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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

GL# 34-18-1501
Speaker Benjamin J.F. Cruz

February 5, 2018

FEB 0 6 2018
Time: 9:23 [+] AM [ ] PM File No. 34-1488
Received By: Ellen

To: Office of the Speaker of the Guam Legislature
Guam Congress Building
Hagatna, GU

From: Planning Division
Department of Land Management

Hafa Adai:

Pursuant to 5 GCA Chapter 8, Section 8113.1, submitted herewith for your perusal is the Minutes from the last GLUC hearing of **Thursday, December 14, 2017.**

Please call our office at 649-5263, extension 375 if you have any questions and/or require additional information.

Thank you.

2018 FEB -6 AM 9:27

1501

GOVERNMENT OF GUAM – Department of Land Management
Office of the Recorder

File for Record is Instrument Number 917614

on the Year 20 18 Month 01 Day 31 Time 9:11

DE-OFFICIO
Recording Fee _____ Receipt No. _____

Deputy Recorder: Jane Yamasaki
JANET YAMASAKI

Above Space for Recorder's Use only

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GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, December 14, 2017
1:40 p.m. to 7:25 p.m. (GLUC)
3:50 p.m. to 5:00 p.m. (MCoG DLM 2018-01)
5:20 p.m. to Recessed (MCoG DLM 2018-02)

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

GLUC MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman
Mr. Victor F. Cruz, Vice Chairman
Mr. Tae S. Oh, Commissioner
Mr. Hardy T. Vy, Commissioner
Mr. Michael Borja, Executive Secretary
Mr. Nicolas Toft, Legal Counsel

Hybrid Commission [MCoG DLM 2018-01]
Mayor Louise Rivera, Tamuning-Tumon-Harmon
Mayor Melissa Savares, Dededo
Mayor June Blas, Barrigada
Mayor Jessy Gogue, Chalan Pago-Ordot

Hybrid Commission [MCoG DLM 2018-02]
Mayor Allan Ungacta, Mangilao
Mayor Rudy Matanane, Yigo
Mayor June Blas, Barrigada
Mayor Melissa Savares, Dededo

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner
Mr. Frank Taitano, Case Planner
Mr. Penmer Gulac, Case Planner
Ms. Celine Cruz, Case Planner
Ms. Cristina Gutierrez, Recording Secretary

GLUC/HYBRID 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, December 14, 2017		X	GLUC	X	HLUC
			X	Regular	X	Regular
Time of Meeting:	GLUC: 1:40pm	GSPC:		Special		Special
Hybrid:	HLUC 3:50pm	reconvened	✓	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	excused;

HYBRID COMMISSION; LZ COMPANY, APPLICATION NO. 2017-25 (MCoGDLM 2018-01

Mayor Louise Rivera, Tamuning	
Mayor June Blas, Barrigada	
Mayor Melissa Savares, Dededo	
Mayor Jessy Gogue, Ordot-Chalan Pago	
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: 7:25pm HLUC: recessed

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Speaker's Sign-In Record
Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

[X]	GLUC	[X]	Regular	Date:	Thursday, December 14, 2017
[✓]	HLUC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	7:25 pm

(THIS RECORD WILL BE USED IN THE TRANSCRIPTION OF THE GLUC/GSPC MINUTES. PLEASE PROVIDE YOUR FULL NAME AND WHO YOU REPRESENT, I.E., ITEM ON AGENDA.)

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Ted Nelson		777-1997
Bert Perez		929-1435
[redacted]		[redacted]
Cathy Ilkenn		639 6796
Edward G. Perez	OBJECTION	
Ike Flores	LG CWS Solar Project	647-0909
Mark Zhao	YPAO CZ Plaza	649-8038
PETER LOMBARDO	"	777.5055
FRANCISCO DIKMAN	YPAO CZ Plaza	777-5008
MARICEL CAMACHO	2017-39	686-2265
JACKIE MARCOS	YPAO CZ Plz	727 5305
BOB UNPINGCO	UMARBO	969-3013
JOE VT	RICHLAND EXT.	688-1779
Klitzke	YIGG APPLICATION	653 6607
SWAVELY	YEP	[illegible]
Sabina Perez		

GLUC Form 20 - GLUC Speaker Log Record Form - APRIL 2010

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, December 14, 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 December 7th and December 12th, 2017]

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

II. Approval of Minutes

- GLUC Regular Meeting of Tuesday, November 28, 2017

III. Old or Unfinished Business

IV. New Business

Zone Change

A. Application No. 2017-04, Applicant Kevin J. Yang represented by Daniel D. Swavely; Zone Change request from "A" (Rural) to "C" (Commercial) zone, on Lot 7, Tract 10417, in the Municipality of Yigo.
Case Planner: Celine Cruz

V. Administrative & Miscellaneous Matters

Request for Extension

B. Application No. 2015-38, Applicant Richland Development LLC represented by Jae Ji; request for extension for a previously approved Tentative Subdivision, on Lot R4, Tract 93021, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Yigo.
Case Planner: Frank Taitano

VI. Adjournment

HYBRID 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, December 14, 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 November 21st and November 24th, 2017]

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

II. **Approval of Minutes**

- GLUC Regular Meeting of Tuesday, November 28, 2017

III. **Old or Unfinished Business**

Zone Variance

A. **Application No. 2017-25** Applicant, LZ Company represented by Mark Zhao; Height and Use Variance request, on Lot 5147-3-3NEW-6, in an "R-2" (Mulit-Family Dwelling) zone, in the Municipality of Tamuning. **[Continuation – GLUC hearing of 11/28/2017] [MCoG_DLM 2018-01]**
Case Planner: Frank Taitano

IV. **New Business**

Conditional Use

B. **Application No. 2017-39** Applicant LG CNS America, LLC represented by TG Engineers, PC; Conditional Use request for a renewable energy facility, on Lot 1, Tract 1541, in an "A" (Rural) zone, in the Municipality of Mangilao. **[MCoG_DLM No. 2018-02]**
Case Planner: Celine Cruz/Frank Taitano

V. **Administrative & Miscellaneous Matters**

VI. **Adjournment**

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, December 14, 2017 • 1:40 p.m. to 7:25 p.m.

I. Attendance

Chairman Arroyo called to order the regular meeting of the Guam Land Use Commission for Thursday, December 14, 2017 at 1:40 p.m., noting a quorum.

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

[Excused: Commissioner Hardy Vy]

Chairman Arroyo announced that this was the regular meeting of the Guam Land Use Commission, and after the adjournment of the regular GLUC meeting the Hybrid Commission will be called to order where there are two applications to be reviewed.

There were no changes noted to the order of today's agenda.

II. Approval of Minutes

Chairman Arroyo first item is the November 28th, 2017 Minutes which was disseminated by Cristina. Commissioners have had the opportunity to review the Minutes and asked for a motion.

Vice Chairman Cruz made a motion to approve the GLUC Minutes of Tuesday, November 28, 2017.

Commissioner Bathan seconds the motion.

Chairman Arroyo motion to approve made by Vice Chairman Cruz, seconded by Commissioner Bathan. There was no discussion noted, Chairman Arroyo puts the motion to a vote.

All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Bathan and Commissioner Oh], all opposed say "nay."

[Motion passed; 4 ayes, 0 nay]

III. Old or Unfinished Business [None]

Mr. Swavely presents the project to include:

- Using Google map, Mr. Swavely pointed out the location of the project site in Chalan La Juna. At the corner is the Yigo McDonald's which is under construction, Yigo Town Center next to that and Mobil Gas Station. And in red is the project site (located across the street from the Mobil Gas Station).
- Parcel is approximately three (3) acres, just off of Marine Corps Drive on Chalan La Juna.
- Property was rezoned two (2) years ago. Three acres as an "R-2" zone has a permitted density of near the range of 100 units.
- Chalan La Juna goes all the way through to Route 15, and is the source of concern about the Yigo Family Plaza development.
- The development will be a neighborhood mall consisting of 25,000 square feet at full build out; sufficient parking; no requests will be made for parking, setback, density, height setbacks. There will be two (2), 10,000 square foot buildings and one (1), 5,000 square foot building, and the construction of the plaza will be done in phases.
- Employee parking will be provided at the back, there is a ponding basin, generator, trash area and also provided for an inter-connection point with the McDonald's development and the Yigo Town Center. There is an area allowed in the project's parking lot where cross traffic can occur between the businesses.
- Before the application was submitted Mr. Swavely met with the President of the Perez Acres Homeowners Association (PAHA) and the Yigo Mayor who were both supportive of the project. As a result of these meetings, family-oriented businesses will be incorporated into this family center.
- No objections from the five ARC agencies who responded to the zone change and there is a letter of support from the Yigo Mayor. There are continuing concerns that the developer wants to be part of the solution which is embodied in the supplemental application.

Kevin Yang is a business owner on Guam whose family owns Copy Xpress. Mr. Yang came to Guam as a teenager and has lived on Guam for about two-thirds of his life. In the past few years, there has been an influx of residential construction in Yigo; however, in terms of commercial it has been pretty much the same as it was 20-years ago when he lived in Yigo. Mr. Yang wishes to develop good quality commercial facility that will include a coffee shop, family-oriented restaurant, laundromat, and other basic necessities. He has also met with Sonny Ada who is open to inter-connecting the two properties; Mr. Yang will need to come up with details to find the connection point. A meeting will also be scheduled with McDonald's to discuss the inter-connection. Additionally, they have met with PAHA and is committed to working with them on their concerns.

Dan Swavely explained the process that he and the developer has gone through to date:

- In his letter dated December 2016, Mr. Swavely noted that in the 2012 Government of Guam statistics on the number of businesses in Yigo there were only a total of about 75 businesses.

Dan Swavely it is a sharing concept. The plan would revert to a single point of egress/ingress from Marine Corps Drive.

