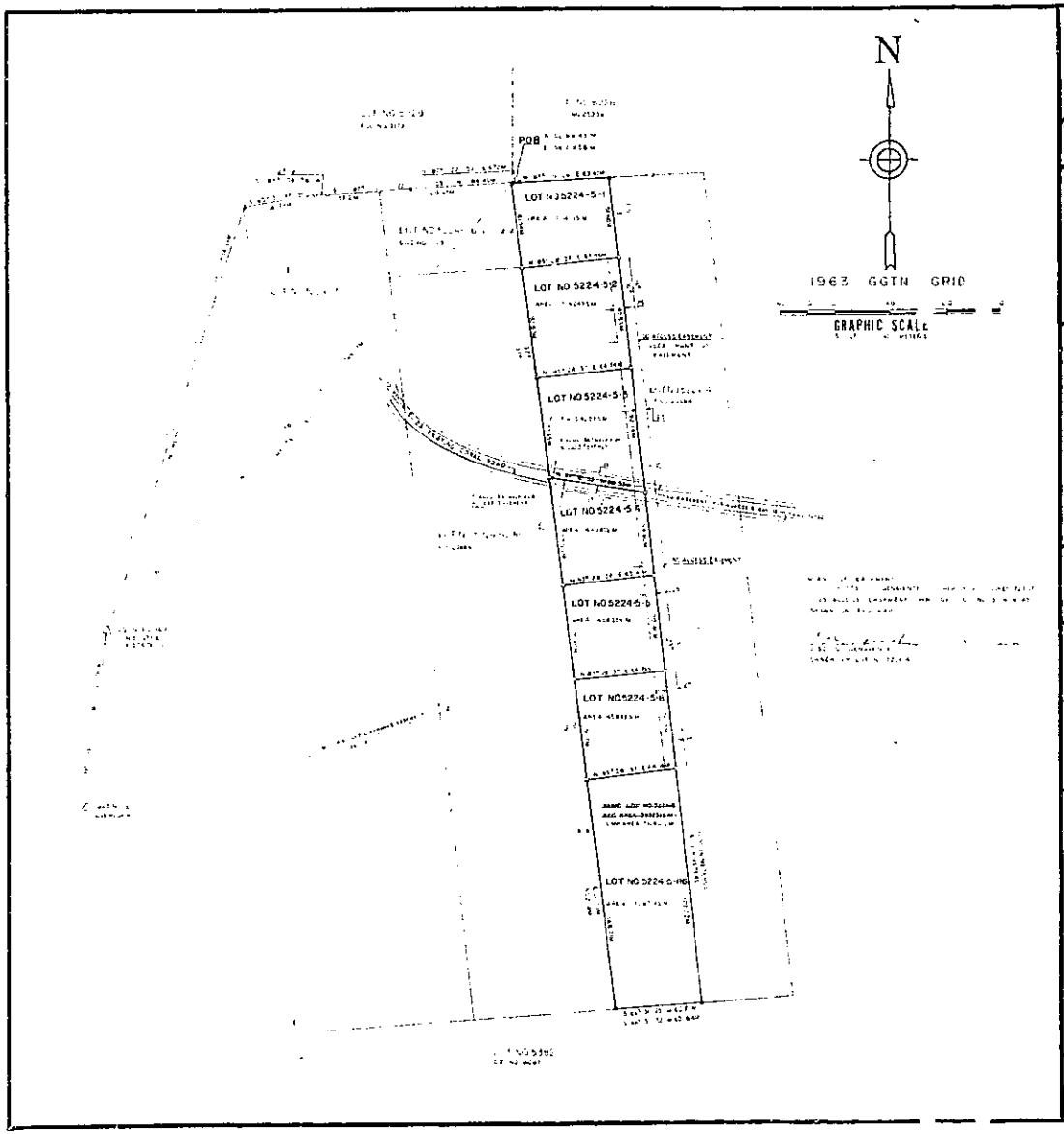
Based on this assessment, it is reasonable to expect that this project will not result in significant adverse environmental impacts. I/we hereby declare a "finding of no significant impact".

Applicant (signature)

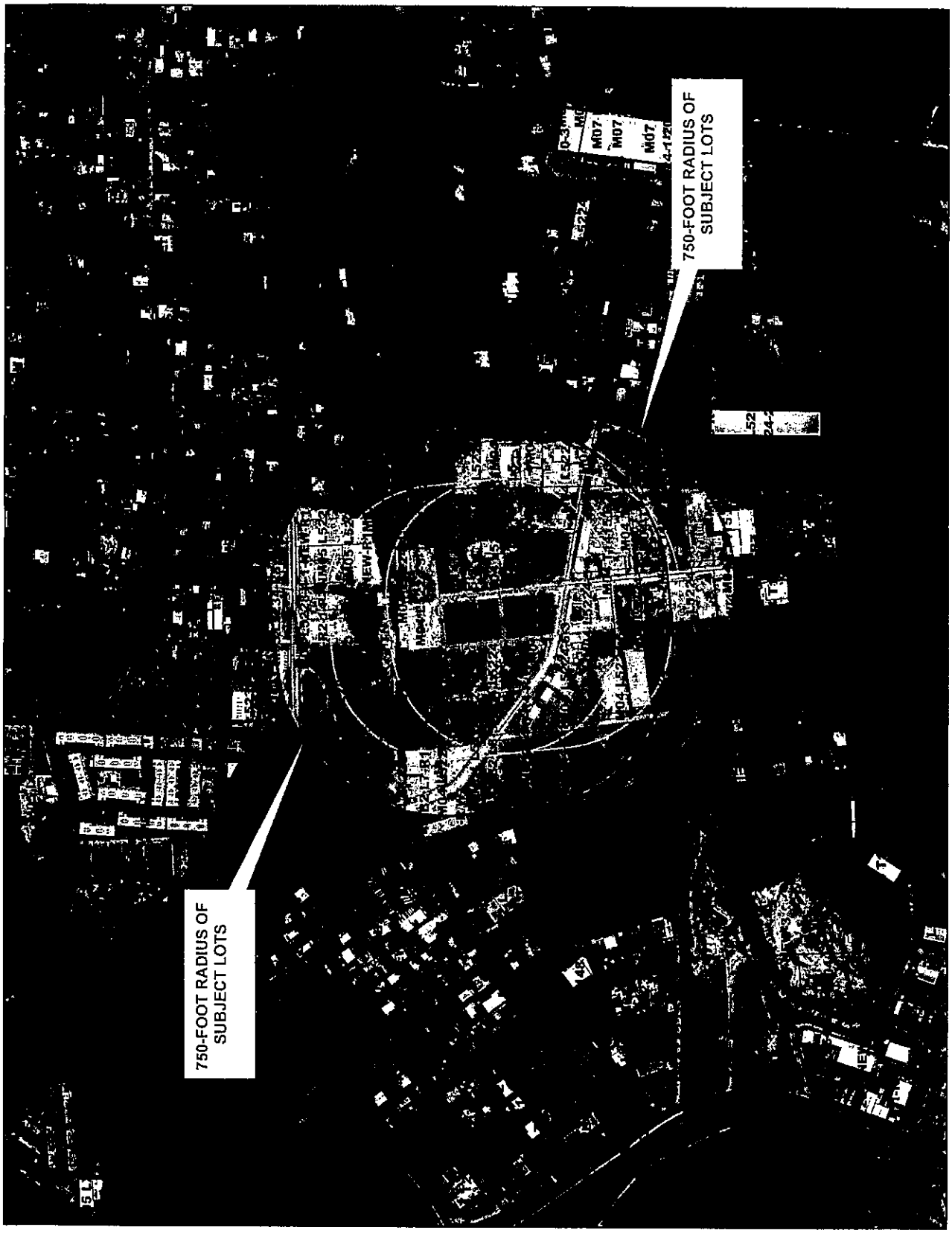
01/27/2017
Date

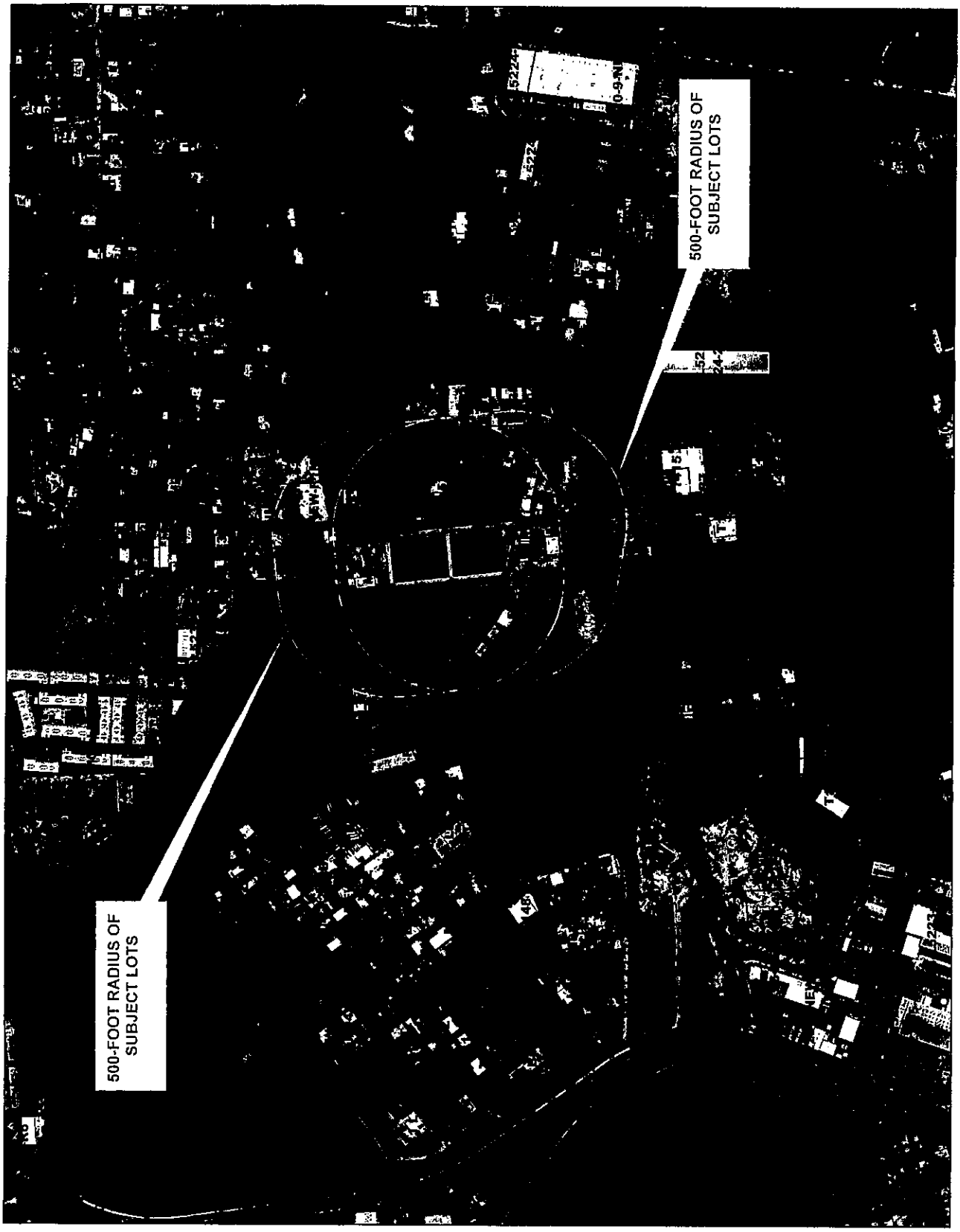
Providing false or misleading information in this assessment may constitute grounds for permit and EIA suspension or disapproval until such time as the applicant or document preparer makes all appropriate amendments or corrections as required by Guam EPA. Statements made in this form are binding for the purpose of environmental protection and the preparer and/or applicant is responsible for the timely implementation of protection and mitigation measures identified. Failure to fulfill stated avoidance, minimization or mitigation measures may also constitute grounds for Agency enforcement actions to the full extent of all applicable environmental regulations and statutes.

GEPA-EPR001 (12/12/96)



Doc. No. 34GL-17-1124.


750-FOOT RADIUS OF SUBJECT LOTS
750-FOOT RADIUS OF SUBJECT LOTS


500-FOOT RADIUS OF SUBJECT LOTS
500-FOOT RADIUS OF SUBJECT LOTS

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

COPY

July 28, 2017

Rec'd By:
8-8-17

Honorable June U. Blas
Mayor of Barrigada

Dear Mayor:

The following application has been filed with the Guam Land Use Commission (GLUC) by:

The Applicant, Jung Min Seo & Won Sun Min, represented by Frank C. Roberto, request for a zone change from "A" (Agriculture) to "M-1" (Light Industrial) for the purpose of constructing warehouses and to have the opportunity to engage in light industrial activities on Lot 5224-5-2 and 5224-5-3, in the Municipality of Barrigada, under Application No. 2017-11.

For any **Zone Change** requests that may have adverse impact on the public's interests, the GLUC is mandated by law to conduct a public hearing in the municipality where the subject lot is located. Accordingly, we have scheduled with your office a public hearing to be held at the **Barrigada Community Center, August 23, 2017, at 6:00 p.m.**

Please confirm the time, date and place.

Si Yu'os Ma'ase,

AT MARVIN Q. AGUILAR
Guam Chief Planner

ATTACHMENT 3

Minutes of Public Hearing

Application No. 2017-11, Zone Change from "A" (Agricultural) to "M-1" (Light Industrial) of Lot Nos. 5224-5-2 & 5224-5-3, Municipality of Barrigada

On August 23, 2017 - 6:05 P.M. a public hearing was conducted at the Barrigada Community Center, present was the applicant's representative, Mr. Frank Roberto, the Mayor, Ms. June Blas, the Vice Mayor Mr. Jessie Bautista, Mr. Joseph Mafnas, MPC member, Mr. James Castro, MPC member, Mr. Joseph Borja, MPC Member, The Guam Chief Planner, Mr. Marvin Aquilar and the Case Planner.

Case Planner called the meeting to order, introduced himself, the application and explained the purpose of the public hearing. He then introduced Mr. Roberto who would present and explain the purpose of the application.

Mr. Roberto introduced himself, explained the location and description of the proposed development and a brief history of the applicant.

The floor was open for comments:

Comments and Questions:

Mr. Borja asked how close is the kennel to the property?
Mr. Roberto responded that the kennel is at the end of the side street that leads down to the Jesus Baptist Church, located across the street from the lower end of the applicant's property.

Mr. Borja asked, was the property cleared recently?
Mr. Roberto responded that it was but, the property is now overgrown with vegetation.

Mr. Borja asked, what is the owner planning to do with his property?
Mr. Roberto responded that the owner is to construct warehouses.

Mr. Mafnas asked if the owner going to occupy the warehouses?
Mr. Roberto responded that the owner is not relocating from his present location at the Harmon Industrial Park along Adrian Sanchez Street (hamburger road).

Mayor Blas commented that she has no concerns, but the applicant needs to meet the requirements to address on-site storm water, water, power, sewer, setbacks and parking.

Mr. Borja commented that he is concern about the water pressure in the area.
Mr. Roberto responded that they are presently consulting with GWA and one of the requirements that we agreed to, is the installation of a fire hydrant

Minutes of Public Hearing
Application No. 2017-11 (Zone Change)
Lot Nos.5224-5-2 and 5224-5-3
Municipality of Barrigada

A conversation about former land use activities within the Bello area, land ownership, etc., and the transformation of the Bello area as a light industrial area was materialized between the attendees which lasted for a while until the case planner asked the Mayor, if the MPC going to submit a Resolution?