[Lengthy discussion ensues on left-turn lane; egress/ingress into the subject property; entry/exit for McDonald's]

Vice Chairman Cruz Mr. Yang, how long have you owned the property.

Kevin Yang for about two-years.

Vice Chairman Cruz the plan is to construct in phases. There are no plans of selling the property.

Kevin Yang there are no plans to sell the property; however, will pre-lease to tenants. Mr. Yang added that he is not in the business of flipping the property.

Commissioner Bathan the activities described for this project fits limited commercial zoning. The property is located to nearby residential areas, and limited commercial zoning will control what type of activities can be conducted.

Dan Swavely comments that he was not familiar with limited commercial and asked for additional information.

Marvin Aguilar the applicant is afforded the opportunity to apply certain restricted commercial activities; restrictions to "vice" related commercial activities for example. The applicant will have to list the type of activities that he would like to see in this facility and will be restrict from any other type of activities once it is approved by the Commission.

Dan Swavely the application notes that there will be restaurants, coffee shop and no bars.

Commissioner Bathan once the property is rezoned to commercial zone, those type of activities can be done in the future. It may not be the applicant, but the property can be sold to another buyer.

Kevin Yang the project is named Yigo Family Plaza and the type of activities he had in mind were family-oriented activities. In addition, Mr. Yang added that he had no plans for bars and/or other type of vice activities in this facility.

Commissioner Oh the concern is that the property maybe sold in the future, and new owners can do that type of activities.

Kevin Yang there are no plans to flip this property.

Dan Swavely if the Commission's feeling to have a more iron-clad restriction on such activities as bars, games of chance, etc. place that as conditions or approve for limited commercial zone.

Chairman Arroyo would you be willing to have a meeting with the developer and his consultant to iron out some of the issues that you have, and see if a workable solution can be achieved.

Robert Klitzkie replied that he was willing to sit down with anyone if it will help the Chalan La Juna neighborhood.

Chairman Arroyo thank you for your testimony. Are there any other public comment.

Robert Sanchez Lizama (resident of Yigo) after reading the application there were some concerns. Mr. Lizama stated that he is not against development and welcomed any opportunity for development in Yigo; however, for this application he was concerned about the egress/ingress of Chalan La Juna. The left-turn from La Juna into the development needs to be addressed. Mr. Lizama commented that working with DPW for a traffic signal light at Perez Acres was a good idea. During his tenure as Mayor of Yigo, a three-way stop was placed to accommodate the Perez Acres Association. I do see the development growing in the community of Yigo and there are concerns about this application. I support the application because it provides for competitive business market and job opportunities. I would like to shed light on Commissioner Bathan's concerns on limited conditions or activities; and some caution and conditions need to be placed on this application.

Vice Chairman Cruz asked Mr. Lizama if he supported Commissioner Bathan's concept of a limited commercial versus a commercial zone.

Robert Lizama responded "of course."

Commissioner Oh as a former Mayor of Yigo, are you aware of the 50-foot utility easement and public right-of-way. Are there any plans for building a road.

Robert Lizama back in 1998 the road was opened up to allow the access of buses because the only access that school buses had to the schools was through Gayinero. Research was conducted and was determined that it was a right-of-way when the area was subdivided, and with that the road was paved to allow the traffic flow to the Yigo schools.

[Discussion ensues on the right-of-way, 50-foot easement, and future plans for development of the easement]

Chairman Arroyo seeing no additional public comments, Chairman Arroyo closed the public comment period. Asked Mr. Swavely to respond to the public comments made.

Dan Swavely "fraught with danger, recipe for disaster and great peril" are bit over exaggerated for a 25,000-square foot mall. Mr. Swavely commented that he was a bit surprised that Mr. Klitzkie was so keen on reciting the detail of the law for the Commission to follow, but who does he present; is it the HOA or maybe it isn't. Mr. Swavely stated that he was at the meeting along with twenty other residents of Perez Acres, as well at the public hearing at the Yigo Senior Center and

of that. Because of the fact that there is a one-two hundredth inches that everyone is an owner, and therefore everyone should be notified. The question is, was the public notification successful and that is what the law is attempting to accomplish. Certain steps are taken to ensure that the public is notified and in particular those within 500-feet whether they are completely within or just a smidgen of their property is within 500-feet. The question should be whether notification has been successful to the extent of every one-two hundredth (in this case) owner of Perez Acres.

Chairman Arroyo is the notice sent through certified mail. [Mr. Aguilar responds "yes.] And you stated that notices were sent.

Marvin Aguilar notices were sent to those who were identified within that 500-feet, within Perez Acres.

Chairman Arroyo does all of Perez Acres fall within that 500-foot radius.

Marvin Aguilar notification is sent to the homeowners' association (if they are active). The 67th letter went to the Perez Acres Homeowners Associate in care of Robert Blas, President.

[Discussion ensues]

Frank Taitano the letter was sent to the Association, and it is their responsibility to notify the individual owners that has undivided interest of the common area.

Nick Toft the section that is pointed out (Subsection C) where it talks about the decision made by the Commission being null and void is the failure of the applicant and not necessarily the failure of the Commission. The fact is that it is the Commission's job to do the mailing, but it was the applicant's job to do the sign. Mr. Toft's reading of this is that if the applicant fails on their part (error on the billboard sign) that would be a voiding action. If the Commission does not hit 100-percent of the required mailing addresses, Mr. Toft did not believe that it would be a null and void situation. This is a very technical legal argument and there is always the potential that this will get sent up for judicial review and this sits six to eight months waiting for a Court decision.

Chairman Arroyo the Chief Planner stated that a letter was sent to the HOA, and that satisfies notification to homeowners of Perez Acres. Is this a correct statement.

Nick Toft stated that he could not give a direct answer without doing research.

Chairman Arroyo what is your suggestion that the Commission should do at this juncture.

Nick Toft continue the application and allow the applicant and his consultant to meet with Mr. Klitzkie and any other concerned nearby residents to discuss and come up with an agreement on what needs to be done in order for them to withdraw any objections that they may have. If not, come back before the Commission with the information discussed at the meeting, and make a decision after that. If there is a possibility that this can be done without leaving open the possibility

Nick Toft the duty to this would be with the MPC. This Commission, could if it wanted to, require the applicant to hold another public meeting for additional comment if it believes that it is necessary in order to get the information for the Commission to make a decision. It is the option of the Commission, but not a requirement.

Commissioner Oh the issue is on notification and from what has been said it seems that ample notification was given, and did not feel that there was a need for have another meeting.

Nick Toft it is his concern as Legal Counsel to try to potentially avoid any litigation pitfall. If there can be a meeting of the minds such that everyone is comfortable with the decision being made that is great. If not, and the Commission makes a decision on whether to approve or disapprove, and if there is an approval and there is an appeal, it will drag out the process. Mr. Toft further added that he believes that his analysis that legally the Commission is in the right, but there are potentially grounds that would support a petition for judicial review. Although he understands Mr. Klitzkie's argument, but he does not agree with it; but can see what Mr. Klitzkie may argue in a court hearing.

Chairman Arroyo if the Commission is challenged, Chairman Arroyo would rather that it be on the merits of the application as opposed to the notification requirements or issues with that. Chairman Arroyo would like to give Legal Counsel some time to address the issue of the notification to make sure that it was done correctly, and that this is hearing is valid and any decisions made today are valid.

Are there any other questions.

Commissioner Oh asked Mr. Swavely if he was aware of any future plans for the 50-foot access/right-of-way located at the side.

Dan Swavely this is the access for the recent rezoned R2 property, and was not aware of any future improvements.

[Discussion ensues on alternate access, ingress/egress to the subject property]

Chairman Arroyo there being no additional questions, it was the order of Chairman Arroyo to continue the hearing of this application pending an opinion from Legal Counsel on the notification requirements.

[It was noted that Application No. 2017-04 will be scheduled for the later meeting scheduled in January.]

Next item on the agenda –

All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Oh, Commissioner Bathan], all opposed say "nay."

[Motion is approved; 4 ayes, 0 nay]

Chairman Arroyo is there any other business that the Commission needs to adjust on the regular agenda. [None noted] This Commission will recess and convene the Hybrid Land Use Commission.

[The GLUC recessed at 3:45 p.m. and reconvened at 7:20 p.m.

Chairman Arroyo the regular Commission meeting is back in session. Are there any other items on the regular GLUC agenda that needs to be discussed. Seeing none, Chairman Arroyo requested for a motion to adjourn.

VI. Adjournment

Vice Chairman Cruz move to adjourn today's meeting.

Commissioner Bathan seconds the motion.

Chairman Arroyo meeting is adjourned.

HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, December 14, 2018 • 3:50 p.m. to 7:15 p.m. (Recessed)

I. Notation of Attendance

Chairman Arroyo reconvened the Hybrid Land Use Commission (for MCoG DLM 2018-01] meeting for Thursday, December 14, 2017 at 3:50 p.m., noting a quorum.

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

Hybrid Commission: Mayor Louise Rivera, Mayor June Blas, Mayor Melissa Savares and Mayor Jessy Gogue.

II. Approval of Minutes

Chairman Arroyo first item on the agenda is the approval of the Hybrid Commission meeting minutes held on November 28, 2017. Mayors have had the chance to review the minutes, and if there aren't any questions, requested for a motion.

Vice Chairman Cruz Mr. Chair, I would like to make a motion to approve the Minutes.

Mayor Rivera seconds the motion.

Chairman Arroyo motion is made by Vice Chairman Cruz, seconded by Mayor Rivera (Tamuning). There being no discussion, Chairman Arroyo puts the motion to a vote.

All in favor say "aye" [Vice Chairman Cruz, Commissioners Bathan and Oh, Mayors Rivera, Blas, Savares and Gogue], all opposed say "nay."