.

The Mayor responded that she has a copy of a letter from the Mayor's office outlining their comments on the application and noting that an MPC resolution is also being prepared to be submitted and provided a copy to the case planner.

Case planner asked, if the original letter to be submitted officially?
Mayor responded, yes together with the MPC Resolution.

Mr. Castro commented that the Commission should be made aware of the comments on the application contained on the Mayor's letter.

After no further concerns or question was put forth by the attendees case planner thanked those in attendance for taking the time to attend and for their input.

There being no further questions or concerns the case planner adjourned the meeting at 6:50 P.M.

Frank P. Taitano
Case Planner

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

September 1, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2017-11

1. PURPOSE:

a. **Application Summary:** The applicant, Jung Min Seo and Won Sun Min, represented by Mr. Frank C. Roberto is requesting approval for a Zone Change from "A" (Agricultural) Zone to "M-1" (Light Industrial) Zone of lots 5224-5-2 & 5224-5-3 for the construction of warehouses and to engage in light industrial uses, Municipality of Barrigada.

b. **Legal Authority:** Sections 61630 to 61638 (Changes of Zones) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property)

2. FACTS:

a. **Location:** The subject site is located along Bello Road at the western corner of the junction of Bello Road and a paved public road that leads to the Jesus Baptist Church of Guam and an animal kennel facility.

b. **Lot Area:** (Lot 5224-5-2) 5,424± SM + (Lot 5224-5-3) 5,423± SM = 10,847± Square Meters or 21,064.97± Square Feet in total.

c. **Present Zoning:** "A" (Agricultural) Zone.

d. **Field Description:** The site is presently vacant and covered with various ground cover vegetation, small bushes, midsize trees, a large breadfruit tree and two large ironwood trees, slope is gradual at around 5% towards the northern boundary of the site.

e. **Masterplan:** Undesignated

f. **Community Design Plan:** Conservation-Open Space

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** April 3, 2017

b. **Date Heard By ARC:** March 16, 2017

c. **Public Hearing Results:** ~~June 14, 2016~~ Aug 23, 2017
(See Attachment "A")

Note: During the Public Meeting the Mayor and Vice Mayor of Barrigada submitted a copy of a response letter attached as Attachment "B".

4. DISCUSSION and STAFF ANALYSIS:

As proposed by this application, the request is to change the existing designated "A" (Rural) zone of the subject lot to "M-1" (Light Industrial) for the construction of warehouses and to engage in light industrial uses

Pursuant to Section 61630 (Requirements For Changes) of Chapter 61 (Zoning Law) 21GCA, where it states; **"The Commission may, with the approval of the Governor, change the zones established under this Chapter whenever it finds that the public necessity, convenience and general welfare justify such action".**

The applicant in response for the Zone Change submits the following justification:

The properties' existing zoning is not in line with the majority of uses in the immediate and surrounding area. Although certain properties in the area are zoned agricultural, predominant land uses show light industrial or light industrial-related uses occur along Bello Road and extended areas.

Single family homes and duplex still exists in the area, however, this is outweighed by various industrial uses. Immediately to the west and south, properties within 500 feet have been rezoned to "M-1" by the Guam Land Use Commission.

The properties are directly in the flight path of the Guam International Airport and within an Air Installation Compatibility Use Zone or AICUZ so much so that the property owners were discouraged from considering a small residential subdivision or any other type of residential development.

We believe that because of these two characteristics public necessity is achieved by allowing the properties to best fit through a change to "M-1" and to be consistent with predominant uses in their immediate and surrounding area and without raising the concern of adversely changing the land use characteristics of the area. General welfare is achieved because a change of zone will occur in an area consistent with such a use and will discourage residential development by allowing a consistent use of industrial activities to span into these properties. Public convenience is achieved by avoiding "spot zoning" and remaining within predominant land use characteristics.

We do not anticipate the re-zoning of these properties will cause an adverse effect to the surrounding community but instead will compliment occurring activities that exist due to the predominant industrial use overlay.

The properties remain vacant with no past or ongoing development other than vegetation clearing that has occurred recently. We do not anticipate any adverse impacts to agricultural uses in the immediate or extended areas of the properties. An overview of the surrounding area shows no signs of any uses familiar to agricultural activities such as subsistent or commercial farming. The zoning law allows for residential use in an "A" zone, specifically single family dwellings and duplexes. If the property owners wish to apply this use with available sewer, they would be entitled to a density of approximately 6 duplex units or a total of 12 residential units. We strongly believe these uses will have a greater impact on water and sewer utilities from that of the proposed warehouse.

In our analysis planning staff finds that the lots are adjacent to light industrial-zoned properties. There are also, existing commercial/light industrial activities within the area along Bello Road and the artery roads that junction Bello Road, which are compatible and support the proposed use of the requested zone change. The development trend shows growth from rural residential to commercial/light industrial uses within the area, and future commercial/light industrial growth is foreseeable along Bello Road and the artery roads that junction Bello Road. This and the existence of adequate infrastructure will accommodate and serve the growth of this area.

Another land use element considered in our analysis is the impact of the AICUZ (Air Installation Compatible Use Zone) generated by aircraft activities utilizing the Guam International Air Terminal. Based on the existing AICUZ, the subject property falls within an area designated as Ldn (noise level) of 65-70 decibels. Any type of activity within the surrounding area will be affected by noise levels not conducive to residential use within this area but can be addressed through appropriate soundproofing. The AICUZ requirements normally do not favor residential development within the area as opposed to commercial/industrial, agricultural, golf courses or open space. As such, it is the position of Planning Staff that the area is best suited for industrial type uses followed by commercial activities/uses.

Any development on the site will accommodate wastewater and storm water drainage to protect the surrounding properties and the groundwater in the area. The zone change will not reduce any zoning standards in the immediate vicinity, but rather, the improvements to the subject lot will create a more stable environment that will provide for an orderly development scheme within the area. The applicants are aware and will comply to all permitting requirements and conditions to be imposed by the government agencies in the permitting process of their development plans.

This request has received no objection Position Statements from ARC members with conditions and the Department of Agriculture (DoAg), pursuant to Chapter 61, Section 61637 has submitted an Agricultural Impact Statement (AIS) stating that, DoAg does not oppose the zone change request granted all the steps, requirements and recommendations as noted on their position statement have been followed and addressed. In addition, the results of the community public hearing, was positive and the Mayor responded with a letter. In conclusion, we find the above and the context of the application provides justification that the public necessity, convenience and general welfare, supports a positive action on the zone change request.

5. **RECOMMENDATION:** Planning staff recommends Approval with the following condition:

   A. That the approval is subject to the ARC conditions and requirements as stipulated in their Official Position Statement.

Marvin Q. Aguilar
Guam Chief Planner

Attachments: ARC Position Statement Summary

Case Planner: F. Taitano

Attachment "A"

Minutes of Public Hearing

Application No. 2017-11, Zone Change from "A" (Agricultural) to "M-1" (Light Industrial) of Lot Nos. 5224-5-2 & 5224-5-3, Municipality of Barrigada

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Attachment "B"

BARRIGADA

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

8-23-2017
RECEIVED
Frank Taitano
Planning Division
COPY

August 23, 2017

Mr. John Z. Arroyo
Chairman, Guam Land Use Commission
590 S. Marine Drive, ITC Building
Tamuning, Guam 96913

Re: Application No. 2017-11 seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial), by the Applicant Jung Min Seo and Won Sun Min, represented by Frank C. Roberto.

Mr. Chairman, Members of the Guam Land Use Commission, *enkuenta de i segundu mayot, guahu kumo mayot, yan i membros i konsehelon municipat Barigada, Buenas yan Saludu para todos hamyu ginen i komunidåt Barigada.* On behalf of Vice Mayor Jessie P. Bautista, myself as Mayor, together with members of the Barrigada Municipal Planning Council, greetings to all of you from the community of Barrigada.

With regards to Application No. 2017-11, we present the following:

1. The Applicant, Jung Min Seo and Won Sun Min, represented by Frank C. Roberto, is seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial), for the purpose of constructing warehouses, and to have the opportunity to engage in light industrial activities.

2. These properties are located in an area that has been subjected to Legislative Rezoning from "(A) Agriculture to "M1" Light Industrial.

3. Lot No. 5224-5-3 is a corner lot and is serviced by two (2) easements: the main 60-foot wide public easement known as "Bello" Road and a 50-foot wide arterial road along its east boundary that provides a front easement for the adjacent property Lot No. 5224-5-2.

4. Both easements are paved and maintain utility structures for water and power for immediate service.

P.O. Box 786, Hagatña, Guam 96932 * Tel: (671) 734-1124 * Fax: (671) 734-1988 * Email: bmoadmin@teleguam.net
Doc. No. 34GL-17

In justifying the zone change contained in the Application, the criteria of Public Necessity, Public Convenience and General Welfare must be satisfactorily addressed. Our review is as follows:

PUBLIC NECESSITY AND CONVENIENCE

1. The requested zone change from "Agriculture" to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is in the Accident Potential Zone (APZ) Zone requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone.

2. The surrounding parcels have also been zoned to "Light Industrial" and find that industrial activities in operation have not been a detriment to other current residential or competing commercial or industrial uses.

3. In our initial inspection, we find that Lot Nos. 5224-5-2 and 5224-5-3 are adjacent to light commercial/light industrial activities within the area which are compatible and support the proposed use of the requested zone change.

   The proposed warehouse, sales and marketing facilities is considered a light industrial use on the subject lot and would be consistent with current land uses and activities in the immediate area.

GENERAL WELFARE

The "Health, Safety and General Welfare" issues, in a community's comprehensive Plan divides these categories and mandates the various governmental entities to develop plans to address such factors.

In doing so, it defers the specific issues to the specific government entity mandated to oversee the technical review of a proposed plan such as for GEPA/GWA for sewer requirements (a health issue), DPW on access (a safety issue) and so forth, thus ensuring that the overall General Welfare of the community is not compromised.

The Guam Land Use Commission's interest is the responsibility to regulate zoning; while at the same time watching out for the **"health, safety and welfare"** of the community, from a zoning perspective.

Application 2017-11, is in our opinion, a suitable zone and location for commercial or industrial uses for the primary reason that the area is overshadowed by the Air Installation Compatible Use Zone (AICUZ) and in which an Accident Potential Zone (APZ) factor exist.

With regards to **Water Quality Standards, Soil and Sedimentation Control Regulations, Surface Water Runoff, and Water Source Protection from Industrial Waste** the Vice Mayor and I, together with the Municipal Planning Council express our concerns on the following:

(1) **Water Quality Standards.** We are concerned because we don't see any mention that the Guam Water Quality standards, §5101.C.1.d, as practical, storm water disposal systems is being designed and operated to terminate in close proximity to, or within project boundaries, to facilitate groundwater recharge. **Note:** applicable to property within the Northern Aquifer protection.

(2) **GEPA Soil and Sedimentation Control Regulations.** Section 10105.B.5.b; of the "Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations" [P.L. 25-152] provides that "Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloped surfaces of a fill. Positive drainage shall be provided to prevent the accumulation or retention of surface water in pits, gullies or similar depressions.

(3) **Surface Water Runoff.** It also provides that "all drainage facilities shall be designed to carry surface water runoff to a storm drain that will discharge to a catchment facility within the project site." More importantly, it provides that "the flow of any existing and known natural underground drainage shall not be impeded or changed so as to cause damage to adjoining property."

(4) **Protection of the Adjoining Properties**. Section 10106 of the Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations addresses part of our concern that deal with the

protection of the adjoining properties. We believe that any person performing or causing to be performed any excavation or fill shall, at his own expense, provide the necessary means to prevent the movement of earth to the adjoining properties, and to maintain the existing natural grade of adjoining properties.

(5) **Water Source Protection from Industrial Waste:** Lot No. 5224-5-2 and Lot No. 5224-5-3, Barrigada, are located in and around the Northern Watershed, which is home to the Northern Guam Lens Aquifer. The aquifer is an essential resource for our island and is the primary source of drinking water for the island's population.

6. **Erosion:** Controlling erosion and sediment flow is a high priority. The applicant must ensure that erosion and stormwater does not the impact and neighborhood, therefore, we advise the Applicant to consult with Guam EPA on the effective implementation of erosion methods and to ensure that the best management practices are maintained.

Municipal Planning Council: Exercising its rights and review privileges, the Barrigada Mayor and Vice Mayor, together with the Municipal Planning Council hereby submits its comments on Application 2017-11, seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial), by the Applicant Jung Min Seo and Won Sun Min, represented by Frank C. Roberto.

Thank you for your time and please note that a resolution from the Barrigada Municipal Planning Council will be submitted once formal action is taken for inclusion as part of your official records.

Sinseramente,

JUNE U. BLAS
Mayor

JESSIE P. BAUTISTA
Vice Mayor

ATTACHMENT B

BARRIGADA

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
SEP 07 2017
330
CLTC/GALC/GLUC

MB 9/7

September 6, 2017

Mr. Michael Borja
Director
Department of Land Management
Tamuning, Guam 96911

Dear Mr. Borja:

Transmitted herewith is a copy of Resolution Nos. 2017-013 which was duly and regularly adopted by the Barrigada Municipal Planning Council on the 29th day of August 2017.

> Resolution No. 2017 – 013; "Relative to expressing the approval, support and endorsement of the Barrigada Municipal Planning Council on Application No. 2017-11 seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial), by the Applicant Jung Min Seo and Won Sun Min, represented by Frank C. Roberto.

Sinseramente,

THERESE B. MAZZEI
Council Secretary

Attachments:

cc: Applicant Jung Min Seo, Won Sun Min & Frank C. Roberto
Executive Secretary, Guam Land Use Commission
Executive Director, MCOG

R Gutierrez Land Plng Dvd 9/7/17

P.O. Box 786, Hagatña, Guam 96932 • Tel: 671-734-[illegible] • Fax: 671-734-1988 • Email: bmoadmin@teleguam.net

BARRIGADA

MUNICIPAL PLANNING COUNCIL
Tuesday, August 29, 2017

Resolution No. 2017 – 013

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

Relative to expressing the approval, support and endorsement of the Barrigada Municipal Planning Council on Application No. 2017-11 seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial), by the Applicant Jung Min Seo and Won Sun Min, represented by Frank C. Roberto.

BE IT RESOLVED BY THE MUNICIPAL PLANNING COUNCIL OF BARRIGADA:

WHEREAS, Application 2017-11, was submitted to the Guam Land Use Commission by Mr. Frank C. Roberto, representing the applicants, Jung Min Seo and Won Sun Min. The Application was accepted on April 3, 2017, and

WHEREAS, on Tuesday, August 8, 2017, the Mayor's Office officially received a copy of the Application and informed that a public hearing will be conducted on Wednesday, August 2, 2017; and

WHEREAS, with regards to Application No. 2017-11, the Vice Mayor, together with the Mayor and Municipal Planning Council present the following:

1. The Applicant, Jung Min Seo and Won Sun Min, represented by Frank C. Roberto, is seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial), for the purpose of constructing warehouses, and to have the opportunity to engage in light industrial activities.
2. These properties are located in an area that has been subjected to Legislative Rezoning from "(A) Agriculture to "M1" Light Industrial.
3. Lot No. 5224-5-3 is a corner lot and is serviced by two (2) easements: the main 60-foot wide public easement known as "Bello" Road and a 50-foot wide arterial road

along its east boundary that provides a front easement for the adjacent property Lot No. 5224-5-2.