[Motion passed; 7 ayes, 0 nay]

III. Old or Unfinished Business

Zone Variance

A. Application No. 2017-25, the Applicant, LZ Company represented by Mark Zhao; a request for Height and Use Variance for a proposed six-story commercial/hotel structure, on Lot 5147-3-3NEW-6, in an "R-2" (Multi Family Dwelling) zone, in the Municipality of Tamuning. [MCoG DLM 2018-01, Continuation from GLUC Hearing of 11/282/2017].
Case Planner: Frank Taitano

Marvin Aguilar reads supplemental report to include purpose, facts and discussion. [For full content/context, please see attached report.] In addition, Chief Planner Aguilar read the Memorandum from the Director of Public Works. [Please refer to Exhibit 1]

[Attachment A – Supplemental Staff Report dated December 7, 2017]

Mayor Rivera according to the resolution, yes. This is the project that is being dealt at this time and this is the decision made by the MPC members.

[Discussion ensues]

Chairman Arroyo explains that he understood what Mayor Rivera was saying, and if it comes before the MPC that would be the opinion of the Council.

Mayor Rivera also brought up the fact that there have been many times that residents attend public hearings, and there could be up to 100 residents opposing a project, but all it takes is for six members of the Commission to approve a project and this has happened in the past. Mayor Rivera reiterated that she is pro-development because it will provide jobs and service our island and community. But at this time, Ypao Road needs to be repaired.

Commissioner Oh the developer has agreed to a no building permit condition until roads have been improved. Would Council agree to support this project if the developer has a no building permit condition placed on the project until the road is improved.

Mayor Rivera this was asked of the MPC; however, promises have been made in the past that the road would be improved when other projects were developed and still the road has not been repaired. An example was the Talo Verde project who had a condition that an occupancy permit would not be issued until the road was repaired, and the developer improved only the portion of the road that fronted their development.

Chairman Arroyo Mayor Gogue, the response from DPW was that satisfactory to your request.

Mayor Jessy Gogue the request from DPW in writing on the development of Ypao Road is due to multiple promises that Ypao Road would be developed and repaired that it would occur within certain timeframes. The Government of Guam's 2030 Master Transportation Plan highlights that Ypao Road is not slated for any improvements until sometime between the years 2024 and 2027. Mayor Gogue feels that the developer has done their due diligence. The developer is proposing about a 40,000-square foot facility going up six stories; however, whether they go up six stories or stay at three stories high and just expand the footprint of the structure, they have not increased their floor space capacity that they are allowed to build, and build a three-story the traffic will remain the same. Mayors represent the people and listen to what the community wants. In closing, Mayor Gogue stated that the letter from DPW satisfied his request.

Chairman Arroyo thank you for your comment. Any other questions.

Commissioner Oh Mayor Rivera, it was mentioned that certain restrictions have been placed in the past; the example used was for Talo Verde, and they would not be issued an occupancy permit until road improvements were made. Please clarify.

Mayor Rivera this is what she was told; the condition was placed on the project was that the issuance of an occupancy permit would depend on the improvement of Ypao Road.

[Discussion ensues on other development on Ypao Road.]

Commissioner Oh if the Commission places a restriction on the development that states a building permit will not be issued until road improvements have been made on Ypao Road. Is it possible that history repeats itself.

would be held against their project. They are excited to move forward and under some constraints with the land that was purchased, and would hate to see this drag on.

Chairman Arroyo part of the issue for the non-support from the Tamuning MPC was the fact that certain commitments were made to improve Ypao Road that did not happen. As a result of that, the Planning Council is saying no to this project until after the road is improved to ensure that commitments that you may or may have made with respect to improving the road above and beyond what DPW has planned gets put in place and the MPC is satisfied. Have any commitments with the MPC with respect to improving the road above and beyond what DPW is planning.

Mark Zhao commented that he attended the meeting last week, and personally appealed to them that they will not move forward. The MPC stated that it was not the developer that they didn't trust since DPW has said on many occasions that the road improvements would begin.

Chairman Arroyo reiterated that there has been a promise made to the MPC to start construction when the road construction begins and that this project will run parallel with that, and even if the project is not completed it will not be occupied until the road project is completed. Chairman Arroyo understands where the MPC is coming from; other promises have been made with other projects to make road improvement that did not happen. The question is is there an agreement between the developer and the MPC with respect to additional road improvement that you are committed to doing above and beyond what DPW is planning.

Mark Zhao no commitment has been made with the MPC, but willing to do anything that they can to help the completion of the road construction.

Chairman Arroyo suggested that the applicants meet with the Mayor and the MPC and discuss additional road improvements to Ypao Road that they feel obligated to do. And by doing this may appease the members of the Planning Council. This may help the application somewhat.

Mayor Rivera was open to holding another public hearing to allow the members of her community to provide additional comments that they may have on this project.

Mayor Gogue Mayor Rivera may want to afford the opportunity for her community to allow for comments on this project. Mayor Gogue highlighted what Mr. Borja had mentioned on the two public hearings in the community meeting the open government laws which includes advertising on the part of the Mayor's office or accommodation between the Mayor's Office and Land Management in ensuring that the open government law has been met. If Mayor Rivera would like to schedule an additional public hearing to discuss this matter with her community and the developers present at this public meeting, I would like to entertain a motion to table this until that meeting has been held and minutes have been provided.

Chairman Arroyo no motion is necessary if the decision is to continue this hearing.

Vice Chairman Cruz what are some of the excuses that you have heard on the delay on the improvement of Route 14.

Mayor Rivera acquiring of property.

Vice Chairman Cruz Mr. Borja, has the property already been acquired to proceed with the construction.

proposed projects. As a Mayor, I weigh heavily the desires of the committee and what is placed in the resolution that can in favor or in opposition to an application. The Tamuning MPC is recommending disapproval of the application.

Chairman Arroyo this is something that can be discussed outside of this hearing. Chairman Arroyo asked that the Commission focuses on the application before them today. He further added that if the Commission does use the resolution from the MPC that it has to be duly noted and in accordance with the open government law.

Unless any of the Commissioners/Mayors are ready to make a motion on the application, Chairman Arroyo ordered the continuation of the hearing for the application to allow the Mayor of Tamuning and project owners to further discuss, and see if there are any common elements that they can agree on that will hopefully move this project forward.

Asked if any of the Commissioners would like to make a motion at this time.

Commissioner Oh the position of the Tamuning MPC is clear. Is a second public hearing needed for a decision can be made.

Chairman Arroyo Legal Counsel has stated that a public hearing is a tool for the Commission. The issue with the resolution and accepting a resolution, whether or not they have a public hearing has no bearing on the decision the Commission makes. The resolution would have a bearing on a decision that the Commission makes provided that it was not made outside of the open government law. The second public hearing is up to the Mayor, and it is not something the Commission controls nor will it have any bearing on today's decision.

Nick Toft if a second municipal public hearing is held in conformance to the open government law and submits a resolution, it would have to consider that. Otherwise, it has no bearing.

Vice Chairman Cruz asked Mr. Zhao whether or not they would like the Commission to put the application to a vote or the option to further discuss with the Mayor and MPC.

Mark Zhao the Mayors present today are not really opposing. He reiterated that they are sincere and will not start the project until the beginning of the road improvements. Mr. Zhao and Dr. Lombard would like the Commission put the application to a vote.

Chairman Arroyo are the Commissioners ready to make a motion on this application.

Commissioner Oh stated that he is ready to make a motion.

Commissioner Bathan if the Commission takes a vote and disapproves the application today, the developers will have a one (1) year waiting period to re-apply for the variance.

Peter Lombard he did not want to jeopardize time and also did not want to give the impression that they are not willing to work with the MPC. He feels that the decision has been made by the MPC, and is still willing to work with them; but, did not feel they would change their decision for this project. In this respect, they are willing to meet with the MPC and residents. They are happy to meet with the Mayor and the MPC if the Commission feels this is best thing for them to do to get an approval.

Marvin Aguilar (Chief Planner) depending on upon what phase of this development is going through we will be relying on the appropriate subject matter experts to guarantee that the materials and equipment to be used, if approved, is following appropriate U.S. standards.

Mayor Allan Ungacta (Mangilao) how far and extensive did the applicants go; and did the developers approach the Department of U.S. Fish and Wildlife for their opinion on this application.

Acting Chairman Cruz explained to the Hybrid Commissioners that there will be an opportunity for them to ask questions after the applicant's presentation.

No further comments and/or questions noted for staff, Acting Chairman Cruz welcomed the applicants to the meeting.

Joaquin Flores (Director of Energy projects for TG Engineers) with Mr. Tor Gudmundsen who is the Principle and owner of TG Engineers, representing LG CNS and KEPCO. Mr. Flores proceeded with the slide presentation that included:

- Introduction of developers;
- Project description;
- Overall project site plan;
- PV layout;
- Project site grading;
- Environmental survey;
- Archeological highlights; and,
- Benefits of a renewable energy facility.

[For full content/context of the presentation, please refer to **Exhibit 1 – Presentation]**

Joaquin Flores addressed the article in the Guam Post. The entire area of Tract 1541 was zoned as a Planned Development in 1991 for a golf resort. It was then planned for a housing resort with a significant density of almost 341 homes, and these projects were halted. This project is what they believe, and what LG CNS believes is the best choice and right choice for the lot. It is a passive site and will not interfere with farms in the area. Tract 1541 was designated for development since 1991. There are other alternative uses for the property. Mr. Flores notes that the soil for this property has been revealed to be excellent quarry material, and a quarry did not make sense for this site. It was his opinion that development of this tract maybe has been halted because of infrastructure or lack thereof.

- The other issue noted in the Guam Daily Post article was the field of unseen long-term health hazards of daily exposure and magnetic fields. Everything around us has electromagnetic fields; microphones, laptops, anything with electricity and it maybe in very small scales. A report from an independent laboratory stated that the magnetic field and electrical strengths to be significantly less than whatever everyone believes them to be. The danger for solar panels and solar energy is blown out of proportion. Data speaks for itself with the technical science and the results from testing conducted by independent laboratories. Mr. Flores added that the scientific data provided in the supplement will address the concerns that Mayor Matanane had on health issues. There have been no recorded incidences, scientific and/or medical reports that solar panels have caused harm to the public.

Joaquin Flores he did not have the technical knowledge to provide answers. The materials are mono or poly crystalline type materials primarily made out of silica which is an element that occurs in the earth, and is well known as sand.

[Discussion ensues]

Acting Chairman Cruz there being no further comments and/or questions, Acting Chairman Cruz opened the floor for public comments.

Public Comment

Marcel Camacho the answers to the questions that were posed at the townhall meeting at the Mayor's Office were not available to those that were present. Mr. Camacho stated that they should be afforded the opportunity to review the applicant's answers before they provide their "true" comments on the project. He further stated that he requested for all information for this project be provided to him and this supplement was not provided to him.

Marvin Aguilar the latest document received was the report provided by TG Engineers.

Marcel Camacho requested that he be given a copy of the report before continuing the hearing. He stated for the record that he was at Land Management, and that the Deputy Director of the Land Management ordered that all information be given to him and this report was not included.

Marvin Aguilar replies that he was not aware that documents were requested for.

[For the record – a copy of the supplement report was provided to Mr. Camacho by Executive Secretary/Director Michael Borja]

Marcel Camacho requested that the Commission recess in order for him to review the report before further proceeding with the hearing.

Acting Chairman Cruz I am giving you the opportunity to provide comments and/or ask your questions.

Marcel Camacho asked that the meeting be recessed until such he has had the opportunity to review the comments that was submitted by the applicant in response to the meeting that was held at the Mangilao Mayor's Office.

Acting Chairman Cruz the Commission will not recess. I am giving you the opportunity to provide your comments.

Marcel Camacho the Commission will not recess the meeting to allow members of the public to review the comments that were submitted by the applicant. For the record, I want to state that I asked the question on whether or not we could recess, the answer was no, and I will leave it at that. I do feel that it is important for the general public to have had a copy of this in advance of this meeting so it could have been reviewed and responded in writing prior to this hearing our position statement on whether or not this body should approve or disapprove this project. [SIC]

Belta Perez present today on behalf of her mother and family members who live off-island and were not able to attend. Her concern is the fact and the choice of the location for the solar farm. Ms. Perez described the subject lot as a pristine and "wonderful paradise." Her father found the

Catherin Brunson cleared a few things for the record. This is an issue that the U.S. Fish and Wildlife has experienced. A lot of people get them confused with the local agencies, and this seems to be the case with this application. A lot of people will go to the Department of Agriculture, Division of Aquatic and Resources, get approval through them and think they have approval through U.S. Fish and Wildlife; they are two completely separate agencies. DAR is a local Government of Guam agency and U.S. Fish and Wildlife service is a federal agency under the Department of Interior. Ms. Brunson commented that no one has been to their office regarding this project and have only heard about this project through rumors. In closing, Ms. Brunson requested for information on biological surveys done, methodology, timing, qualifications of the people that did the surveys.

John Cruz (Acting General Manager, GPA) he has worked on this project, and it's been a number of years to try and get it off the ground. This is the wave of the future, and the burning of fuel in fossil fuel generators creates tons of bad emission. The price of fuel is beginning to climb up again, and this will help from an environmental standpoint on air emission, it helps in an economic sense in the creation of jobs, and development on Guam. This solar farm will be a showcase for the island. There are sufficient and quite a number of benefits for the entire island, for the people of Guam as customers and reducing the power cost.

Marcel Camacho asked to speak so that he could direct a question to Mr. John Cruz.

Acting Chairman Cruz responds to Mr. Camacho that he had every opportunity to make inquires at the public hearing held at the Mangilao Mayor's Office. Residents in attendance at this public hearing were afforded the opportunity to ask questions, and that was the proper venue for the technical questions.

[Mr. Camacho disagreed on Acting Chairman Cruz's comments and a back and forth discussion ensues. Acting Chairman Cruz allows Mr. Marcel Camacho five minutes to speak.]

Marcel Camacho read his written testimony to the Commission on the application for review/approval. [For full content/context, please see attached exhibit.]

[Note for record – Mr. Camacho submitted a written testimony for Catherine Illarma.]

Acting Chairman Cruz there were no additional public comments noted, Acting Chairman Cruz closed the public comment period.

Acting Chairman Cruz noted that because of the time, it was the order of the Commission to recess today's hearing. The application will be placed on the next available GLUC hearing date.

V. Administrative and/or Miscellaneous Matters [None]

VI. Adjournment [Commission recessed at 7:15 p.m.]

ATTACHMENT A

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

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671-649-LAND (5263)

Facsimile:
671-649-5383

December 5, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2017-04, Zone Change from "A" (Agricultural/Rural) to "C" (Commercial) Zone on Lot 7, Tract 10417 in the Municipality of Yigo

1. PURPOSE:

A. Application Summary: The Applicant, Kevin J. Yang, represented by Daniel D. Swavely, request for a zone change from "A" (Agricultural/Rural) Zone to "C" (Commercial) Zone, for the proposed Yigo Family Plaza, on Lot 7, Tract 10417, in the Municipality of Yigo, under Application No. 2017-04.

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

2. FACTS:

A. Location: The project site is located about three hundred fifty feet in from Route 1 in Yigo along Chalan Lujuna, a sixty feet wide Public Access and Utility Easement.

B. Lot Area: The lot area is 3.14 Acres or 12,714 Square Meters or 136,656 Square Feet.

C. Present Zoning: "A" (Agricultural/Rural) Zone.

D. Field Description: The lot is undeveloped with heavy vegetation.

E. Masterplan: Residential – Medium High

F. Community Design Plan: Urban Residential – Low Density

G. Previous Commission Action: None

development in Yigo does not match its residential growth. The applicant sites that in 2012, of the 2,246 business establishments on Guam, only 75 of those businesses are located in Yigo. Similarly, in the same timeframe (2012), of 60,950 employees on Guam, only 890 worked in Yigo.

The applicant feels that the **public convenience** is enhanced by locating such facilities in closer proximity to this area nearby Route 1, where a sizeable population of neighborhood residents are presently located. Un-needed travel far away for retail items and services will be reduced if not eliminated significantly, thus saving on energy, fuel costs, and minimizing resident inconvenience and stress.

General Welfare: The **general welfare** is elevated because there will be new community responsive facilities to provide much needed neighborhood and similar commercial services. Furthermore, the applicant submits that there are increased employment opportunities; as well as tax generating revenue economic activities which all contribute to the general welfare of the community.

We submit that in areas which have the potential to become densely populated, we must anticipate related uses/activities to support such growth. Retail stores and personal service shops have become integral components of growing communities. Thus, the applicant's request appears to be consistent with development trends within Yigo, more so as the subject lot is located within what appears to be a growing commercial hub of the municipality. And as the immediate area transforms accordingly, we believe the granting the zone change will not be materially detrimental to the public welfare but in fact, will serve as that projected planning effort to address community needs of Yigo's in response to the municipality's current and anticipated growth.

We have reviewed the Master Plan and the Community Design Plan for the area which is designated as Residential. An urban-residential design considers the growth of the community to become densely-populated and anticipates related uses/activities to conveniently support growth. Related uses/activities such as the proposed mall, support growth of the community and in this respect, we feel such use will not be contrary to the Plans' objectives. In addition, future land use plans such as the North and Central Guam Land Use Plan designate this area as Mixed Use. The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the island.

5. CONCLUSION

Based on the above preceding discussions, we find the criteria for the grant of zone change is justified. ARC agencies who officially responded have "no objections" as reflected in their position statements. We have not received an Agricultural Impact Statement (AIS)/position statement from the Department of Agriculture, a requirement pursuant to 21 GCA, Chapter 61, Section 61637. Notwithstanding the absence of an AIS, we find within the context of the application, justification that public necessity, convenience and general welfare supports a positive action of the zone change request.

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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

December 7, 2017

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Position Statements by ARC Members

RE: Zone Change Application No. 2017-04

Listed below are the **APPLICATION REVIEW COMMITTEE POSITION STATEMENTS** as submitted:

PERMANENT VOTING MEMBERS

1. **DEPARTMENT OF LAND MANAGEMENT:** Recommend **APPROVAL WITH CONDITIONS** as follows:

   That the Applicants adhere to all ARC recommendations as provided in their respective position statements.

2. **GUAM ENVIRONMENTAL PROTECTION AGENCY:**
   No Position Statement has been received as of the date of this Memorandum of December 7, 2017.

3. **DEPARTMENT OF AGRICULTURE:**
   No Position Statement has been received as of the date of this Memorandum of December 7, 2017.

4. **GUAM WATER WORKS AUTHORITY:**
   The following comments are conditions for GWA's position in favor of the approval of the 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

historic properties are present on the property and the mitigation required for their treatment of disposition, if any.

As to the rezoning of the subject lot, we have no objection to the approval of the subject application.

7. **DEPARTMENT OF PUBLIC WORKS:**

The Department of Public Works, (DPW) has completed its review with the following requirements from DPW- Division of Capital Improvement Projects (CIP).

- Provide a storm drainage disposal (must be shown in detail and be supported with calculations);
- Parking layout and detail of parking stalls (compact, standard and accessible stalls) must meet the American Disability Act (ADA);
- If the owner chooses to use GSWA disposal or any private services, the location of the trash bin container should be situated in an area that will not hinder the public rights of way.
- Comply with all the geotechnical requirements related to site preparations;
- Road (entrance, exit, sidekicks and pedestrian) must be wide enough for public access; and must be in conformance to the Highway Master Plan.