4. Both easements are paved and maintain utility structures for water and power for immediate service.

and

WHEREAS, the Municipal Planning Council opines the following:

1. The requested zone change from "Agriculture" to "Light Industrial" is a more prudent zone designation for the area. The fact that the area is in the Accident Potential Zone (APZ) Zone requires a shift from residential to commercial or industrial uses notwithstanding the fact that residential uses are permitted in the current zone; and
2. The surrounding parcels have also been zoned to "Light Industrial" and find that industrial activities in operation have not been a detriment to other current residential or competing commercial or industrial uses; and
3. In our initial inspection, we find that Lot Nos. 5224-5-2 and 5224-5-3 are adjacent to light commercial/light industrial activities within the area which are compatible and support the proposed use of the requested zone change; and

WHEREAS, with regards to the "Health. Safety and General Welfare" of the Community, we find that the following government departments and agencies [Guam Power Authority; Bureau of Statistics and Plans; Department of Parks and Recreation; the Department of Agriculture and Guam Waterworks Authority] have submitted their positions statements supporting the Application; and

WHEREAS, Application 2017-11, is in our opinion, a suitable zone and location for commercial or industrial uses for the primary reason that the area is overshadowed by the Air Installation Compatible Use Zone (AICUZ) and in which an Accident Potential Zone (APZ) factor exist; and

WHEREAS, with regards to Water Quality Standards, Soil and Sedimentation Control Regulations. Surface Water Runoff, and Water Source Protection from Industrial Waste we express our concerns on the following:

(1) **Water Quality Standards.** We are concerned because we don't see any mention that the Guam Water Quality standards, §5101.C.1.d. as practical, storm water disposal systems is being designed and operated to terminate in close proximity to, or within

project boundaries, to facilitate groundwater recharge. **Note:** applicable to property within the Northern Aquifer protection.

(2) **GEPA Soil and Sedimentation Control Regulations.** Section 10105.B.5.b; of the "Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations" [P.L. 25-152] provides that "Adequate provisions shall be made to prevent surface waters from damaging the cut face of an excavation or the sloped surfaces of a fill. Positive drainage shall be provided to prevent the accumulation or retention of surface water in pits, gullies or similar depressions.

(3) **Surface Water Runoff.** It also provides that "all drainage facilities shall be designed to carry surface water runoff to a storm drain that will discharge to a catchment facility within the project site." More importantly, it provides that "the flow of any existing and known natural underground drainage shall not be impeded or changed so as to cause damage to adjoining property."

(4) **Protection of the Adjoining Properties**. Section 10106 of the Guam Environmental Protection Agency Guam Soil and Sedimentation Control Regulations addresses part of our concern that deal with the protection of the adjoining properties. We believe that any person performing or causing to be performed any excavation or fill shall, at his own expense, provide the necessary means to prevent the movement of earth to the adjoining properties, and to maintain the existing natural grade of adjoining properties.

(5) **Water Source Protection from Industrial Waste:** Lot No. 5224-5-2 and Lot No. 5224-5-3, Barrigada, are located in and around the Northern Watershed, which is home to the Northern Guam Lens Aquifer. The aquifer is an essential resource for our island and is the primary source of drinking water for the island's population.

now, therefore, be it

RESOLVED, that the Barrigada Municipal Planning Council having reviewed the Application and exercising its rights and privileges, does hereby express its approval and support and does hereby endorse Application No. 2017-11, seeking a zone change on Lot No. 5224-5-2 and Lot No. 5224-5-3, Municipality of Barrigada from "A" (Agriculture) to "M-1" (Light Industrial); and be it further

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 the Applicant Jung Min Seo and Won Sun Min, represented by Frank C. Roberto; to the Executive Secretary of the Guam Land Use Commission; to the Director of the Department of Land Management; to the Executive Director of the Mayors Council of Guam; to the Honorable Benjamin J.F. Cruz, Speaker of the 34th Guam Legislature and to the Honorable Edward J.B. Calvo, *I Maga'lahen Guåhan.*

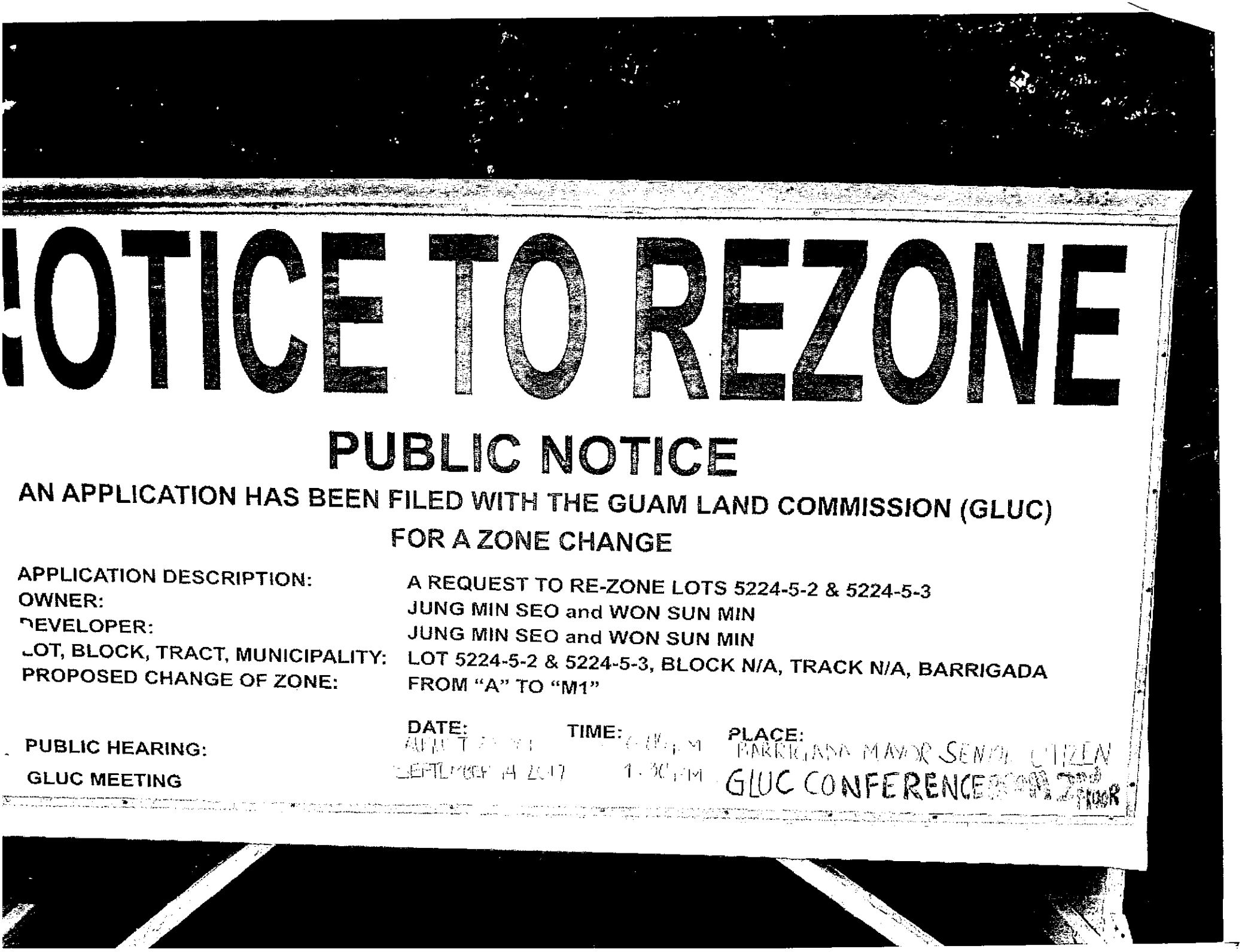
DULY AND REGUARLY ADOPTED ON THE 29TH DAY OF AUGUST 2017.

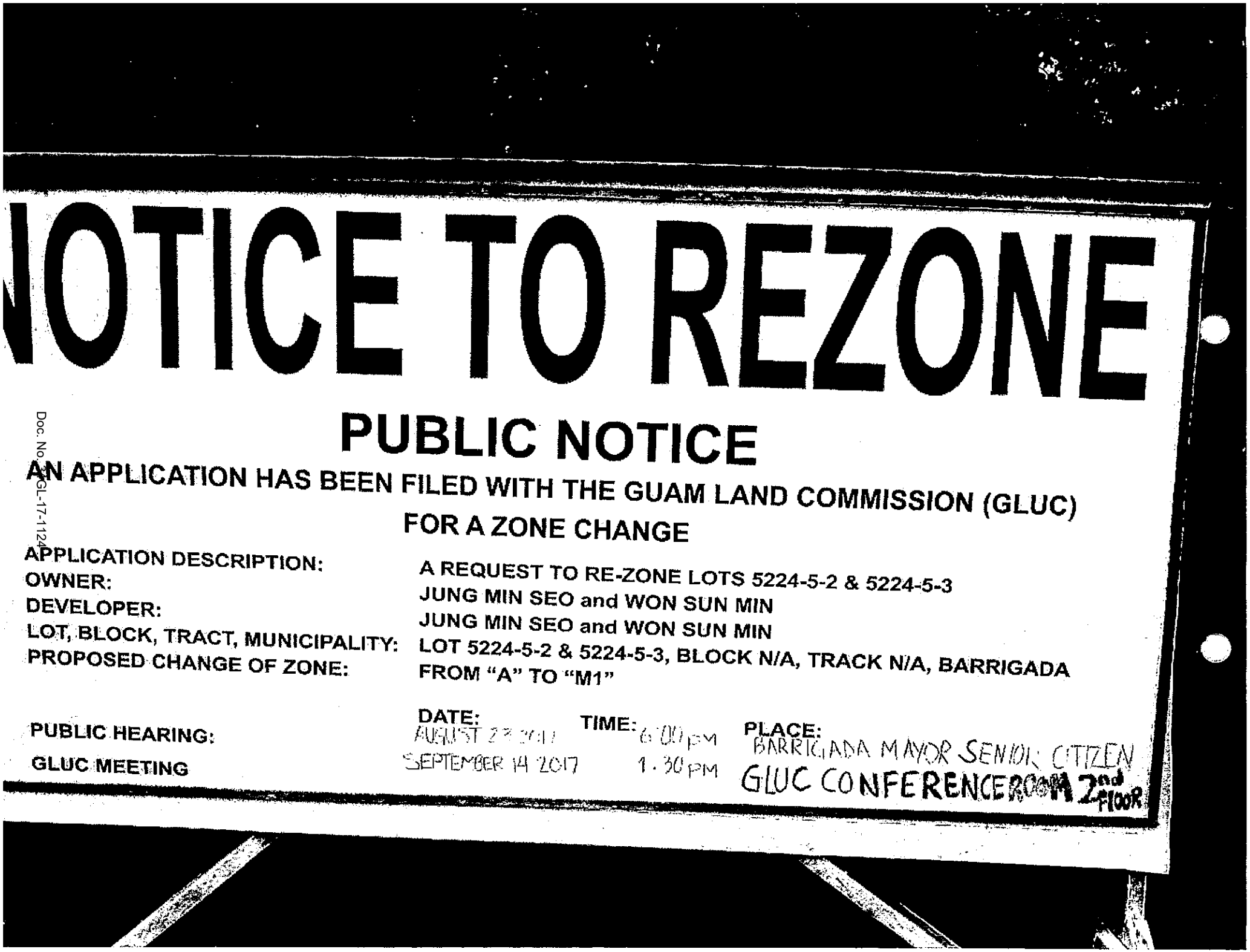
JUNE U. BLAS
Mayor and Chairman

JESSIE P. BAUTISTA
Vice Mayor

THERESE B. MAZZEI
Council Secretary

HAMI BÅRIGÅDA


OTICE TO REZONE
PUBLIC NOTICE
AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND COMMISSION (GLUC)
FOR A ZONE CHANGE
APPLICATION DESCRIPTION: A REQUEST TO RE-ZONE LOTS 5224-5-2 & 5224-5-3
OWNER: JUNG MIN SEO and WON SUN MIN
DEVELOPER: JUNG MIN SEO and WON SUN MIN
LOT, BLOCK, TRACT, MUNICIPALITY: LOT 5224-5-2 & 5224-5-3, BLOCK N/A, TRACK N/A, BARRIGADA
PROPOSED CHANGE OF ZONE: FROM "A" TO "M1"
PUBLIC HEARING:
GLUC MEETING
DATE:
TIME:
PLACE:
BARRIGADA MAYOR SENIOR CITIZEN
GLUC CONFERENCE



NOTICE TO REZONE

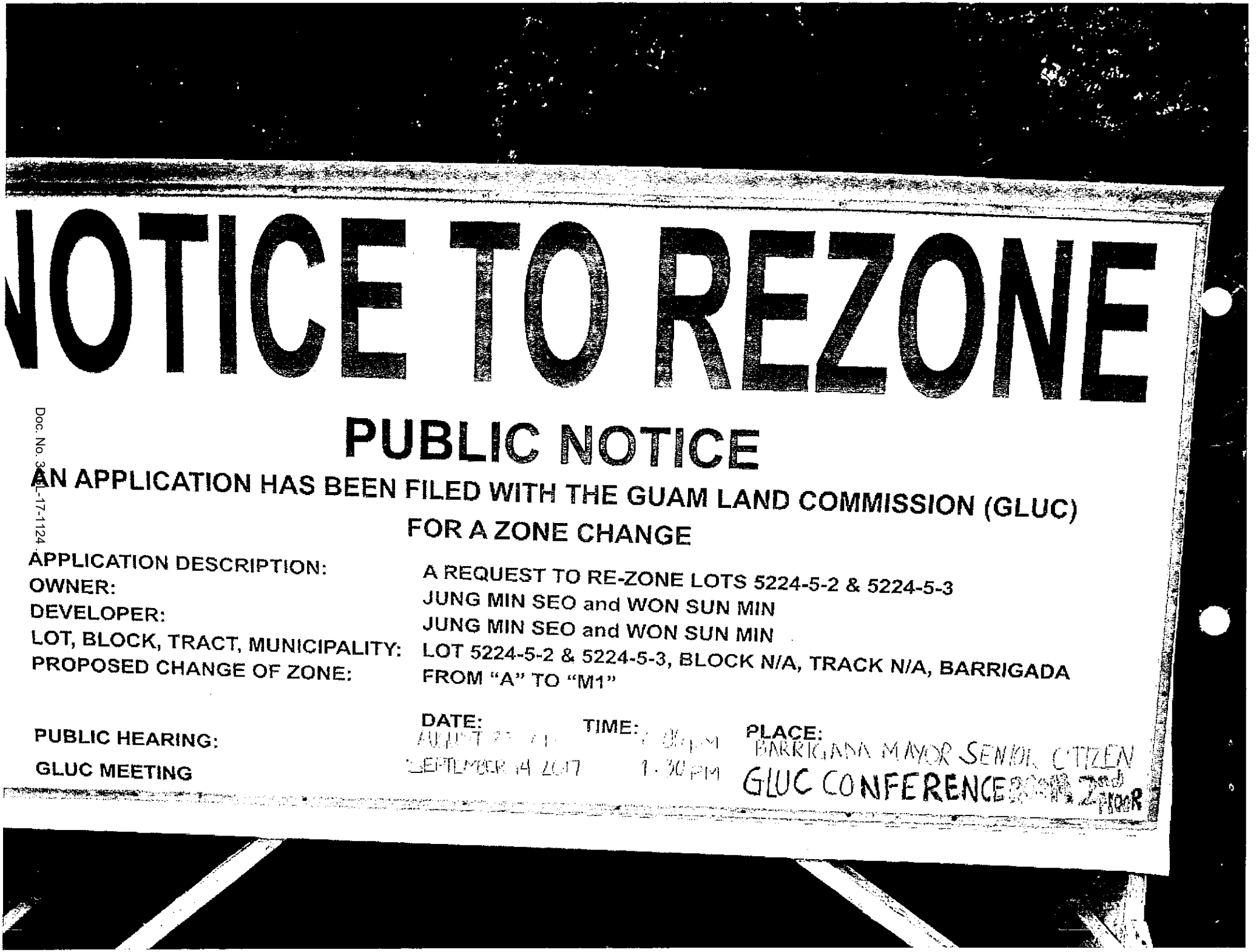
PUBLIC NOTICE

Doc. No. GL-17-1124

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

APPLICATION DESCRIPTION:	**A REQUEST TO RE-ZONE LOTS 5224-5-2 & 5224-5-3**
OWNER:	**JUNG MIN SEO and WON SUN MIN**
DEVELOPER:	**JUNG MIN SEO and WON SUN MIN**
LOT, BLOCK, TRACT, MUNICIPALITY:	**LOT 5224-5-2 & 5224-5-3, BLOCK N/A, TRACK N/A, BARRIGADA**
PROPOSED CHANGE OF ZONE:	**FROM "A" TO "M1"**

	DATE:	**TIME:**	**PLACE:**
PUBLIC HEARING:	AUGUST 23 2017	6:00 PM	BARRIGADA MAYOR SENIOR CITIZEN
GLUC MEETING	SEPTEMBER 14 2017	1:30 PM	GLUC CONFERENCE ROOM 2nd FLOOR



NOTICE TO REZONE

PUBLIC NOTICE

Doc. No. 34-17-1124

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

APPLICATION DESCRIPTION:	A REQUEST TO RE-ZONE LOTS 5224-5-2 & 5224-5-3
OWNER:	JUNG MIN SEO and WON SUN MIN
DEVELOPER:	JUNG MIN SEO and WON SUN MIN
LOT, BLOCK, TRACT, MUNICIPALITY:	LOT 5224-5-2 & 5224-5-3, BLOCK N/A, TRACK N/A, BARRIGADA
PROPOSED CHANGE OF ZONE:	FROM "A" TO "M1"

	DATE:	TIME:	PLACE:
PUBLIC HEARING:	AUGUST 23, 17	1:30PM	BARRIGADA MAYOR SENIOR CITIZEN
GLUC MEETING	SEPTEMBER 14 2017	1:30 PM	GLUC CONFERENCE ROOM 2nd FLOOR

et Address:
urine Corps Drive
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ng Address:
. Box 2950
ia, GU 96932

Website:
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il Address:
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lephone:
-LAND (5263)

acsimile:
649-5383

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

September 1, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-11 (Zone Change)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):
Planning staff recommends Approval with the following condition:

A. That the approval is subject to the ARC conditions and requirements as stipulated in their Official Position Statement.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA): GEDCA has no objections

GUAM POWER AUTHORITY (GPA):
GPA has reviewed the application and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

   a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;

b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
e. Provide scheduling and magnitude of project power demand requirements for new loads;
f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
g. GPA reserves its easement rights established at the Department of Land Management under map 881FY72.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments:
GPA has no objection to the request subject to the conditions cited above.

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-11 to rezone Lot 5224-5-2 and Lot 5224-5-3 from "A" Rural zone to "M-1" Light Industrial zone and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is in an "**Industrial**" designation in the Future Land Use Map of the NCGLUP Policy LU-1 (G), which states:
*"**Industrial.** industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial commercial uses. The Industrial area also includes the Guam International Airport, which serves as* the international *transportation* hub *for both passenger and freight service. A separate Airport Plan ensures compatibility with aviation* facilities, *for the protection of runway safety and clear zones,* and the *protection of public safety. Mineral extraction* is *also permitted in the* industrial *designation. Prior to development, mineral resource uses* must *demonstrate the quality, type, available quantity, development and environmental constraints, and other quantitative* assessment *considerations. Residential development is limited to* uses *such as caretaker facilities and accessory dwelling* units."

The Bureau finds that the proposed Industrial activity is consistent with uses in accordance with the North and Central Guam Land Use Plan.

Aquifer Protection from Commercial Waste. The subject property is in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau is concerned that activities from the proposed commercial zone will adversely affect Guam's sole source aquifer. The Bureau recommends that the property owner, comply with the following:

1. Implement practices for managing waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976."

2. Comply with an Aquifer Protection Review pursuant to the Federal Safe Drinking Water Act, §1424 and Guam Safe Drinking Water Act, 10 GCA Chapter 53. The property owner must work closely with Guam Environmental Protection Agency (EPA) for this review and for implementation of best management practices (BMPs) in preventing runoff from contaminating Guam's sole source aquifer in accordance with the CNMI Guam Stormwater Management Manual.

3. Coordinate with the Guam Environmental Protection Authority (GEPA) for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the *"Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the* Guam *Water Resource Development & Operating Regulations.*

Low Impact Development (LID). The subject property is also located in the Northern Guam Watershed. The LID approach works with nature to manage stormwater as close to its source as possible.LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

29.42% of Northern Watershed is developed and 15.05% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The Bureau is concerned that once impervious surfaces are installed, commercial waste are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors.

The Bureau is also concerned that there are no site plans or drawings included in the application and therefore strongly recommend that LID principles be included in the engineering design for this project.

The Bureau recommends the property owner to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook *"Island Stormwater Practice Design Specifications" is* available on the Bureau's, Guam Coastal Management Program's website www,bsp3.guam.gov.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to *"Historical Objects* and *Sites", 21 GCA, Chapter 76.*

The **Bureau recommends approval** to the Zone Change in order to construct and operate warehouses that would be in conformance to activities and other compatible uses as permitted in a light industrial zoned property. The Bureau finds that the zone change from Rural Zone to light Industrial Zone is consistent with the North and Central Guam Land Use Plan "Industrial" designation.

However, and most especially due to the Aquifer directly below, the activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Subsequently, if this application is approved, the property owner is highly encouraged to implement best management and LID practices during pre and post construction for the management of stormwater protection, and any other concerns by all the Application Review Member agencies/department as stipulated. Moreover, the applicant must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR reviewed the subject application and determined that the Zone Change will not affect historic properties within or around the subject lot. Therefore, they have no objection to the approval of the Zone Change Application.

GUAM WATERWORKS AUTHORITY (GWA):
The Guam Waterworks Authority (GWA) has reviewed the applicant's request on Lot 5224-5-2 and 5224-5-3 for a zone change from "A" (Agriculture) to "MI" (Light Industrial) zone to construct a warehouse.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. The applicant must provide GWA with site development plans to construct the proposed commercial building. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department well in advance of the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management (DLM) and provide copies to GWA.

4. The applicant shall install GWA water meters in the public right of way or easement.

5. Backflow prevention devices are required for non-residential activities.

6. New development is subject to water and/or sewer system development charges (SDC).

7. Grease traps or interceptors are required for food service establishments.

8. Storm water discharge to the sanitary sewer system is prohibited.

9. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account classification and utility service requirements.

Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance establishments.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures.

DEPARTMENT OF AGRICULTURE (DoAg):

Agriculture has reviewed and inspected the subject lots for a zone change from an **Agricultural** to an M1-Light **Industrial** and finds that there has been no major agricultural activities on these lots for at least 10 plus years, so any adverse impacts to any agricultural activity is minimal. However, just to the north east of the property there is currently a large scale agricultural greenhouse production farm that is actively farming in the immediate area. This poses serious concerns with regard to chemicals that may be associated with M1-Light Industrial facilities and other products that will have an adverse impact to these nearby crops either through wind drift, seepage and cross contamination should water supplies become tainted with industrial chemical compounds. The developer must insure that proper mitigation measures are in full effect if this application passes the GLUC review process.

With other major **"Environmental Impacts"** to the area as a whole would also present other concerns for an M1 development slated for the two lots. As a result our agency must require further information as to the activity that will be proposed for the area to better understand and to help implement any **Best Management Practices** that will help prevent, limit and control any adverse impacts to **"Northern Aquifer and the Coastal Zones"** that are all connected and in proximity to the Bello area of Barrigada as a whole.

Such **Best Management Practices** that our agency will require should the **MI zone** and subsequent usage be approved will be **1. protective geo-lining** to handle chemical spills and other liquids common to industrial usage.

2. filtration systems to further protect from spillage and percolation of contaminants into the **Aquifer and Coastal Zones. 3.Comprehensive Landscaping Plan** that incorporates and re-introduces native tree species that once served to prevent erosion and absorb and prevent contaminants from entering **Guam's Northern Aquifer and Coastal Zones. 4. Buffer Zones** that will act as a barrier from the general public should any such development of the area involve chemical drift and other hazardous materials associated with MI- Light Industrial usage.

Please be aware that before any earthen work of the area is to be done, any type of development must have the proper permitting documents in order, with all the regulating agencies signed off and approved for any clearing and grading work.

Should any developers decide to proceed with MI development of the site(s) the **Department of Agriculture** will require a complete **Biological Assessment Report** that determines if any **Federally Listed Protected Endangered Species** have developed any colonies and habitat.

This report will be required only if the sites are to be developed after any zone change requests have gone through approved or not and before securing any Clearing and Grading/Building permits from the Department of Public Works. This is to ensure the continuation of protected species here on Guam.

With regards to the **Landscaping Plan;** Agriculture would like to recommend the implementation and incorporation of the plan to reflect the use of **Native Indigenous Tree Species and or Fruit Trees.** The reason being as stated above is for these species to serve in protecting the **Northern Aquifer, Coastal Zones and the Environment as a Whole.** These species have the important benefit of preventing absorption of contaminants into the drinking supply as well as holding the soils in place to prevent erosion issues further down the road to development, provide a natural buffer to winds and rain especially from Guam's frequent Typhoons and periods of drought. For assistance in developing the plan please contact our **Agricultural Development Services and Forestry Division's** here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains these native species should you choose to incorporate them into any project slated for development. Please be aware that increased loss of habitat here on Guam contributes greatly to the diminished capacity to sustain and support a healthy island community as well as the re-charging of our water lens.

It is vital that all land developers take a pro-active step in preventing and causing this loss. To fully benefit and see these eco-friendly practices being used, visit our **Department of Agriculture's Organic and Environmentally friendly Demonstration Farm** where many of these practices are showcased for the benefit of the public and to encourage the spread of these methods for the preservation and sustainability of the island.

The Department of Agriculture does not oppose the zone change request granted all the above steps, requirements and recommendations have been followed and addressed.

DEPARTMENT OF PUBLIC WORKS (DPW):
Has not submitted Position Statement as of Staff Report date.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):
Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):
Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):
Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):
Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar

Attachments: ARC Position statements
Cc: Executive Secretary, GLUC

GUAM WATERWORKS AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

RECEIVED
MAY 23 2017
Department of Land Management
Time 1015 Intl

MEMORANDUM

May 18, 2017

TO: Michael Borja, Director, Department of Land Management

FROM: Miguel C. Bordallo, P.E. General Manager

SUBJECT: Position Statement on Zone Change Application No. 2017-11 for Lot 5224-5-2 & 5224-5-3, in the Municipality of Barrigada.

APPLICANT(S): Jung Min Seo (Trustee of M.J. Ling Trust) and Won Sun Min

The Guam Waterworks Authority (GWA) has reviewed the applicant's request on Lot 5224-5-2 and 5224-5-3 for a zone change from "A" (Agriculture) to "M1" (Light Industrial) zone to construct a warehouse.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. The applicant must provide GWA with site development plans to construct the proposed commercial building. The site development plans must illustrate the proposed point of connection for water and sewer and is subject to GWA inspection and approval. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department well in advance of the building permit application submittal. Discussions shall include the proposed water demand and sewer production calculations in order to determine if existing facilities can accommodate the proposed development and if any off-site infrastructure improvements may be necessary.

3. If off-site water and sewer infrastructure improvements are installed by the developer, they will require prior approval from GWA, must meet GWA standards, be constructed in the public easement or right of way, and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant. GWA's approval of the occupancy will be contingent upon the completion of offsite improvements.

   The developer shall register maps and documents for new public rights of way or utility easements with the Department of Land Management (DLM) and provide copies to GWA.

4. The applicant shall install GWA water meters in the public right of way or easement.

5. Backflow prevention devices are required for non-residential activities.

6. New development is subject to water and/or sewer system development charges (SDC).

7. Grease traps or interceptors are required for food service establishments.

8. Stormwater discharge to the sanitary sewer system is prohibited.

9. After a GWA utility service account is opened, the account holder is responsible for informing GWA of onsite activity changes that may affect the account classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance establishments.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

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GUAM WATERWORKS AUTHORITY
Gloria B. Nelson Public Service Building
688 Route 15, Mangilao, Guam 96913

RECEIVED
MAY 23 2017
Department of Land Management
Time 1015 Intl

MEMORANDUM

May 18, 2017

TO: Michael Borja, Director, Department of Land Management

FROM: Miguel C. Bordallo, P.E. General Manager

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Department of Agriculture
Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913

Director's Office	300-7965/66; Fax 734-6569
Agricultural Dev. Services	300-7972/73
Animal Health	300-7965
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	300-7975/76; Fax 300-3201
Plant Nursery	300-7974
Plant Inspection Facility	475-1426/27; Fax 477-9487

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Mathew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

RECEIVED
MB 5/24 MAY 23 2017
Department of Land Management
Time 10:15 Intl

May 16, 2017

Memorandum

To : Executive Secretary, Guam Land Use Commission

From: Director of Agriculture

Subject: **"Agricultural & Environmental Impact Statement" for a Zone Change for application 2017-11 Jung Min Seo & Won Sun Min c/o Frank C. Ropberto request from an "Agricultural Zone" to an "M1-Light Industrial" on Lots 5224-5-2 & 5224-5-3 located in the Municipality of Barrigada.**

Agriculture has reviewed and inspected the subject lots for a zone change from an **Agricultural** to an **M1-Light Industrial** and finds that there has been no major agricultural activities on these lots for at least 10 plus years, so any adverse impacts to any agricultural activity is minimal. However, just to the north east of the property there is currently a large scale agricultural greenhouse production farm that is actively farming in the immediate area. This poses serious concerns with regard to chemicals that may be associated with M1-Light Industrial facilities and other products that will have an adverse impact to these nearby crops either through wind drift, seepage and cross contamination should water supplies become tainted with industrial chemical compounds. The developer must insure that proper mitigation measures are in full effect if this application passes the GLUC review process.

With other major **"Environmental Impacts"** to the area as a whole would also present other concerns for an **M1** development slated for the two lots. As a result our agency must require further information as to the activity that will be proposed for the area to better understand and to help implement any **Best Management Practices** that will help prevent, limit and control any adverse impacts to **"Northern Aquifer and the Coastal Zones"** that are all connected and in proximity to the Bello area of Barrigada as a whole.

Such **Best Management Practices** that our agency will require should the **M1 zone** and subsequent usage be approved will be **1. protective geo-lining** to handle chemical spills and other liquids common to industrial usage, 2.**filtration systems** to further protect from spillage and percolation of contaminants into the **Aquifer and Coastal Zones, 3.Comprehensive Landscaping Plan** that incorporates and re-introduces native tree species that once served to prevent erosion and absorb and prevent contaminants from entering **Guam's Northern Aquifer and Coastal Zones, 4. Buffer Zones** that will act as a barrier from the general public should any such development of the area involve chemical drift and other hazardous materials associated with M1- Light Industrial usage.