NOTE: The applicant must coordinate with Guam Fire Department as to the required distance from (Mobil) gas station due to the technical hazard that may be reasonably expected to impact in the structure before and after construction.

DPW recommends approval, subject to the comments after review by the Application Review Committee (ARC) with conditions that the complete set of design drawings incorporating all the engineering disciplines are provided for with the building permit application. The plans shall be in conformance with the latest building code edition and must be signed by a registered engineer or architect.

8. **BUREAU OF STATISTICS AND PLANS**: The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-04 to rezone Tract 10417 Lot 7 from "A" Rural zone to "C" Commercial 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 identified "Mixed Use" designation in the Future Land Use Map of the NCGLUP, which states:

> *"The Mixed Use category primarily focuses on larger commercial centers and corridors, including commercial uses that require large sites and draw customers from throughout the Island. Examples of commercial uses appropriate to this category include but are not limited to department stores, malls, office buildings,*
>
> *medical and other service uses, hotels/motels and restaurants. Mixed use developments incorporating a variety of types and densities of residential units are also appropriate in this designation. Mixed Use development along corridors should be developed in a manner that focuses density in specific areas or 'transit targets' to support high-quality transit service, and should be developed at a walkable neighborhood scale. Along undeveloped corridors, the mixed use development should be interspersed with development that is lower density to maintain natural character and open space."*

Low Impact Development (LID). The subject property is also located in the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

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.

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

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 develop a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other compatible activities. The Bureau finds that the zone change from Rural Zone to Commercial Zone is consistent with the North and Central Guam Land Use Plan "Mixed Use" 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 storm water 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 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.

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
GLENN LEON GUERRERO
Director

FELIX C. BENAVENTE
Deputy Director

MB 3/16 MAR 16 2017

130

March 8, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Kevin J. Yang

APPLICATION: 2017-04

SUBJECT: Rezone from ("A") Agricultural to ("C") Commercial, Lot 7, Tract 10417, Yigo

Buenas yan Hafa Adai! The applicant is requesting to rezone subject property from "A" to "C" with the intent to construct a family plaza neighborhood mall. The proposed mall will be located within a walking distance from Perez Acres Subdivision adjacent to Yigo Town Center. (See attached map). The Plaza will consist of a restaurant, grocery store, coffee shop, branch copy express and a specialty merchandise store.

The Department of Public Works (DPW) has completed its review with the following requirements from DPW-Division of Capital Improvement Projects (CIP).

- provide a storm drainage disposal (must be shown in detail and be supported with calculations);
- parking layout and detail of parking stalls (compact, standard and accessible) which must meet the American Disability Act (ADA);
- if the owner chooses to use GSWA disposal or any private services, the location of the trash or bin container should be situated in an area that will not hinder the public rights of way;
- comply with all the geotechnical requirements related to site preparations;
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access; and must be in conformance to the Highway Master Plan.

NOTE: The applicant must coordinate with Guam Fire Department as to the required distance from (Mobil) gas station due to technological hazard that may be reasonably expected to impact in the structure before and after construction.

DPW recommends approval, subject to the comments after review by the Application Review Committee (ARC) with conditions that a complete set of design drawings incorporating all the engineering disciplines are provided for building permit. The plans shall be in conformance with the latest building code edition and must be signed by a registered engineer or architect.

If you have any questions, please call Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III at Division of Capital Improvement Projects (CIP) at 646-3189 or 646-3224. Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

jfc

P. Gulac 3/16/17 Plng

542 North Marine Corps Drive, Tamuning, Guam 96913 • Tel (671) 646-3131 • FAX (671) 649-6178

GUAM POWER AUTHORITY

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

RECEIVED
JAN 30 2017
Department of Land Management
Time 2:10 Int

January 24, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 7, Tract 10417, Municipality of Yigo, (Kevin J. Yang); Zone Change Application from "A" (Agricultural) to "C" (Commercial) to construct 65 single or multi-family residential with 48 vacant lots suitable for housing. **Application No. 2017-04**

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.

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.

JOHN M. BENAVENTE, P.E.

ASG/arp

VFSR

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS
SAGAN PLANU SIHA YAN EMFOTMASION
Government of Guam
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William C. Mcdonald
Acting Director
Manuel Q. Cruz
Deputy Director

APR 0 3 2017
RECEIVED

MB 4/4 APR 0 4 2017
Department of Land Management
Time 2:42 Int 17

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 2017-04; Tract 10417, Lot 7 Municipality of Yigo, Guam from "A" Rural Zone to "C" Commercial Zone; Applicant: Mr. Kevin J. Yang c/o Daniel D. Swavely

Håfa Adai! Applicant, Mr. Kevin J. Yang represented by consultant, Daniel D. Swavely seeks to rezone his property located in the Municipality of Yigo, from "A" Rural zone to "C" Commercial zone. The applicant proposes to construct a one story 25,000 square foot shopping mall with activities such as a restaurant, convenience/grocery store, a coffee shop, and other similar activities.

Tract 10417, Lot 7 is located just off the Chalan Lujuna road close to Perez Acres. The property is currently forested and is 136,856 square feet or approximately 3.1 acres and is surrounded by the Perez Acres Subdivision and the Ada Yigo Town Center. A vacant property separates Marine Corp Drive from the applicant's property.

The Bureau of Statistics and Plans (Bureau) has completed its review of Application 2017-04 to rezone Tract 10417 Lot 7 from "A" Rural zone to "C" Commercial 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 identified "Mixed Use" designation in the Future Land Use Map of the NCGLUP, which states:

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 Waterworks Authority (GWA) 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 Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

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

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

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

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

Robert S. Lizama
Director

William N. Reyes
Deputy Director

In reply refer to:
RC2016-0951

February 17, 2017

MAR 0 3 2017

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2017-04:
Rezone Lot 7, Tract 10417, Yigo, to Commercial for Yigo Family Plaza

We reviewed our records and found no evidence of any archaeological investigation conducted on the subject lot. We have determined that any construction or development propose on the lot will require an archaeological survey to determine if historic properties are present on the property and the mitigation required for their treatment of disposition, if any.

As to the rezoning of subject lot, we have no object to the approval of subject application. If you have any questions regarding our position, please do not hesitate to contact our office.

Sincerely,

Robert S. Lizama
Director

Cc: Dan D. Swavely, Consulting Service, Inc.
dds@guam.ne

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 and shall be subject to inspection by GWA. Any infrastructure improvements will be at the expense of the applicant.

4. On-site utilities installed on public rights of way or easements to support the proposed development shall be at the expense of the developer/applicant.

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

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

7. A grease trap is required if the development will include a food preparation facility.

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

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.

Department of Agriculture
Dipåttamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office 300-7970 / 7969 / 7966
Agricultural Development Services 300-7973 / 7972 / 7967
Plant Nursery 300-7974
Aquatic & Wildlife Resources 735-3955/56; Fax 734-6570
Forestry & Soil Resources 300-7975/6
Plant Inspection Station 475-1426/27; Fax 477-9487
Animal Health 300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 14 2017
CLMC/GALC/GLUC

MB 12/14

December 11, 2017
Memorandum

To: Director, Department of Land Management

Attn: Executive Secretary, Guam Land Use Commission and Guam Seashore Protection Commission

From: Director of Agriculture

Subject: **"Agricultural & Environmental Impact Statement" for a "Zone Change" request from an "Agrcultural" to a "C" for application 2017-04 on Lots 7 Tract 10417 Yigo Family Plaza Located in Yigo. (Kevin J. Yang).**

Agriculture has reviewed the subject lot for a "Zone Change" request from an **Agricultural to a Commercial zone** and has no opposition to the proposed zone change for the construction of a Family Plaza Shopping Mall development. Our agency will recommend approval of the zone change with the following statements, conditions and requirements set forth in *21 GCA Chapter 61 Section 61637* as our preliminary inspection of the site found no adverse impact to **Agricultural** activity and to any **Endangered Species** and other protected **Coastal Zones, Wetland habitat** and **Watersheds**.

The proposed zone change for the lot is located in an area that has been traditionally used for various farming and ranching activities in the past. Currently no such "Agricultural" activity has been identified for this particular site in over 20 years and no active farms are in this immediate area. The current uses of the surrounding facilities are in line with the proposed zone change and subsequent development into a full service commercial center. Therefore no adverse impact to any agricultural activity exists either within the property scope or to surrounding properties. With regard to any immediate damage to the environment should the project proceed our agency will require the following conditions to be met and implemented onto the project site once any clearing and grading is to take place.

Should the proposed zone change be approved and the project moves into the build phase be aware that the proper Clearing and Grading permits must be obtained and registered with the Department of Public Works One Stop section with all the regulatory agencies signed off on the permit in order to proceed with mass clearing and grading of the site. No land clearing activity is to occur prior to securing the proper permit.

EXHIBIT 1

Once again should the project proceed to the build phase and the permits for land clearing and grading are secured be aware that Guam is a migratory route for various species of birds to use as a resting point. During our investigation and inspection of the site no birds were observed. However there exist a strong possibility that the site is used as it contains very little human activity that would otherwise discourage them from landing. If these species of migratory birds are observed at any point on the site no interference is to occur either to prevent them from landing or disturbance and disruption of their normal behavior should be altered.

Please be aware that development and the loss of Guam's natural habitat can have a devastating effect on the quality of life here on island. It is vital that all land developers take a conscious approach in protecting our resources for future island residents and the general well being of our delicate eco-system. The guidelines as listed in this Impact Assessment should be used as a template to ensure continuation of Guam's habitat. For other earth friendly techniques and guidance please contact our offices at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

Daniel D. Swavely Consulting Services, Inc.