Please be aware that before any earthen work of the area is to be done, any type of development must have the proper permitting documents in order, with all the regulating agencies signed off and approved for any clearing and grading work.

Should any developers decide to proceed with M1 development of the site(s) the **Department of Agriculture** will require a complete **Biological Assessment Report** that determines if any **Federally Listed Protected Endangered Species** have developed any colonies and habitat. This report will be required only if the sites are to be developed after any zone change requests have gone through approved or not and before securing any Clearing and Grading/Building permits from the Department of Public Works. This is to ensure the continuation of protected species here on Guam.

With regards to the **Landscaping Plan**; Agriculture would like to recommend the implementation and incorporation of the plan to reflect the use of **Native Indigenous Tree Species and or Fruit Trees.** The reason being as stated above is for these species to serve in protecting the **Northern Aquifer, Coastal Zones and the Environment as a Whole.** These species have the important benefit of preventing absorption of contaminants into the drinking supply as well as holding the soils in place to prevent erosion issues further down the road to development, provide a natural buffer to winds and rain especially from Guam's frequent Typhoons and periods of drought. For assistance in developing the plan please contact our **Agricultural Development Services and Forestry Division's** here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains these native species should you choose to incorporate them into any project slated for development. Please be aware that increased loss of habitat here on Guam contributes greatly to the diminished capacity to sustain and support a healthy island community as well as the re-charging of our water lens.

It is vital that all land developers take a pro-active step in preventing and causing this loss. To fully benefit and see these eco-friendly practices being used, visit our **Department of Agriculture's Organic and Environmentally friendly Demonstration Farm** where many of these practices are showcased for the benefit of the public and to encourage the spread of these methods for the preservation and sustainability of the island.

The Department of Agriculture does not oppose the zone change request granted all the above steps, requirements and recommendations have been followed and addressed. For questions and concerns regarding our agencies position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN
P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

RECEIVED
APR 10 2017
Department of Land Management
Time 1040 Int

April 5, 2017

MEMORANDUM

To: Chairman, Guam Land Use Commission
Executive Secretary, Guam Land Use Commission

From: General Manager

Subject: Lots 5224-5-2 & 5224-5-3, Municipality of Barrigada, (Jung Min Seo and Won Sun Min); Zone Change Application from "A" (Agricultural) to "M-1" (Light-Industrial) to construct a warehouse. **Application No. 2017-11**

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   - GPA reserves its easement rights established at the Department of Land Management under map **881FY72**.

2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.

3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.

4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments
GPA has no objection to the request subject to the conditions cited above.

for JOHN M. BENAVENTE, P.E.

ASG/arp

Doc. No. 34GL-17-1124 .

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Jung Min Seo and Won Sun Min
Location: Lots 5224-5-2 & 5224-5-3, Barrigada
Type of Application: Zone Change
GLUC/GSPC Application No. 2017-11
Brief Project Description:
"A" to "M-1" to construct a warehouse.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: **power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.**

1. I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **AVAILABLE AND IN PLACE** to support this project:
   Yes ☒ No ☐

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:

   Yes ☐ No ☒

3. If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are **NOT AVAILABLE** or they are **AVAILABLE, BUT NOT ADEQUATE,** itemize the services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHN M. BENAVENTE, P.E.
General Manager

4/6/17
Date

Comments:
Based on a preliminary inspection of the site, the electrical facilities may require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS
SAGAN PLANU SIHA YAN EMFOTMASION
Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

William C. Mcdonald
Acting Director
Manuel Q. Cruz
Deputy Director

MAY 0 9 2017

6-10-17
RECEIVED
Frank Salas Roberto
Planning Division, GLUC
RECEIVED
MAY 12 2017
Department of Land Management
Time 10:50a Intl

MEMORANDUM

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Acting Director, Bureau of Statistics and Plans

SUBJECT: Position Statement on Application 2017-11; Lot 5224-5-2 & 5224-5-3 Municipality of Barrigada, Guam from "A" Rural Zone to "M-1" Light - Industrial Zone; Applicant: Mr. Jung Min Seo & Mrs. Won Sun Min c/o Frank C. Roberto

Håfa Adai! The applicant(s), Mr. Jung Min Seo and Mrs. Won Sun Min represented by consultant, Frank C. Roberto seeks to rezone their property located in the Municipality of Barrigada, from "A" Rural zone to "M-1" Light-Industrial zone. The applicant is proposing to constructing warehouses and engaging in light industrial activities as permitted in the light industrial zone in a total of 10, 847 square meters or 116,765.14 square feet of property.

Lot 5224-5-2 and lot 5224-5-3 is located in the area known as Bello road off Route 16 in Barrigada behind the Department of Revenue and Taxation Office. The property is currently forested and slightly sloping is 136,856 square feet or approximately 3.1 acres and is surrounded by various activities such as the Cloud K9 Groom and Board, The Jesus Baptist Church of Guam, and other nearby light industrial activity businesses as well as residential dwelling units.

The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-11 to rezone Lot 5224-5-2 and Lot 5224-5-3 from "A" Rural zone to "M-1" Light Industrial zone and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is in an

"Industrial" designation in the Future Land Use Map of the NCGLUP Policy LU-1 (G), which states:
*"**Industrial.** Industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial commercial uses. The Industrial area also includes the Guam International Airport, which serves as the international transportation hub for both passenger and freight service. A separate Airport Plan ensures compatibility with aviation facilities, for the protection of runway safety and clear zones, and the protection of public safety. Mineral extraction is also permitted in the industrial designation. Prior to development, mineral resource uses must demonstrate the quality, type, available quantity, development and environmental constraints, and other quantitative assessment considerations. Residential development is limited to uses such as caretaker facilities and accessory dwelling units."*

The Bureau finds that the proposed Industrial activity is consistent with uses in accordance with the North and Central Guam Land Use Plan.

Aquifer Protection from Commercial Waste. The subject property is in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

The Bureau is concerned that activities from the proposed commercial zone will adversely affect Guam's sole source aquifer. The Bureau recommends that the property owner, comply with the following:

1. Implement practices for managing waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976."

2. Comply with an Aquifer Protection Review pursuant to the Federal Safe Drinking Water Act, §1424 and Guam Safe Drinking Water Act, 10 GCA Chapter 53. The property owner must work closely with Guam Environmental Protection Agency (EPA) for this review and for implementation of best management practices (BMPs) in preventing runoff from contaminating Guam's sole source aquifer in accordance with the CNMI Guam Stormwater Management Manual.

3. Coordinate with the Guam Environmental Protection Authority (GEPA) for water resource conservation and water pollution prevention in protection of the Northern Guam Lens Aquifer pursuant to the *"Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended*

by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.

Low Impact Development (LID). The subject property is also located in the Northern Guam Watershed. The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from roads, parking lots, driveways, sidewalks, and rooftops accelerate stormwater runoff.

29.42% of Northern Watershed is developed and 15.05% is impervious. More development means more impervious surfaces, which translates into a greater risk for increased flooding and decreased water quality. Areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The Bureau is concerned that once impervious surfaces are installed, commercial waste are easily washed into the aquifer. If not managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors.

The Bureau is also concerned that there are no site plans or drawings included in the application and therefore strongly recommend that LID principles be included in the engineering design for this project.

The Bureau recommends the property owner to consider a green approach by implementing island bioretention, permeable parking and walkways, living roofs, grassed swales and/or rain gardens as a means to avoid or minimize runoff from their property. These approaches will add great benefits such as low maintenance, stormwater management, aquifer recharge, beautification, and neighborhood collaboration in accordance with the North and Central Guam Land Use Plan. An electronic file of the guidebook *"Island Stormwater Practice Design Specifications"* is available on the Bureau's, Guam Coastal Management Program's website www.bsp3.guam.gov.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to *"Historical Objects and Sites", 21 GCA, Chapter 76.*

✓ The **Bureau recommends approval** to the Zone Change in order to construct and operate warehouses that would be in conformance to activities and other compatible uses as permitted in a light industrial zoned property. The Bureau finds that the zone change from Rural Zone to light Industrial Zone is consistent with the North and Central Guam Land Use Plan "Industrial" designation.

However, and most especially due to the Aquifer directly below, the activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Subsequently, if this application is approved, the property owner is highly encouraged to implement best management and LID practices during pre and post construction for the management of stormwater protection, and any other concerns by all the Application Review Member agencies/department as stipulated. Moreover, the applicant must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

WILLIAM C. MCDONALD
Acting Director

Department of Parks and Recreation
Government of Guam
490 Chalan Palasyo, Agana Heights, Guam 96910
Director's Office: (671) 475-6296/7; Fax (671) 477-0997
Parks Division: (671) 475-6288/9
Guam Historic Resources Division: (671) 475-6294/5
Facsimile: (671) 477-2822

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

William N. Reyes
Acting Director

In reply refer to:
RC2017-0183

RECEIVED
MBS/12 MAY 12 2017
Department of Land Management
Time 10:50 Intl

May 10, 2017

Memorandum

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DLM Case No. 2017-11, Zone Change
Lot(s): 5224-5-2 & 5224-5-3, Municipality of Barrigada
Applicant: Jung Min Seo & Won Sun Min, c/o: Frank C. Roberto
Case Planner: Frank Taitano

We reviewed the above subject and determined that the Zone Change will not affect historic properties within or around the subject lot. Therefore, we have no objection to the approval of this Zone Change Application.

If you have any questions, please do not hesitate to contact our office.

William N. Reyes
Acting

Bordallo: DACA repeal affects some Guam residents

By Louella Losinio
louella@postguam.com

While a firm number of all the recipients for Guam has yet to be identified, President Donald Trump's decision to end the Deferred Action for Childhood Arrivals program (DACA) has impacted lives on island.

The national data from the U.S. Citizenship and Immigration Services for 2017 show nearly 800,000 individuals, called DREAMers, have benefited from the program.

In a statement, Guam Delegate Madeleine Bordallo said the decision to rescind the program is "an unnecessary and cruel action against members of the community who are or were brought to the United States as children."

DACA was established in August 2012 via executive action from then-President Barack Obama. The program was initiated to provide "certain illegal aliens who entered the United States before the age of 16 a period of deferred action and eligibility to request employment authorization," according to the Department of Homeland Security.

"DACA has allowed 800,000 young people - including some of our neighbors and friends on Guam - to learn and work in our communities and for many, the United States of America is the only country they have ever known," Bordallo said.

Trump's reversal of DACA affects some residents in Guam, Bordallo said. She cited the example of Christine, a 22-year-old DREAMer who arrived in Guam as a child.

"Despite the circumstances dealt her way, she latched onto the American dream and is now a vital part of our society working as a registered nurse - giving back to our society."

Bordallo said while there is work to be done to improve the U.S. immigration system, rescinding DACA does not strengthen efforts to keep America safe or level the playing field. All it accomplishes is creating a level of uncertainty for these DREAMers who contribute positively to our nation, she added.



Donald Trump



Madeleine Bordallo

'The hope of legislative remedy'

Immigration lawyer Shane Black said Guam does not have a lot of DACA cases.

"We do handle a number of DACA cases," he said. "Although the recent decision regarding DACA was something that was anticipated with the new administration, it is still devastating for those who are affected."

According to Black, there is still limited hope for those whose existing benefits would expire before March 5, 2018, provided they file their renewals before Oct. 5 of this year.

"Additionally, there is always the hope of legislative remedy," he added.

Following the announcement from the president, USCIS posted information that it is no longer accepting initial requests for DACA but will adjudicate initial requests for DACA accepted by Sept. 5, 2017.

Furthermore, it is adjudicating only renewal requests received by Oct. 5 of this year, from current beneficiaries whose benefits will expire between Sept. 5, 2017, and March 5, 2018.

More inside
Go to page 18 to read why rescinding DACA is a test for Republicans.

Detention continues for man convicted of fraud

By Louella Losinio
louella@postguam.com

The District Court of Guam decided to continue detaining Gregory L. Brub, who was involved in a bank fraud case, after repeated violations of his supervised release conditions.

Magistrate Judge Joaquin Manibusan Jr. heard the matter in court yesterday, stating that convincing evidence had been filed to enforce continued detention of the defendant pending further proceedings.

Probation officer Ricardo J.P. Leon Guerrero, in court documents, said the defendant violated mandatory and special conditions including the unlawful possession and use of a controlled substance.

Brub, in several instances from July to August 2017, tested "presumptive positive for the use of methamphetamine," according to court documents. He also failed to report to Marianas Psychiatric Services twice for drug testing and failed to call or report to the the U.S. Probation Office the following day.

The defendant also failed to attend several scheduled group and individual counseling sessions at the Lighthouse Recovery Center from June to August 2017.

The probation officer had recommended the court issue a summons for Brub to appear at a hearing or show cause why his term of supervised release should not be subject to mandatory revocation.

In January 2013, District Court Chief Judge Frances Tydingco-Gatewood had sentenced Brub for conspiracy to commit bank fraud.

In 2009, Brub was involved in forging checks drawn on the account of Our Lady of Peace Memorial Gardens, in an attempt to defraud Bank Pacific. According to court documents, Brub was employed at that time as a technician at No Ka Oi Termite and Pest Control. In that employment capacity, Brub had access to the OLOP spaces, which was a customer of the pest-control company.

According to court documents, Brub received a sentence of time served, approximately four months, 21 days, followed by a five-year term of supervised release. His conditions were modified to include 150 hours of community service after testing positive for methamphetamine in September 2013, October 2013 and April 2014.

The magistrate judge granted a request by the defendant's attorney, Leilani Lujan, to continue hearing the case on Sept. 27.

JUDICIARY OF GUAM
Suite 300 Guam Judicial Center
120 West O'Brien Drive
Hagatna, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3337
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NOTICE OF PUBLIC MEETING

The Judicial Council of Guam will conduct its monthly meeting on Thursday, September 14, 2017, in the Justice Monessa G. Lujan Appellate Courtroom located on the 3rd Floor of the Guam Judicial Center, 120 West O'Brien Drive in Hagåtña at 12:00 p.m. The agenda will be made available prior to the meeting.

Any person(s) needing special accommodations, auxiliary aids or services, please contact the Administrator of the Courts at 475-3544, or Joanna S. McDonald at 475-3300.

/s/ CHIEF JUSTICE KATHERINE A. MARAMAN
Chairwoman

GUAM LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU
P.O. Box 2950, Hagatna, Guam 96932
Tel: (671) 649-5263, Fax: (671) 649-5383

EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director
DAVID V. CAMACHO
Deputy Director

AGENDA

The Regular meeting of the Guam Land Use Commission will be held on Thursday, September 14, 2017 at 1:30 pm, The Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – August 24, 2017
III. Old Business [None]
IV. New Business
A. Jung Min Seo & Won Sun Min; Zone Change from "A" to "M-1" zone for proposed construction of warehouses & other permitted uses in an "M-1" zone, on lots 5224-5-2 & 5224-5-3 Barrigada. [2017-11]
V. Administrative Matters
B. Agana Shopping Center; Request for Consideration for the continued operation of the Agana Shopping Center's four electronic video wall signs, on Lot 82-1-5-R10-NEW-3, Hagatna. [2012-22A]
VI. Adjournment

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina at 649-5263 Ext. 375

Doc. No. 34GL-17-1124 .