December 07, 2017

Mr. John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96910

Subject: **APPLICATION 2017-04** to Rezone Lot 7 Tract 10417, Yigo to Commercial for Yigo Family Plaza
Re: Supplemental Application #1

Hafa Adai Mr. Chairman and Commissioners,

Please accept this supplemental information in further support of the Subject application. This information was compiled during the application review process and demonstrates how input from the government, neighbors and the public-at-large helps to shape community development within the GLUC rezoning process.

A. Summary of Comments from Perez Acres Homeowners Association on October 25, 2017 and Responses by Applicant (signed by applicant Kevin Yang, Ysengsong, Inc.). Sent to J. Merrill, spokesperson for the Perez Acres Homeowners Association, on November 09. See Exhibit 1.

The Perez Acres Homeowners Association is requesting the following.

1. Provide exterior landscaping.
   Applicant will provide exterior landscaping.

2. Provide 24/7 security of the premises.
   Applicant will provide for 24/7 security via guard(s) and/or roving patrol.

3. Provide exterior lighting.
   Applicant will provide exterior lighting.

4. Consider a second ingress/egress between YFP and "Dewan Drive".
   Applicant will work with project's civil engineer and DPW about this second access on Dewan Drive. If this second ingress/egress is allowable and results in better traffic movement, Applicant will provide.

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

EXHIBIT 2

See Exhibit 3 - letter to Michael Muyco, Area Construction Manager for McDonald's, dated December 02, 2017, again requesting that McDonald's cooperate in providing interconnections between the new McDonald's store at the intersection of Ch. Lujuna and Marine Corps Drive and the proposed Yigo Family Plaza in order to eliminate the McDonald's ingress/egress at Ch. Lujuna.

See Exhibit 4 - letter to P. Sonny Ada, President of Ada's Trust and Investment (owner of Yigo Town Center), dated December 01, 2017, again requesting consideration of the option to interconnect Yigo Town Center with the proposed Yigo Family Plaza in order to provide for convenient and safe passage between customers from both establishments without using Marine Corps Drive or Ch. Lujuna.

2. The preferred egress from McDonald's to Ch. Lujuna is via Yigo Family Plaza.
   This is also the Applicant's preferred scheme. **Refer to Exhibits 3 and 4.**

3. GLUC shall take action to provide for a new traffic signal at the intersection of Perez Acres and Ch. Lujuna.
   GLUC's authority in this matter is likely limited to advisory only. However, the Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group to document the safety issues and measure traffic volume at that intersection in order justify a traffic signal at this intersection. The Perez Acres HOA is invited to participate in this work.

   Refer to Exhibit 2 - letter to Director of Public Works, dated November 30, 2017, requesting that the Director begin protocol for studying the left-turn vehicle movements from Ch. Lujuna onto Marine Corps Drive in order to justify a longer left-turn interval.

4. GLUC shall take action to provide for the upgrade of Ch. Lujuna to reflect current traffic and anticipated (both civilian and military build-up) traffic.
   GLUC's authority in this matter is likely limited to advisory only. Nonetheless, GLUC's opinion can carry considerable influence, particularly when presented in a formal manner, with justification and with public support. The Applicant will direct its Consultant to work with GLUC, DPW and Parsons Brinckerhoff Guam Transportation Group to justify and promote this improvement. The Perez Acres HOA is invited to participate in this work.

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Cell: (671) 688-8029
Email: dds@guam.net

YIGO FAMILY PLAZA REZONING APPLICATION

Comments from Perez Acres Homeowners Association and Responses by Applicant

Comments from the private presentation to Perez Acres residents at Perez Acres on October 25

The Perez Acres Homeowners Association is requesting the following.

1. Provide exterior landscaping.
   Applicant will provide exterior landscaping.

2. Provide 24/7 security of the premises.
   Applicant will provide for 24/7 security via guard(s) and/or roving patrol.

3. Provide exterior lighting.
   Applicant will provide exterior lighting.

4. Consider a second ingress/egress between YFP and "Dewan Drive".
   Applicant will work with project's civil engineer and DPW about this second access on Dewan Drive. If this second ingress/egress is allowable and results in better traffic movement, Applicant will provide.

5. Provide sidewalk along Ch. Lujuna and YFP property.
   Applicant will provide a standard size, concrete sidewalk along Ch. Lujuna and the Yigo Family Plaza property. If the Yigo Family Plaza property frontage along Ch. Lujuna increases, the Applicant will extend its sidewalk accordingly.

6. Support road widening on Ch. Lujuna.
   Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group (responsible for the Guam Highway Master Plan) to elevate Ch. Lujuna improvements to a priority level which results in the earliest possible implementation. The Perez Acres HOA is invited to participate in this task.

7. Support an extended (3-minute ?) left/turn signal from Ch. Lujuna to Marine Corps Drive.
   Applicant will direct its Consultant to work with DPW and Parsons Brinckerhoff Guam Transportation Group to recalibrate the left turn signal at this intersection so as to reflect current traffic volume. The Perez Acres HOA is invited to participate in this task.

Daniel D. Swavely Consulting Services, Inc.

November 30, 2017



Mr. Glenn Leon Guerrero, Director
Department of Public Works
Government of Guam
542 North Marine Corps Drive
Upper Tumon, Guam 96913

Subject: Chalan Lujuna, Yigo
Re: Improvements needed

Hafa Adai Glenn,

I'm writing on behalf of both property owners and residents in the vicinity of Chalan Lujuna and Route 1, Yigo, about the urgent need for safety improvements in the area of that intersection.

These conditions where strongly expressed during two recent meetings: one a well-attended private gathering with only residents of Perez Acres; and one a public hearing in Yigo with nearby residents, particularly from Perez Acres. These meetings were held in conjunction with the GLUC Rezoning Application #2017-04. There are two issues at stake.

1) The intersection of Perez Acres and Ch. Lujuna is very dangerous. Since Ch. Lujuna is used as a popular connector between Routes 15 and 1 (it was initially a leg of the Haul Road Network), traffic volume is heavy and fast. Although a stop sign is in place to require a Ch. Lujuna stop at that intersection, residents exiting Perez Acres have had countless experiences of westbound Ch. Lujuna vehicles disregarding that stop sign and causing near collisions. Further, it is my understanding that a fatality recently occurred at this intersection.

   In the interest of safety, nearby property owners and residents want a 3-way traffic signal at that intersection. We understand that the protocol for installing a signalized intersection requires a formal traffic study and begins with your office. Please approve this request and initiate that protocol.

2) Westbound traffic at the intersection of Ch. Lujuna and Rt. 1 is unnecessarily congested, because the left-turn signal interval onto Marine Corps Drive is too short. It is not unusual for the left-turn cue to require several light cycles. On behalf of all Ch. Lujuna drivers, nearby property owners and residents are urging that this left-turn signal interval to be

301 Frank H Cushing Way #1201
Tumon, Guam 96913
Direct Phone: (671) 649-2227
Cell: (671) 688-8029
Email: dds@guam.net

YSENGSONG, INC.

December 02, 2017

Mr. Michael Muyco
Area Construction Manager - Pacific Southwest Field Execution Team
McDonald's Restaurants of Hawaii, Inc.
1132 Bishop Street Ste. #2000
Honolulu, HI 96813

Dear Mr. Muyco,

Congratulations on your new store at the corner of Marine Corps Drive and Chalan Lujuna in Yigo. I own the adjacent property to the southeast, and both of our properties abut Chalan Lujuna.

I am in the final stage of rezoning my property for a 25,000 sq. ft. neighborhood mall, the Yigo Family Plaza. During the rezoning process, we held two meetings with local residents. At both a private meeting with nearby Perez Acres residents and at the subsequent public hearing at the Yigo Senior Center, we were strongly encouraged to pursue an interconnection among McDonald's, Yigo Family Plaza and Yigo Town Center, which abuts both of our properties. We believe that much can be learned from public hearings, particularly when those neighbors will likely be future customers of our respective establishments.

From the very beginning of planning my Yigo Family Plaza, I allowed for an interconnection with your McDonald's property in order to minimize the points of ingress and egress to Ch. Lujuna. In fact, I discussed this option several times with both your realtor as well as with the realtor for your store operator, Mr. Joe Ayuyu. I believe a passageway between our properties, in order for vehicles and customers to conveniently and safely pass between McDonald's and the Yigo Family Plaza, will be in everyone's best interest. Particularly to McDonalds's, you can eliminate the ingress/egress now planned from McDonald's onto Ch. Lujuna.

I hope you agree with the wisdom of this option and agree to meet very soon, so we can finalize how best to provide this feature between our properties.

Sincerely,

Kevin J. Yang
Vice President

P. O. BOX 9807, TAMUNING, GUAM 96931 TELEPHONE (671) 688-8737 FAX (671) 649-1010

YSENGSONG, INC.

Mr. P. Sonny Ada
President
Ada's Trust and Investment, Inc.
P.O. Box 2889
Hagatna, Guam 96932

December 01, 2017

Hello Mr. Ada,

Last year in August and October my representative, Dan Swavely, contacted you about Yigo Family Plaza, my proposed neighborhood mall located between your Yigo Town Center and Chalan Lujuna. Shortly thereafter, we submitted a rezoning application to GLUC, and that review process will culminate on December 14 when GLUC hears the application.

The reasons for Dan's contact were to inform you about my proposed development before the application was finalized, and to offer the option for a passageway between our properties in order for vehicles and customers to conveniently and safely pass between the Yigo Town Center and the Yigo Family Plaza. Incidentally, we also offered the same option to McDonald's, our new neighbor.

During the GLUC rezoning process, we held two meetings with local residents. At both a private meeting with Perez Acres residents and at the subsequent public hearing at the Yigo Senior Center, we were strongly encouraged to pursue an interconnection among Yigo Town Center, McDonald's and Yigo Family Plaza. We believe that much can be learned from public hearings, particularly when those neighbors will likely be future customers of our respective establishments.