Ceremony to float peace lanterns by the beach

By Alana Chargualaf
alana@postguam.com

The public is invited to a proa lantern floating ceremony on Saturday as a way to call for peace and for Guam residents to share a multicultural practice of honoring departed loved ones.

The ceremony is being organized by the Guam Nikkei Association, a group of Guam families whose ancestry is a mix of Chamoru and Japanese.

The ceremony encourages harmony and unity in community, the group said.

This is the third year the Proa Lantern Floating Ceremony will be held.

Registration and design will begin from 1 to 5 p.m. followed by the lantern floating ceremony at 6 p.m.

Participation is free, but donations of $5 or more will allow participants to get a souvenir of the event.

This Sept. 16 event will be at the Gov. Joseph Flores Memorial Beach Park, next to Ypao Beach.



LANTERN CEREMONY: Monte Mesa, president of the Guam Nikkei Association, presents a model of the proa that will be used during the Annual Lantern Floating Ceremony to be held this Saturday at the Gov. Joseph Flores Memorial Beach Park. Norman M. Taruc/The Guam Daily Post

A press conference to announce the upcoming event was held yesterday at the Guam Premier Outlets.

Showcased on the panel were representatives of Guam's Chamoru, Japanese, Chinese, Korean and Filipino cultures. Each shared their sentiments of peace and appreciation for Guam's diverse melting pot.

All are invited to come and solemnly acknowledge, reflect, and remember lost loved ones, the organizers said.

"The key elements of the lantern include the proa, a canoe symbolizing 3,000 years of fishing, communication and transport around the Marianas; fire, symbolizing the spirit; and paper, symbolizing the lanterns, which originated as a festive part of Japanese culture.

The lantern's design is credited to Eagle Scout Joshua Cepeda.

Guam Nikkei Association President Monte Mesa said the lanterns are biodegradable, and will be collected when the ceremony is complete.

The ceremony, Mesa said, is "an effort for Guam and Asian cultures to join in a spirit of love, and especially, inafa'maolek," which, in Chamoru, means to make things good or right."

Guam is a "shining example of this spirit of harmony and peace," Mesa said.

Mesa shared a goal of the Nikkei Association, which is for Chamorro-Japanese families such as Ichihara, Okada, Shimizu, Onedera and others, to strengthen their connection with their Japanese heritage.

Woman who wrote 101 bounced checks denied release pending sentencing

By Louella Losinio
louella@postguam.com

The court rejected a motion for the release of Katrina Tedtaotao, who faces sentencing on conspiracy to commit bank fraud and bank fraud, during a hearing at the District Court of Guam yesterday.

Tedtaotao's lawyers had submitted a motion for her to be released pending sentencing, to which the government legal counsel objected.

The case was heard by Magistrate Judge Joaquin Manibusan Jr.

Shawn N. Anderson, acting U.S. attorney, in court documents said that the defendant has "demonstrated on numerous occasions that she cannot comply with court-ordered conditions of release."

Court documents indicate that Tedtaotao pleaded guilty to conspiracy to commit bank fraud and bank fraud on May 2016. While on release, she committed retail theft on July 2016, according to court documents.

"She has violated other court-ordered release conditions such as her failure to report for drug testing and her use of narcotic drugs," Anderson said.

With prior multiple theft and financial fraud-related crimes, government counsel also said that the defendant poses a danger to the community.

"The defendant's prior criminal history and instant conviction in the present case reflect an extensive pattern of her disregard for the law, and the well being of others. The defendant's unwillingness to abide by court-ordered release condition and her criminal history support continued detention," Anderson said.

Fraudulent checks

On March 10, 2014, Tedtaotao opened an individual checking account at Wells Fargo N.A. The account was closed on June 14, 2014, due to insufficient funds.

From May 7, 2014, to June 1, 2014, Tedtaotao and others entered into a scheme to electronically depositing worthless and fraudulent checks from Tedtaotao's defunct Wells Fargo Bank account into Bank of Guam accounts, which would inflate the account balances. Tedtaotao and co-conspirators would then electronically withdraw from the accounts or make debit purchases before bank officials discovered the checks were worthless.

Tedtaotao and others recruited people with active Bank of Guam accounts and paid them for use of their account debit cards and PIN numbers.

The defendant attempted to obtain more than $71,000, and obtained at least $49,438, all by fraud.

Tedtaotao duped the Bank of Guam by writing at least 101 fraudulent checks, court documents state.

GUAM LAND USE COMMISSION

Department of Land Management
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EDDIE BAZA CALVO
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Deputy Director

AGENDA

The Regular meeting of the Guam Land Use Commission will be held on Thursday, September 14, 2017 at 1:30 pm, The Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning.

I. Roll Call
II. Approval of Minutes – August 24, 2017
III. Old Business [None]
IV. New Business
A. Jung Min Seo & Won Sun Min; Zone Change from "A" to "M-1" zone for proposed construction of warehouses & other permitted uses in an "M-1" zone, on lots 5224-5-2 & 5224-5-3 Barrigada. [2017-11]
V. Administrative Matters
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VI. Adjournment

Funding Source provided by above Applicants
Person(s) requiring special accommodations please call Cristina at 649-5263 Ext. 375

GSA General Services Agency

(Ahensian Setbision Hinirat)
Department of Administration
Government of Guam
148 Route 1 Marine Drive, Piti, Guam 96915
Tel: 475-1707-13 Fax: 472-4217/475-1727

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES

A non-refundable fee of $10.00 per bid package will be assessed.
Certified Check, Cashier's Check, Cash will be accepted. No personal or company check.
Payment for bid package picked up after 3:00 pm will not be accepted.

INVITATION FOR BID

BID NO.:	GSA-091-17
FOR:	SCANNING, INDEXING, ENCODING, AND ELECTRONIC FILING SERVICES
Submission Date:	September 27, 2017 Time: 10:00AM
Place:	GENERAL SERVICES AGENCY, PITI, GUAM

Location of the General Services Agency is located next to the Piti Fire Station.

The bid package will be available at GSA in piti commencing on date of advertisement up to the opening date and time stated above or can be downloaded from the GSA website: gsa.doa.guam.gov from the date of advertisement.

GSA recommends that prospective bidders register current contact information with GSA to ensure they receive any notices regarding any changes or updates to the IFB. The procuring agency and GSA will not be liable for failure to provide notice to any party who did not register current contact information.

Doc. No. 34GL-17-1124

/s/ CLAUDIA S. ACFALLE
Chief Procurement Officer

GUAM LAND USE COMMISSION

Chairman John Z. Arroyo
Vice Chairman Victor F. Cruz
Commissioner Conchita D. Bathan

Commissioner Tae S. Oh
Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary
Nicolas E. Toft, Legal Counsel (OAG)

AGENDA - Disposition

Regular Meeting

Thursday, September 14, 2017, 2017 at 1:30 p.m.

Department of Land Management Conference Room
590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning
[As advertised in the Guam Daily Post on September 7th and September 12th, 2017]]

I. Notation of Attendance [X] Quorum 1:37 p.m. [ ] No Quorum
Present were: Chairman Arroyo, Vice Chairman Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Legal Counsel Nicolas Toft, Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, August 24, 2017

[Action – Motion to approve the Minutes of August 24, 2017 was passed unanimously as presented; 5 ayes, 0 nay]

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. The Applicants, Jung Min Seo and Won Sun Min represented by Frank C. Roberto; request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, for the proposed construction of warehouses and other permitted uses within an "M-1" zone, on Lots 5224-5-2 and 5224-5-3, in the Municipality of Barrigada, Application No. 2017-11.
Case Planner: Frank Taitano
[Action – Commission unanimously voted to approve the applicant's request for a zone change subject to conditions and/or recommendations noted in the official ARC position statements; 5 ayes, 0 nay.]

V. Administrative & Miscellaneous Matters

Request for Extension

B. The Applicant, Agana Shopping Center; request for consideration for the continued operation of the Agana Shopping Center's four (4) electronic video wall signs, on Lot 82-1-5-R10-NEW-3, in the Municipality of Hagatna, in "C" (Commercial) zone, under Application No. 2012-22.
Case Planner: Penmer Gulac
[No action taken]

VI. Adjournment [2:50 p.m.]

913612

Government of Guam, Department of Land Management
Office of the Recorder 913612

File for Record is Instrument No. _____

On the Year 20 17 Month 10 Day 12 Time 4:24

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder Jan Yamasaki

Above Space for Recorder's Use only

ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, September 14, 2017
1:37 p.m. to 2:50 p.m.

GUAM LAND USE COMMISSION
Regular Meeting
Thursday, September 14, 2017
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

913612

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting:	Thursday, September 14, 2017	X	GLUC		GSPC
		X	Regular		Regular
Time of Meeting:	GLUC: 1:37PM		Special		Special
		✓	Quorum		Quorum
			No-Quorum		No-Quorum

COMMISSION MEMBERS	SIGNATURE
Chairman John Z. Arroyo	
Vice Chairman Victor F. Cruz	
Commissioner Conchita D. Bathan	
Commissioner Tae S. Oh	
Commissioner Hardy T.I. Vy	

STAFF	
Michael J.B. Borja, Executive Secretary	
Nicolas E. Toft, Legal Counsel (OAG)	
Marvin Q. Aguilar, Chief Planner	
Frank Taitano, Planner IV	
Penmer Gulac, Planner IV	
Celine Cruz, Planner IV	
M. Cristina Gutierrez, WPS II	

ADJOURNMENT: GLUC: 2:50PM

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, September 14 2017• 1:37 p.m. to 2:50 p.m.

I. Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, September 14, 2017 to order at 1:37 p.m., noting a quorum.

Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Legal Counsel Nick Toft, Guam Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez

Chairman Arroyo the agenda in front of you, there are only two items to discuss. Does anybody want to make any changes on the items on the agenda. [None noted]

II. Approval of Minutes

Chairman Arroyo the first item is the approval of the August 24, 2017 Minutes. Cristina had sent them out by email, and I am sure you have had a chance to take a look at them. I am ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I move to approve the GLUC regular meeting Minutes of August 24 2017.

Chairman Arroyo moved by Commissioner Bathan; is there a second.

Vice Chairman Cruz second.

Chairman Arroyo seconded by Vice Chair. Is there any discussion on the motion? [None] On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioner Bathan, Commissioner Oh, Commissioner Vy], all opposed say "nay."

[Motion passed; 5 ayes, 0 nay]

III. Old or Unfinished Business [None]

IV. New Business

Zone Change

A. The Applicants, Jung Min Seo and Won Sun Min represented by Frank C. Roberto; request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, for the proposed construction of warehouses and other permitted uses with an "M-1" zone, on Lots 5224-5-2 and 5224-5-3, in the Municipality of Barrigada, under Application No. 2017-11. Case Planner: Frank Taitano

Marvin Aguilar (Chief Planner) referred to Staff Report dated September 1, 2017. Chief Planner Aguilar noted a correction on Page 2 on the public hearing date that should read **August 23, 2017**; continues to read the staff report to include purpose, facts, public hearing results, staff analysis/discussion, recommendation. [For full content/context, please see attached report]

[Attachment A – Staff Report dated September 1, 2017]

Chairman Arroyo any questions? [None noted]

Chairman Arroyo pointed out that both a letter and Resolution had been received from the Barrigada Mayor's Office. In the letter, it mentioned that they had five concerns; but, the concerns were not listed nor were there any recommendations or suggestions to address the Mayor's concerns, and asked if the Mayor was just pointing out the concerns.

Marvin Aguilar responded that it was just being pointed out per the regulations.

Chairman Arroyo it was pointed out and the statutes were referenced, but they did not indicate what their concerns were.

Marvin Aguilar the Mayor of Barrigada and the MPC are very concerned about development in their municipality. They have always stressed the need to ensure that any type of development in Barrigada, that the permitting requirements are followed.

Chairman Arroyo nonetheless, they are supporting the request of the zone change.

Marvin Aguilar added that there were no objections stated in the official position statements that was received from the ARC agencies.

Chairman Arroyo please state your name for the record.

Frank C. Roberto representing Jung Min Seo and Won Sun Min for the application for a zone change from "A" to "M1." Mr. Roberto stated that he had a copy of the Resolution from the Mayor's Office. He shared with the Commission, to not go to the Legislature for a zone change; but, work with the Department of Land Management and the Mayor for a zone change. Recommendations made by DLM were addressed and was almost smooth sailing all the way through the process.

The applicants are looking into developing large warehouses. He added that the owners had warehouses located at Hamburger Road which were eventually sold to Quality Distributors. Mr. Seo then built another warehouse and saw the value of having warehouses; and more so because of the impending buildup, and knows that there is a market for warehouses.

A fire hydrant will be put in place in the vicinity which is non-existent. Manholes are available on the main Bello Road and has been discussed with GWA. Even with the zone change we will still have to go through what is required by EPA, Public Works and all permitting agencies.

Chairman Arroyo when you go through the permitting process you will have to meet the requirements. With a warehouse there, are you anticipating any impact to the traffic, the existing traffic.

Frank Roberto responded; we will have a catchment from the sewer that then pumps it up to the main sewer line. For people to come up there and it being a distribution center and currently the owner has a fabricating machinery and a welding shop. But, Mr. Seo is looking more towards rental, and not a distribution center.

Vice Chairman Cruz you mentioned something about the sewer, can you explain it again.

Frank Roberto in front of the property there are 3 manholes and you can tell that is where the sewer is at and will not be an issue. There will be a catchment then that shoots that up to the sewer line, and this has been discussed.

Vice Chairman Cruz the elevation of the property is lower than the sewer.

Frank Roberto it is the same with the exception of the back portion of the property because that slopes down towards the church. I advised Mr. Seo and Mrs. Min that having positive drainage and all that stuff to make sure that the runoff water that those are taken care of and addressed.

Vice Chairman Cruz the owner will be building a lift station.

Frank Roberto it is part of that because on the bottom there is the church and to the right of that is the dog grooming facility.

Vice Chairman Cruz asked if the church was connected to the sewer to which Mr. Roberto responded that he was not sure.

Marvin Aguilar the church was not connected to the sewer. Part of our analysis was what would be permitted under the current zone versus what is being proposed. Under the agriculture zone single family dwellings and duplexes can be built; proper density must be ensured, and if the density is to be reduced there has to be some sort of public sewer connection that is needed. That is where it becomes critical that a pump lift station is incorporated into the development plan. With commercial, industrial uses, it is my understanding is not as stringent and have allowed in the past to permit such operations to have septic holding tanks.

[Discussion ensues on sewer.]

Commissioner Bathan can you tell us more about the light industrial activities that you will have on the property once approved as an M-1 zone.

Frank Roberto the only thing discussed with the applicant is the warehouse business; he would like to put two warehouses on the property.

Commissioner Bathan you have no information on the light industrial activities because you specified in the application that the warehouses will be rentals, but no indication on the type of light industrial activities.

Vice Chairman Cruz what I am hearing is it will be leased.

Commissioner Bathan I understand that, but for the light industrial activities.

Frank Roberto it would still need to meet the requirements on whatever is decided for the use of the warehouses.

Chairman Arroyo I think what Commissioner Bathan is asking is, what will the warehouses be used for. Do you know?

Frank Roberto at the moment I do not know. They have warehouses for storage and machinery fabrication shop. The applicants have indicated that they may stay at the current location or move to the new Bello location.

Michael Borja (Executive Secretary) why is the applicant requesting for an "M1" zone if all he wants is a warehouse. The question is what is the applicant going to use the warehouses for.

Frank Roberto people have been asking or looking for warehouses, and discussion has always been for storage use only.

Vice Chairman Cruz is the applicant just looking to be compatible with the surrounding lots that are M-1.