In your last communication on this matter dated October 19, 2016, you reserved decision about linking our properties, but asked to be kept apprised of the rezoning process and final plan.

I hope you will now agree in concept with this option, so we can meet again to discuss how best to provide this feature between our properties.

Sincerely,

Kevin J. Yang
Vice President

COPY

P. O. BOX 9807, TAMUNING, GUAM 96931 TELEPHONE (671) 688-8737 FAX (671) 649-1010

Eddie B. Calvo
Governor
Ray Tenorio
Lt. Governor

Department of Parks and Recreation
Government of Guam
490 Chalan Palasyo, Agana Heights, Guam 96910
Director's Office: (671) 475-6288
Parks Division: (671) 475-6291
Guam Historic Resources Division: (671) 475-6294/5
Facsimile: (671) 477-2822

William N. Reyes
Director
John P. Taitano
Deputy Director

In reply refer to:
RC 2016-0951

October 31, 2017

Boyd Dixon, Ph.D.
Senior Archaeologist
Cardno GS Inc.
425 Chalan San Antonio Road,PMB 1004
Tamuning, GU 96913

Subject: Review of Draft Report Archaeological Reconnaissance Survey of Lot 7 Tract 10417 in Yigo, Guam

Dear Mr. Dixon,

We have concluded our review of subject report and agree with your finding and recommendations. We have agreed that the shovel tests did not present any cultural materials or deposits and so a monitoring plan will not be necessary. We will require that your client must inform our office of any inadvertent discoveries of historic properties during clearing and all planned earthmoving activities during this project. Please submit your final report and follow our basic reporting requirements.

Should you have any questions, please do not hesitate to call us.

Sincerely,

William N. Reyes
Director

Robert Klitzkie, Esq.
22 Baki Ct., Yigo, GU 96929
(671) 653-6607
klitzkie@hotmail.com

December 14, 2017

Honorable members of the Guam Land Use Commission: Chairman John Z. Arroyo, Vice Chairman Victor F. Cruz, Commissioner Conchita D. Bathan, Commissioner, Tae S. Oh, Commissioner Hardy Tan I. Vy

Re: Application to Rezone Lot 7, Tract 10417, Yigo, Application 2017-04

Allowing the building of this project would create a situation fraught with danger. That danger will be fully explained in reason 7. *infra.*

There are six reasons that this application should not be approved:

1. Kevin J. Yang is not eligible to file an application to change the zoning of the captioned parcel from "A" to "C" because he is not the owner. Eligibility is governed by 21 GCA § 61631 which reads:

> § 61631. Procedure. A proposed change may be initiated by the Commission or by an application directed to the Commission by any **person owning or leasing real property** within the area covered by the zone. [Emphasis supplied.]

The record in this application shows that Y Sengsong, Inc. is the owner not Yang.

2. Notice of the meeting held November 1 was not mailed to all the landowners as required by 21 GCA § 61633[1] which reads:

> § 61633. Hearing Date-Notice. (a) Upon the filing of an application for a change of zone, the Commission shall hold at least one (1) hearing thereon in the municipal district where the property to be rezoned is located, as such districts are described in Chapter 40, 5 GCA Government Operations, and a notice of the time and place of the hearing shall be published in at least one (1) newspaper of general circulation at least ten (10) days before the date of said hearing, and **sent** by mail to the Mayor of the municipal district concerned, and to those **landowners owning land within five hundred (500) feet of the property** for which the rezoning is requested, the mailing addresses for such landowners to be in the Real Tax records. [Emphasis supplied.]

EXHIBIT 3

> this Chapter whenever it finds that the **public necessity, convenience** and **general welfare** justify such action.[7]

ONE AT A TIME: There is **no public necessity** to rezone an agricultural lot to a commercial lot in order to build the shopping center Yang describes in his application. Dr. Tom Rozycki lays it out quite clearly in his well researched letter, which is part of the record in this matter , a copy of which is attached for your easy reference. The key word in Dr. Tom's letter is

ABSURD

> "The claim that more commercial space is needed for the residents of Yigo is **absurd**. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza." [Emphasis supplied.]

5. Anyone intending in good faith to build a commercial structure in Yigo would naturally gravitate to Marine Corps Drive where there has been an abundance property zoned "C" for over forty years. See 21 GCA § 61208. One would have to concur with Dr. Tom's analysis that idea that there is a public necessity to rezone Lot 7, Tract 10417, Yigo is indeed absurd.

> § 61208. Yigo Commercial Zone. All property lying on either side of Route 1 (Marine Drive) between the Old Marbo PX and the Yigo Catholic Church, to a depth of 200 feet from the edge of the right of way along Route 1, is hereby established as commercial zone property. The Department of Land Management is hereby directed to amend its zoning maps accordingly. SOURCE: GC § 17053.3 enacted by P.L. 12-160.

6. Yang's project fails miserably when it come to the **public convenience** prong of the statutory requirement of § 61630. In fact, as more fully described *infra,* Yang's project will visit a great **inconvenience** on the Chalan Lujuna neighborhood. A commercial ingress/egress onto an already overburdened two lane road to accommodate an unnecessary shopping center is the very essence of a lack of public convenience.

> "The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujuna returning to her home."

As can be seen, allowing Yang to build his project is the opposite of furthering the general welfare: it would create a situation fraught with danger.

In closing there are at least six reasons not grant the application. Right now, Lot 7, Tract 10417, Yigo is zoned "A." Here's what that means:

> § 61304. A Rural Zone. (a) Uses permitted: (1) **One-family dwellings and duplexes.** (2) **Farming** and fisheries, including all types of activities and pursuits customarily carried on in the field of agriculture and fisheries, including the raising of crops and fruits, poultry and livestock, grazing and dairying, tree and other vegetative production whether for commercial or personal uses.
> (3) Cockpits.
> (4) Uses customarily accessory to any of the above uses including home occupations, and private auto mobile parking areas as well as accessory buildings and structures such as private garages, warehouses, barns, corrals or other similar structures. [Emphasis supplied.]

Lot 7, Tract 10417, Yigo, is zoned "A." Please let it stay that way. Please for the sake of all of us who live in the neighborhood, those who must drive Chalan Lujuna and for the sake of school children who catch their bus on Chalan Lujuna, deny Application 2017-04

Respectfully submitted,

Robert Klitzkie

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[1] A fair reading of the statute suggests that the notice requirements for every Public Hearing, including this one, are mandated.

[2] See generally 21 GCA CH. 45 HORIZONTALPROPERTY ACT.

[3] See 21 GCA § 45106.

[4] *NB* because of the verbiage of the statute, "null and void," the failure to comply with the notice requirements is fatal to the application *ab initio*.

[5] "Equities" here is not used in economic sense but as used in a legal sense, *e.g.* "Where competing interests are weighed against each other in an effort to determine the most appropriate outcome of a dispute.--Quimby

[6] The matters set out in Reason 3. are hypothetical and conjectural and are not to be taken as factual representations.

Response in objection to application to rezone lot 7, tract 10417, Yigo

For many years Chalan Lujuna was a road which ended near the entrance to Perez Acres. It is a narrow 2 lane road which was adequate to serve its purpose as access for Perez Acres residents to get to Route 1. However, it was eventually paved all the way from Route 1 to Route 15, making it a favored road connecting Route 1 and Route 15 and causing an exponential increase in vehicular traffic, including its use by numerous large trucks. It's not unusual during peak morning hours to have traffic backed up from near the Perez Acres entrance all the way to Route 1.

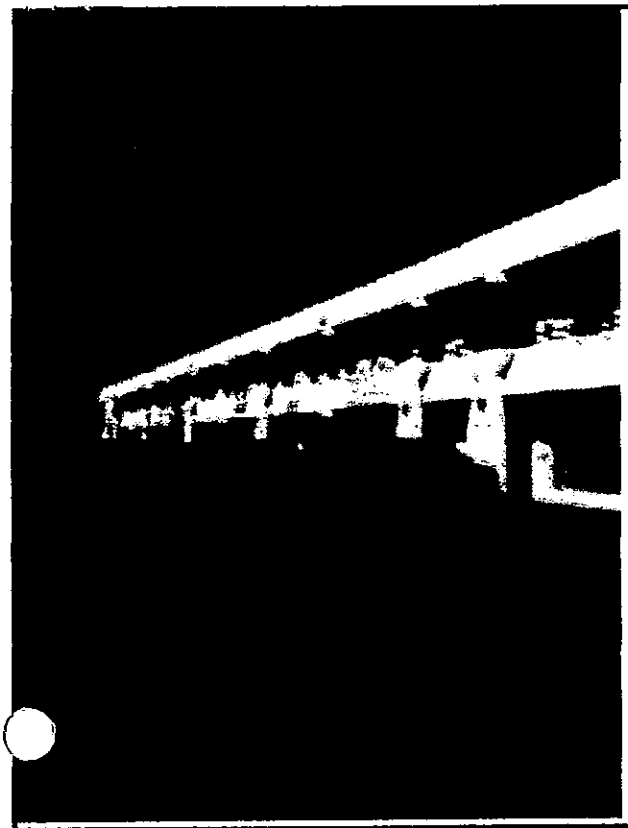
The only sidewalk along Chalan Lujuna is a short section along part of the boundary adjacent to Perez Acres. Otherwise pedestrians face the frightening and dangerous prospect of dodging traffic along the narrow road. We have already seen the tragic death of a Perez Acres resident, a teenage girl who was struck by a vehicle while on the left side of Chalan Lujana returning to her home.