Marvin Aguilar the area is predominantly M-1.

Commissioner Oh this area is a bit of concern to me considering that I have driven in the area several times. There are residential homes sitting next to a trash company and beyond that apartment units.

[Discussion ensues on the various companies situated in the vicinity which are predominantly M-1 businesses, AICUZ zoning, area not being conducive for residential homes.]

Vice Chairman Cruz how many residential houses in the area.

Frank Roberto only residential home is across the street from the property; I think there are two houses and Mr. Larsen's dog grooming facility and at the bottom area is the church.

[Lengthy discussion ensues on radius and vicinity maps and zoning of properties within the subject property which is predominantly M1 zoned; homes located across the street from subject property are the last remaining homes in the area.]

Frank Taitano (Case Planner) added that when the major rezoning of the Bello Road occurred years ago, the basic lot of 5224-5 and a portion of 5224-6, basically within that core there, the two

brothers were the only ones that were never rezoned to M1. The laws created and passed basically rezoned everything else. On both sides of Bello there are various landowners who have come in and rezoned their property to M-1.

Marvin Aguilar it was really the Guam Legislature that changed the characteristics of the area; majority of the properties were rezoned for major industrial uses. The most critical issue that we were looking at was AICUZ (Air Installation Compatible Use Zone); there was more focus on this.

Commissioner Bathan on the 750-radius map of the subject lot are there any properties zoned R1 or R2.

Marvin Aguilar only A and M1.

Commissioner Oh previous trends of the area seem like it is going more towards industrial, and I am in full support of the request. But, there is a requirement within the zone change application that there has to be a map drawn to scale showing the existing zoning within a 1000-feet radius. Does the Commission want to wait for this map or move forward without the map.

Chairman Arroyo Chief Planner answered the zones within the area; however, the applicant has to ensure that the application that is submitted is complete. If you could submit that map to the Chief Planner or Case Planner to make sure that the application is complete.

Commissioner Oh I do want to ask a few questions about some of the properties that are surrounding the subject lot. From the radius view, it does not seem that there are any residential immediately in the vicinity.

[Discussion ensues on businesses within radius of the subject lot. Mr. Aguilar points out where residential homes are located as well as companies within the area.]

Commissioner Bathan this area is going towards M1 zone which I believe is the most appropriate zone rather than agricultural because of the nature of the property. Commissioner Bathan's concern was not really pointing out this application, but as a whole, it seems the direction is really more towards M1 zone and was not really sure if the road which will be used as a major thoroughfare will be able to support the activities that goes with an M1 zone. Commissioner Bathan further added that she did not see a position statement from Department of Public Works.

Marvin Aguilar explained that if you look at the subdivision map, it identifies a 50-foot easement and there is a reservation beyond that. They are going 40-feet and a reservation of 5-feet on both sides.

[Discussion ensues on the easements]

Chairman Arroyo asked of the Commissioners if they had any other questions of staff and the applicant. Seeing none, Chairman Arroyo opened the floor for public comments.

Public Comments **[Seeing none, Chairman Arroyo closed the public comment period.]**

Chairman Arroyo asked of Mr. Roberto if there was anything else he would like to add before the Commission makes a decision.

Frank Roberto responded that he had nothing further and thanked the Commission for their time.

Chairman Arroyo it has been discussed that the area that the general tendency is moving towards an M1 zoning because of the issues the Commission has discussed with the flight paths, AICUZ. In spite of the fact that they do not have an intended use for the warehouse at this point in time, the application is kind of spelling out that they want to make it compatible to the surrounding zones in the area.

If there are no other comments, I am happy to entertain a motion.

Commissioner Oh Mr. Chair, I would like to introduce a motion to approve the applicants, Jung Min Seo and Won Sun Min represented by Frank C. Roberto; their request for a zone change from "A" to "M1" zone for the proposed construction of warehouses and other permitted uses within an "M1" zone, on Lots 5224-5-2 and 5224-5-3, in the municipality of Barrigada, Application No. 2017-11, with the following condition that the approval is subject to the ARC conditions and requirements as stipulated in the official position statements.

Chairman Arroyo there is a motion on the floor by Commissioner Oh, is there a second.

Commissioner Vy second.

Chairman Arroyo seconded by Commissioner Vy. Any discussion on the motion? [None noted] On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Oh, Vy and Bathan], all opposed say "nay."

[Motion passed; 5 ayes, 0 nay]

V. Administrative and Miscellaneous Matters

Request for Extension

B. The Applicant, Agana Shopping Center; request for consideration for the continued operation of the Agana Shopping Center's four (4) electronic video wall signs, on Lot 82-1-5-R10-NEW-3, in the Municipality of Agana, in a "C" (Commercial) zone, under Application No. 2012-22. Case Planner: Penmer Gulac

Chairman Arroyo the next item on the agenda brings us with a little bit of hesitancy. I would like to ask Legal Counsel to give us guidance on how to proceed with this application.

Commissioner Oh before Legal Counsel gives us guidance on this application, I would like to inform the Board that there is a conflict of interest for me because I am in the same industry. I would like to be as fair as possible towards the applicant; but, I feel that I should not be present for discussion. If it is okay with the Chairman and Commission members, I would like to be recused and exit the room.

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

"Pursuant to Section 5 of Executive Order 96-26, the applicant must apply for and receive a building or grading permit for the approved GLUC/GSPC project within one (1) year of the date of Recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire. This requirement shall not apply for application for Zone Change*."**

GUAM LAND USE COMMISSION

Department of Land Management
Government of Guam
P.O. Box 2950
Hagåtña, Guam 96932

NOTICE OF ACTION

September 14, 2017
Date

To: **Jung Min Seo and Won Sun Min**
c/o Frank C. Roberto
P.O. Box 6547
Tamuning, Guam 96931

Application No. 2017-11

The Guam Land Use Commission, at its meeting on **September 14, 2017**.

____/ Approved ____/ Disapproved **XX/** Approved with Conditions

____/ Tabled

Your request on **Lot Nos. 5224-5-2 and 5224-5-3, Municipality of Barrigada for a:**

NOTICE OF ACTION
Lot Nos. 5224-5-2 and 5224-5-3
Municipality of Barrigada
GLUC Meeting of September 14, 2017

Application No. 2017-11

ZONING

XX/ **Zone Change*****

___/ Conditional Use

___/ Zone Variance
[ ] Height [ ] Use
[ ] Density [ ] Other (Specify)
[ ] Setback

_____/ TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

___/ PL 28-126, SECTION 1(A)

NOTE ON ZONE CHANGE

***Approval by the Guam Land Use Commission of a ZONE CHANGE DOES NOT CONSTITUTE FINAL APPROVAL but rather a recommendation to the Governor for his approval. Applicant shall be notified upon action taken by the Governor. [Reference 21 GCA (Real Property), Chapter 61(Zoning Law), Section 61634 (Decision by the Commission).]

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other (Specify)

Application No. 2017-11

APPLICATION DESCRIPTION:

The applicant, Jung Min Seo and Won Sun Min, represented by Mr. Frank C. Roberto is requesting approval for a Zone Change from "A" (Agricultural) Zone to "M-1" (Light Industrial) Zone of lots 5224-5-2 & 5224-5-3 for the construction of warehouses and to engage in light industrial uses, Municipality of Barrigada.

COMMISSION DECISION:

The Guam Land Use Commission **Approved** the applicants request subject to the following condition;

A. That the approval is subject to the ARC conditions and requirements as stipulated in their Official Position Statement.

Marvin Q. Aguilar **Guam Chief Planner**	9-14-2017 **Date**	**John Z. Arroyo** **Chairman** **Guam Land Use Commission**	9/14/17 **Date**

Case Planner: Frank Taitano

Cc: Building Permits Section, DPW

CERTIFICATION OF UNDERSTANDING

I/We_____ / _____
(Applicant [Please print name]) (Representative [Please print name])

Understand that pursuant to Section 5 of Executive Order 96-26, that a building or grading permit must be obtained for the approved GLUC/GSPC project within one (1) year of the date of recordation of this Notice of Action, otherwise, the approval of the project as granted by the Commission shall expire.

The Commission may grant two (2) one-year extensions of the above approval period at the time of initial approval.

This requirement shall not apply for application for a Zone Change***

I/We, further **AGREE** and **ACCEPT** the conditions above as a part of the Notice of Action and further **AGREE TO ANY AND ALL CONDITIONS** made a part of and attached to this Notice of Action as mandated by the approval from the Guam Land Use Commission or from the Guam Seashore Protection Commission.

_____ _____ _____ _____
Signature of Applicant Date Signature of Representative Date

ONE (1) COPY OF RECORDED NOTICE OF ACTION RECEIVED BY:

_____ _____ _____ _____
Applicant Date Representative Date

Reference No.: **Application 2017-11**

To: **Director, Department of Land Management**
Director, Department of Public Works

Upon review of the decision of the GLUC to approve the zone change and in accordance with Title 21 GCA §61634, I hereby indicate my decision below on the proposed change, and any changes approved shall be endorsed and delineated upon the zoning map, and shall constitute an amendment to such map pursuant to Title 21 GCA §61630. **PERMITS SHALL NOT BE ISSUED UNTIL THE AMENDMENT TO THE MAP HAS BEEN MADE.**

[✓] **APPROVED**

[ ] **DISAPPROVED**

EDDIE BAZA CALVO
Governor of Guam

10/17/17
Date

DECISION GRANTING ZONE CHANGE
(with findings)

Guam Land Use Commission

WHEREAS, the following decision of the Guam Land Use Commission is made in accordance with 21 GCA §61630, now therefore;

WHEREAS, prior to consideration of the application by the Guam Land Use Commission, public hearings on the Zone Change were held on the **23rd** day of **August, 2017**, in the Municipal District of **Barrigada** where the property to be rezoned is located pursuant to Title 21 GCA §61633.

WHEREAS, notice of the time and place of the hearings were published in a newspaper of general circulation on the **13th** day of **August, 2017** as evidenced by an affidavit of publications attached as **Exhibit A**.

WHEREAS, notice was mailed to the Mayor of the Municipal District concerned and to those landowners owning land within 500 feet of the property where the property to be rezoned is located as evidenced by the affidavit of mailing attached as **Exhibit B**.

WHEREAS, in accordance with notices duly issued to consider the application of **Jung Min Seo and Won Sun Min** for a Zone Change, hearing of the Guam Land Use Commission (GLUC) were held on the **14th** day of **September, 2017** as evidenced of publications attached as **Exhibit C**.

BE IT RESOLVED, that on the **14th** day of **September**, **2017**, the Guam Land Use Commission, **Approved** the Zone Change from **"A" to "M-1"** for **Lot Nos. 5224-5-2 and 5224-5-3**, Municipality of Barrigada.

A quorum of the Commission was present. In attendance were:

1. **Mr. John Arroyo, Chairman**
2. **Mr. Victor Cruz, Vice Chairman**
3. **Ms. Conchita D. Bathan, Commissioner**
4. **Mr. Tae S. Oh, Commissioner**
5. **Mr. Hardy T.I. Vy**

Appearing for the applicant was: **Mr. Frank C. Roberto ;**

Also appearing and testifying on the above project were:

None in favor; **None** against:

After considering all the statements and testimony presented by interested parties the GLUC finds that the application for zone change is granted on the following grounds: (Note: All three (3) sections should be answered.)

(a) **Public Necessity**: **The following facts support a finding that public necessity justifies the zone change**:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

(b) Public Convenience: The following facts support a finding that public convenience justifies the zone change:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

(c) General Welfare: The following fact support a finding that the General Welfare of the public is best served by the granting of a zone change:

That the application as presented by the applicant, the Application Review Committee's Position Statements submitted and the results of the Community Public Hearing satisfy the above section.

The members, after due consideration voted to approve the application. The vote of the members was as follows:

5 Ayes 0 Nays 0 Abstentions

This decision was adopted this 14th day of September, 2017, and shall be submitted to the Governor for final approval pursuant to Title 21 GCA §61634.

John Z. Arroyo
Chairman,
Guam Land Use Commission

9/14/17
Date

Attachments: Exhibit "A" (Affidavit of Publications)
Exhibit "B" (Affidavit of Mailings)
Exhibit "C" (Evidenced of Publications)

AFFIDAVIT OF PUBLICATION

I, the undersigned, do hereby depose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled matter.

2. I have personal knowledge of all the facts herein.

3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.

4. On **August 11, 2017,** I submitted the Official Memorandum (attached as **Attachment A**) from the Guam Chief Planner to the Guam Daily Post, Tamuning, Guam; a request to publish the 2 x 2 legal notice to appear on August 13, 2017 for Application No. **2017-11 (Jung Min Seo & Won Sun Min)** to be heard on August 23, 2017 at the Barrigada Community Center. Proof of advertisement is attached as **Attachment B.**

5. This Affidavit is executed as proof of the compliance with 21 G.C.A. Section 61633 (Hearing Date – Notice).

In WITNESS, WHEREOF, I hereby affix my signature this 22nd day of September, 2017.

M. Cristina Gutierrez
Word Processing Secretary II

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 22nd day of September, 2017.

TERESITA A.C. TOVES NOTARY PUBLIC

Notary

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT A

DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

August 8, 2017

COPY

Guam Daily Post
388 S. Marine Corps Drive
Core Tech Int'l Building, Suite 301
Tamuning, GU 96913

Hafa Adai!

Please publish this legal public hearing notice on a **2x2** inch column ad to appear in the Guam Daily Post on **Sunday, August 13, 2017.**

Attached is a check for the amount of **$96.00** to cover the government advertisement scheduled on the abovementioned date.

Please send proof to Cristina.gutierrez@land.guam.gov for review.

Thank you for your attention to this request.

Regards,

Marvin Quitugua Aguilar
Guam Chief Planner

RECEIVED
By: Leo
08/11/17

Attachments: Public Hearing Notice

Department of Land Management
P.O. Box 2950, Hagåtña, Guam 96932
Tel: 649-5263 Ext. 375: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: **August 23, 2017**
Time: **6:00 pm**
Place: **Barrigada Community Center**

For: Jung Min Seo & Won Sun Min; Zone Change request from "A"" to "M1" for proposed warehouses and other permitted "M1" uses, on Lots 5224-5-2 & 5224-5-3, Barrigada. [2017-11]

Funding Source provided by the Applicant.

Persons requiring special accommodations, please call Cristina at 649-5263 ext. 375 or email at cristina.gutierrez@land.guam.gov

GWA: School headquarters delay developer's fault

By John O'Connor
john@postguam.com

About two months have passed nce Guam Waterworks Author- y officials said they may be able › alleviate water-pressure issues reventing the Guam Department of ducation from occupying its newly uilt headquarters in Tiyan, but those sues have not yet been resolved.

The NAS-1 water well in Tiyan was ıut down last year because of high- r-than-desired levels of perfluorooc- ıne sulfonate (PFOS) chemicals. The ıutdown dropped the water pres- ure in the Tiyan area, but the utility as been able to maintain services y isolating leaks and other problem ots within the system.

Pressure at the new GDOE head- uarters is enough to meet minimum ervice levels, but not enough to feed ıe building's sprinkler system. A ump and water tank are needed to ugment the current water pressure, ut this will come at a cost to GDOE, resumably paid through a collateral quipment budget in the contract ith developer Core Tech Interna- onal Corp.

This could cost $100,000 in xpenses not normally associated ith collateral purchases.

Testing at NAS-1 has shown that vels of PFOS have now dropped elow the advisory level issued by ıe U.S. Environmental Protection gency. GWA General Manager liguel Bordallo said the utility is sking U.S. EPA if GWA can open the ell to improve pressure in the area rior to installing a carbon filtration ystem.

U.S. EPA had not responded to this equest in time for a July 19 meeting f the Consolidated Commission on tilities, but the federal agency did sk when GWA could acquire the carbon system and when the next school year would begin.

Tiyan High School is near the new GDOE headquarters and has experienced some water issues. The opening for the new headquarters has also been delayed for months due to a combination of water pressure issues and other factors.

Core Tech and GDOE have pointed to water-pressure issues in statements on the delay.



STEM PROJECT: Eleventh-graders of Dymphna San Nicolas-Diaz's math class practice operating their remotely operated vehicles at Tiyan High School in this Jan. 11 file photo. If delays continue in getting the NAS-1 water well in Tiyan online, then it may close off school activities at the beginning of the school year. Post file photo

GWA: Developer knew of potential issues

However, Bordallo said during a meeting on July 19 that Core Tech was aware of potential water-pressure issues during the initial design phase for the headquarters.

He stated that the initial design from Core Tech showed the developer based the design of the building off plans to connect to the airport water system. However, this is not allowed under grant stipulations imposed on the airport.

According to Rolenda Faasuamalie, spokeswoman for the A.B. Won Pat Guam International Airport Authority, a multitude of federal compliance and regulations govern airport operations. Its water system project was funded by the Federal Aviation Administration and the use of that system by another local agency is not allowed under grant stipulations, she said.

GWA officials noted this in the design process for the new GDOE headquarters, according to Bordallo. The connection with the airport was not authorized, but construction proceeded with the intention of using GWA's water system.

But even then, Bordallo said GWA informed Core Tech that connecting to the utility's water system may not be enough to service the headquarter's sprinkler system, and it may need the installation of a tank and pump.

"We let them know that years ago, and (the headquarters) didn't get constructed that way," Bordallo said.

"Now they're coming back to us and saying, 'It's your fault.' I'm going to take exception to that. I don't think it's our fault. I think it's (Core Tech's) fault for not following the appropriate steps and not taking our advice into account."

The focus is getting NAS-1 back online and servicing the area, but Bordallo said the well was also online when the initial determination was made by GWA that their own water system would not be able to completely service the new GDOE headquarters.

However, Core Tech President Ho Eun said the issue could have been resolved if GWA and the airport had simply renewed an old memorandum of understanding that could have allowed use of the airport water system.

Bordallo said there was a written operating agreement between the agencies.

The agreement expired in 2012. The agencies have agreed that GWA should continue to operate the airport water system under the same terms of the old agreement while a new operating agreement is drafted and negotiated, according to Bordallo.

Options at the moment

Core Tech is waiting to see what GDOE wishes to do about the situation. Eun said he wants to ensure students receive proper water services when the new building is occupied.

GDOE Superintendent Jon Fernandez said he was aware of GWA's position, but wanted to be able to test the water pressure before deciding to purchase the pump and tank system.

He said he didn't want to purchase the items and then find out the water pressure to the building is sufficient with NAS-1 online. GDOE staff had also done their own assessment in the initial phases of the headquarter's construction and determined there was sufficient water pressure, he added.

Department of Land Management
P.O. Box 2950, Hagåtña, Guam 96932
Tel: 649-5263 Ext. 375: Fax: 649-5383

PUBLIC HEARING NOTICE

Date: August 23, 2017
Time: 6:00 pm
Place: Barrigada Community Center

for Jung Min Seo & Won Sun Min; Zone Change request from "A" to "M1" for proposed warehouses and other permitted "M1" uses, on Lots 5224-5-2 & 5224-5-3, Barrigada. [2017-11]

Funding Source provided by the Applicant.
Persons requiring special accommodations, please call Cristina at 649-5263 ext. 375 or email at cristina.gutierrez@land.guam.gov

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

CP Trading, L.L.C.
dba: CP Trading

as applied for a Class: **3 Wholesaler Alcoholic Beverage License** said premises being marked as Lot: **6, Block 1, Tract 1427 Tamuning**

The Commonwealth Healthcare Corporation (CHCC) is seeking applicants for the following position:

PHARMACY MANAGER

The Commonwealth's lone public hospital is an 86-bed acute and chronic healthcare facility located in the Island of Saipan, Commonwealth of the Northern Mariana Islands (CNMI). The In-Patient Pharmacy Department provides pharmaceutical drug therapies to patients in both the inpatient and outpatient settings as well as continuously developing new programs to improve patient outcomes. The position is a permanent, full time position.

Duties and Responsibilities: Manage and supervise the daily operation of the hospital In-Patient Pharmacy Department. Dispense drug prescribed by physicians and other health practitioners. Implement clinical services and safe-medication practices and provide hospital staff and patients about medications and their uses. Ensure that the pharmacy meets all legal, accreditation, and certification requirements. Recruit, orient and evaluate pharmacy personnel.

Minimum Qualifications: Bachelor's Degree in pharmacy from an ACPE approved/accredited School of Pharmacy or foreign degree equivalent as certified by the National Association of Boards of Pharmacy (NABP). Minimum of five (5) years in an acute or chronic care hospital In-patient pharmacy as a staff or clinical pharmacist. Licensed to practice pharmacy in at least one U.S. state and the CNMI or be eligible for licensure in the CNMI before the start date of employment.

Applications may be obtained on-line at www.chcc.gov.mp including the detail job descriptions for the position of Pharmacy Manager. The completed application must be submitted on or before the closing date of this vacancy announcement on August 30, 2017, together with a cover letter, indicating how you meet the minimum and desirable qualifications, curriculum vitae, college transcripts, three letters of professional references. Applications can be mailed to P.O. Box 500409, Saipan, MP 96950, and should be postmarked on or before August 30, 2017.

Inquiries may be directed to CHCC Human Resources Office at telephone numbers (670) 236-8205, facsimile (670) 233-8756, or e-mail to clarinda.ngirausul@dph.gov.mp. An offer of employment will be conditioned upon the CHCC's receipt of a satisfactory criminal background check.

The CHCC is an equal opportunity employer.

AFFIDAVIT OF MAILING

I, the undersigned do hereby dispose and state that:

1. I am an employee of the Department of Land Management, Government of Guam, and I am not an interested party in the above-entitled manner.

2. I have personal knowledge of all the facts herein.

3. I am competent to testify to the matters stated herein and would so testify in any hearing concerning this matter.

4. On **January 5, 2017, I**, Ernest V. Santos deposited in the United States Postal Service in Tamuning, Guam, via certified return receipt mail (attached as **Attachment A**), thirty-four (34), with postage fully paid, each containing a copy of the Notice of Public Hearing for **Ian Corporation** (attached as **Attachment B),** addressed to the following property owners:

5. The above referenced names and addresses are those of the landowners owning land within five hundred (500) feet of the property for which rezoning is requested, including those to the Commissioner of the Municipal District concerned.

6. This Affidavit is executed as proof of the compliance with 21 G.C.A. Section 61633.

Owner	Parcel Description	Delivery Address	Delivery Address 2
Jesus Baptist Church	L5224-5-1	P.O. Box 218279	Barrigada, GU 96921
Larsen Dennis R. & Vivian L.	L5224-4-1	407 Boman Street	Barrigada, GU 96913
Wagor Energy Company LLC	T1415, B1, L1 & L2,	No. 898, Sec 2, Taiwan Blvd.	Xitun Dist., Taichung City 407, Taiwan ROC
Benavente Rita Mendiola	T1415 B1 L3, -L5 & -L6	P.O. Box 20401	Barrigada, GU 96921
Yu Cheng Shien	T1415 B1 L7	3F NO 367 Chen Te RD	Sec 3 Taipei 10367 R.O.C.
Concepcion Lulene Ann	T1415 B1 L4-1-1	P.O. Box 20401	Barrigada, GU 96921
Concepcion Lourdes Benavente	T1415 B1 L4-1-R1	P.O. Box 20401	Barrigada, GU 96921
Benavente Lourdes M.	T1415 B1 L4-R1	P.O. Box 23951	Barrigada, GU 96921
Feng Johnny & Wang Guang Hua	T1415 B2 L1-3; -L1-4-1 & -L1-4-R1	P.O. Box 10372	Tamuning, GU 96931
IT&E Overseas Inc.	L5224-3-4	P.O. Box 24885	GMF, Guam 96921
Ian Corporation dba: Ian Construction	L5224-3-3; L5224-3-1-R1	P.O. Box 26764	Barrigada, GU 96921
Mesa Carmen	L5224-3-1-1	P.O. Box 22681	GMF Barrigada, GU 96921
Orion Construction Corp. Guam	L5224-3-2	P.O. Box 24348	Barrigada, GU 96921
Jupiter Management Corporation	L5224-3-R4	P.O. Box 11468	Tamuning, GU 96931
International Distributors Inc.	L5224-5-6	P.O. Box 233000	Barrigada, GU 96921

EXHIBIT B

KWM Corporation	L5224-5-5	P.O. Box 10629	Tamuning, GU 96931
Net Enterprises LLCDBA, Net Tours	L5224-5-4	P.O. Box 9796	Tamuning, GU 96931
Polyphase System Inc.	L5224-6-R6-NEW-3	P.O. Box 21146	GMF, Barrigada, GU 96921
Benavente Eugene B. Trustee of, Eugene B. Benavente Revocable Trust	L5224-6-R6-NEW-2	P.O. Box 22212	Barrigada, GU 96921
Benavente Kenneth B.	L5224-6-3	P.O. Box 22212	Barrigada, GU 96921
DDT Konstract INTL LC	L5224-6-2-R1	P.O. Box 11708	Tamuning, GU 96931
Tsung Steven Hsu Hui	L5224-6-1	P.O. Box 397	G.P.O. Brisbane, Queensland 4001, Australia
Benavente Andrew P. & Janice S.	L5224-7-3	705 s. Marine Corps DR. 2ND FLR. #1	Tamuning, GU 96913
Northern Island Company Inc.	L5224-7-1	P.O. Box 3327	Hagatna, Guam 96932
June U. Blas	Mayor of Barrigada	P.O. Box 786	Hagatna, Guam 96932
Department of Land Management	L5229	P.O. Box 2950	Hagatna, Guam 96932
Subramaniam Sivalingam	L5228-R4-R2-2-PTN	PMB 71 Chalan Pale Road STE 116	Yigo, GU 96929
JJ Moving Service Inc. A Guam Corp.	L5228-R4-R2-1-PTN	P.O. Box 22681	Barrigada, GU 96921
Mafnas Maria D.	L5228-R4-R/W	P.O. Box 22055	GMF Barrigada, GU 96921
Ayangco Elvira Lansang	L5228-R4-2	P.O. Box 9507	Dededo, GU 96929
M.C. Paulino Inc.	L5228-R4-R2-R2-PTN; L5228-4-1-NEW-R1-NEW-1 & -R1; L5228-3-1	P.O. Box 10318	Tamuning, GU 96931
M.C. Paulino Inc.	L5228-3-1	312 Pacha Drive	Ipan, Talofofo, GU 96915
Paulino Joseph M., Rosario Rose M., Shimizu Debra Sue, JR.Paulino Manuel C., & Paulino Corey Derrick Trustee	L5228-3-R1	312 Pacha Drive	Talofofo, GU 96915
Mendiola Edward L. & Merilyn R.	L5228-2-R1	228 Katsadan Paluma	Marianas Terrace, Yigo, GU 96929

EXHIBIT B

IN WITNESS, WHEREOF, I hereby affix my signature this 22nd day of September, 2017.

ERNEST V. SANTOS
Land Agent Supervisor

Island of Guam)
) ss:
City of Tamuning)

Subscribed and sworn to before me this 22nd day of September, 2017.

Notary

TERESITA A.C. TOVES
NOTARY PUBLIC
In and for Guam, U.S.A.
My Commission Expires: JULY 13, 2019
P.O. Box 2950 Hagatna, Guam 96932

EXHIBIT B

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here: GARDENA CA 90247 SEP 11 2017

7012 3460 0000 8484 8348

Sent To: M. C. Paulino Inc
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:

PS Form 3800, August 2006 — See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here: GARDENA CA 90247 SEP 11 2017

7012 3460 0000 8484 6290

Sent To: Jesus Baptist Church
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4: 2017-11, Jung Min Seo

PS Form 3800, August 2006 — See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here: GARDENA CA 90247 SEP 11 2017

7012 3460 0000 8484 8355

Sent To: Paulino Joseph, Rosario Rose
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:

PS Form 3800, August 2006 — See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here: GARDENA CA 90247 SEP 11 2017

7012 3460 0000 8484 6284

Sent To: M.C. Paulino
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:

PS Form 3800, August 2006 — See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here: GARDENA CA 90247 SEP 11 2017

7012 3460 0000 8484 8362

Sent To: Michelle Edwards
Street, Apt. No.; or PO Box No.: S Main
City, State, ZIP+4:

PS Form 3800, August 2006 — See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here: GARDENA CA 90247 SEP 11 2017

7012 3460 0000 8484 6306

Sent To: Lauren Dennis Arvizu
Street, Apt. No.; or PO Box No.:
City, State, ZIP+4:

PS Form 3800, August 2006 — See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$ .49
Certified Fee	$3.35
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 3.84

Postmark Here — GARRICIA CU TAMUNING STA

7012 3460 0000 8484 6337

Sent To YU CHENG SHIEN
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DIPÅTTAMENTON MINANEHAN TÅNO'
(Department of Land Management)
GUBETNAMENTON GUÅHAN
(Government of Guam)

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Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

Street Address:
90 S. Marine Corps Drive
Suite 733 ITC Building
Tamuning, GU 96913

Mailing Address:
P.O. Box 2950
Hagåtña, GU 96932

Website:
http://dlm.guam.gov

E-mail Address:
dlmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

July 28, 2017

Dear Sir/Madam:

An application has been filed with the Guam Land Use Commission (GLUC) by:

The Applicant, Jung Min Seo & Won Sun Min, represented by Frank C. Roberto, request for a zone change from "A" (Agriculture) to "M-1" (Light Industrial) for the purpose of constructing warehouses and to have the opportunity to engage in light industrial activities on Lot 5224-5-2 and 5224-5-3, in the Municipality of Barrigada, under Application No. 2017-11.

For any **Zone Change** requests, the Guam Land Use Commission is mandated by law to conduct a Public Hearing in the Municipal District where the property is located. Accordingly, a Public Hearing on this application is scheduled as follows:

PLACE:	**Barrigada Community Center**
DATE:	**August 23, 2017, Wednesday**
TIME:	**6:00 p.m.**

As a property owner identified within 500 feet of this proposed development, we invite you to attend this Public Hearing and participate in the review process and to express your opinion on this application. If you are unable to attend the Public Hearing, please submit written comments to our office on or before the scheduled Guam Land Use Commission Hearing which will be published on the Guam Daily Post and noted on the applicant's onsite sign. Our office is located on the third floor (room 304) of the ITC Building and written comments should be addressed to:

Chairman, GLUC or Executive Secretary, GLUC
c/o Department of Land Management
Land Planning Division
P.O. Box 2950, Hagatna, Guam 96932

For your information, in addition to the GLUC's regular hearing advertised for this application, it will also be advertised in the Guam Daily Post open ad for Government meetings and the Department of Land Management's website: www.dlm.guam.gov.

You may review the development application at our office or your Mayor's Office.

Thank you for your interest.

Si Yu'os Ma'ase,

MARVIN Q. AGUILAR
Guam Chief Planner