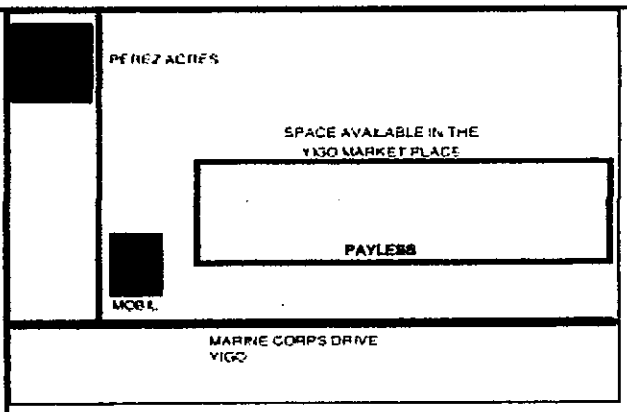
The rezoning proposal for Guam Family Plaza includes an access road from Chalan Lujuna into the Plaza with links to the adjacent Yigo Town Center and to the McDonald's currently under construction. This will cause a further increase in traffic on the already overloaded Chalan Lujuna and will exacerbate the danger to pedestrians.

The claim that more commercial space is needed for the residents of Yigo is absurd. There are currently 4 vacant commercial spaces in the Yigo Payless mall less than a half mile away. The Yigo Town Center has 2 empty commercial spaces. It has also seen at least 3 restaurants come and go in the building next to Bank of Guam. The site of those failed restaurants is now where the VFW Post is located after it moved from a nearby building along Route 1; that vacated building stood empty for a considerable period of time before finally being occupied by yet another restaurant. In addition to vacant commercial spaces, there are an ample number of family restaurants, convenience/grocery stores and coffee shops within a mile or so of the proposed plaza.

I am strongly opposed to the rezoning proposal for lot 7, tract 10417.

Thomas Rozycki, M.D.





Reports

List Number	16-1317	**Property Type**	Comm Space for Rent
Listing Member	Janet G. Calvo Office Phone: (671) 687-1841 Office E-Mail: janet@guamhome.com	**Listing Office**	Today's Realty Office Phone: (671) 649-4361
Selling Member	Dennis Unpingco, DJ Unpingco Office Phone: (671) 483-0654	**Selling Office**	Guam Realty Finder Office Phone: (671) 647-4140
Days On Market	167		

Contract Information

Status	Closed	**Terms**	1st Month's Rent & Security Deposit
List Date	04/16/2016	**Expiration Date**	
Status Change Date	10/14/2016	**Original List Price**	3200
List Price	3200	**How To Show**	Call Agent
Type	Exclusive Authorization	**Occupancy**	Vacant
Commission	1 Mo - 50/50		

Pending/Sold Information

Sold Date	09/30/2016	**Under Contract Date**	09/14/2016
Sold Price	3,200.00	**Terms of Sale**	5 year lease

Location

Village	Yigo	**Postal Code**	96929
Street Name	Marine Corps	**Building Name**	Yigo Market Place
Apt/Unit #	111/112	**State/Province**	Guam

Property Description

Style	Retail Space	**Realtor.com Type**	Commercial
Stories	2	**Zoning**	C
Book Section	Commercial Rental	**Living Area SqFt**	1600
Year Built	1999	**Access**	Paved
Flood Zone	UNKNOWN	**Condition**	Very Good
SqFt Source of Info	Not in List	**Ownership**	Fee Simple
Floor	1		

Taxes & Legal

Legal	L7024-1-NEW-1-2 YIGO

Remarks

Public RemarksLOOK NO FURTHER! TWO 800 s.f. spaces directly next to PAYLESS SUPERMARKET. Winner location for the business who benefits from the constant flow of customers making their way to the market.

ATTACHMENT B

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

December 4, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – Tentative Subdivision on Lot R4, Tract 93021, Municipality of Yigo, Application No. 2015-38

1. PURPOSE:

a. Application Summary: The applicant, Richland Development, LLC represented by Mr. Jae S. Ji, Request for Extension of Time of an Approved Tentative Subdivision on Lot R4, Tract 93021, in the Municipality of Yigo.

b. Legal Authority: Title 21, GCA, Chapter 62, Article 2, Section 62201 thru 62204; Article 4, Section 62401; Article 5, Section 62501 thru 62504, Subdivision Law.

2. DISCUSSION:

As conditionally approved by the Commission on October 27, 2016, the subject application is a Tentative Subdivision Application to create a subdivision consisting of Ten (10) Single Family residential Lots.

As noted on the attached request package, the applicant is requesting for an Extension of Time pursuant to Section 62504 (Time Allowed for Completion of Improvements) of the Subdivision Law where it states "Upon approval of the tentative subdivision plan by the Commission, the subdivider shall complete within one (1) year all of the improvements required, except that the Commission, for good cause shown, may authorize an extension of time, not to exceed twelve (12) months, for such completion. Within such time, the subdivider must either:

11.24.17

Studio e Development.....

DATE: November 09, 2017

INSTRUMENT NUMBER: NOA 900084

DPW PERMIT NUMBER: B17000770

ATTENTION: Mr. John Z. Arroyo, Chairman
GUAM LAND USE COMMISSION
C/O PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM, HAGATNA, GUAM 96932

WB 11/29

DEPARTMENT OF LAND MANAGEMENT * RECEIVED * NOV 28 2017 * GLMC/GALC/GLUC

PROJECT: NOTICE OF ACTION for RICHLAND DEVELOPMENT LLC
LOT R4, TRACT 93021, 10 - SINGLE FAMILY HOUSING UNIT SUBDIVISION, YIGO, GUAM

SUBJECT: **REQUEST FOR A ONE (1) YEAR EXTENSION FOR AN APPROVED TENTATIVE SUBDIVISION FOR PERMITTING EXTENSION** FOR LOT **R4, TRACT 93021**, YIGO GUAM; EXPIRATION OF TIME on NOA: NOVEMBER 21, 2017.

Dear Mr. Arroyo,

We will like to take this time to give you an update on the project referenced above. Since the issuance of the Notice of Action, we have completed the Permit Set of Construction Drawings and have applied for a full Building Permit (B17000770) as of August 11, 2017. Since then we have been obtaining the clearances for all of the Government of Guam Agencies.

There are several agencies that are still pending: Guam Environmental Protection agency (GEPA) and Department of Agriculture. We are very close to obtaining GEPA and have been working with them for the past 3 months. Department of Agriculture has a new requirement that we will are addressing.

We have been working with the Department of Public Works (DPW) Highway Division to obtain the Highway Encroachment Permit (HEP). Then, after all of the above reviews and approvals, we will work through the DPW Design Analysis which will take less than a week. Unfortunately, we are unable to meet the time allowed for us to obtain the Overall Building Permit.

We are asking for a Notice of Action Extension of one (1) year, to properly obtain the Building Permit, install all infrastructure and build the road for this project. We feel that this will be sufficient enough time to complete the work and file for Final Subdivision.

If there are any question or inquiries, please feel free to contact us at you convenience. Again thank you for your time and immediate attention.

SINCERELY,

JAE JI, Project Manager

Attachments: Copy of the Notice of Action, Permit Application, Department of Agriculture Biological Survey Letter

545 Chalan San Antonio, Tamuning, Guam 96913, Suite 211 Core Pacific Business Center
P.O. Box 307 Hagatna, Guam 96932 T: 671.969.8920 F:671.969.8922 E: studio@guam.net

Studio e Development.....

DATE: November 07, 2017 INSTRUMENT NUMBER: 900084

ATTENTION: Mr. Michael J. B. Borja, Executive Secretary
GUAM LAND USE COMMISSION
C/O PLANNING DIVISION, DEPARTMENT OF LAND MANAGEMENT
GOVERNMENT OF GUAM, HAGATNA, GUAM 96932

NOV 2017
935

PROJECT: NOTICE OF ACTION for RICHLAND DEVELOPMENT LLC
LOT R4, TRACT 93021, 10 - SINGLE FAMILY HOUSING UNIT SUB-DIVISION, YIGO, GUAM

SUBJECT: **PERMITTING EXTENSION** FOR CONSTRUCTION DRAWINGS AS PER INSTRUMENT NUMBER **900084**; EXPIRATION OF PERMIT TIME on NOA: NOVEMBER 21, 2017.

Dear Mr. Borja,

We will like to take this time to give you an update on the project referenced above. Since the issuance of the Notice of Action, we have completed the Permit Set of Construction Drawings and have applied for a full Building Permit (B17000770) as of August 11, 2017. Since then we have been obtaining the clearances for all of the Government of Guam Agencies.

There are several agencies that are still pending: Guam Environmental Protection agency (GEPA) and Department of Agriculture. We are very close to obtaining GEPA and have been working with them for the past 3 months. Department of Agriculture has a new requirement that we will are addressing.

We have been working with the Department of Public Works (DPW) Highway Division to obtain the Highway Encroachment Permit (HEP). Then, after all of the above reviews and approvals, we will work through the DPW Design Analysis which will take less than a week. Unfortunately, we are unable to meet the time allowed for us to obtain the Overall Building Permit.

We are asking for a Notice of Action Extension of three months to properly obtain the Building permit for this project. We feel that this will be sufficient enough time to obtain a Building Permit.

If there are any question or inquiries, please feel free to contact us at you convenience. Again thank you for your time and immediate attention.

SINCERELY,

JAE JI, Project Manager

P. Gulac 11/08/17
RECEIVED
Land Plng Div

Attachments: Copy of the Notice of Action, Permit Application, Department of Agriculture Biological Survey Letter

545 Chalan San Antonio, Tamuning, Guam 96913, Suite 211 Core Pacific Business Center
P.O. Box 307 Hagatna, Guam 96932 T: 671.969.8920 F:671.969.8922 E: studio@guam.net

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

File for Record is Instrument No 900084

On the Year 16 Month 11 Day 21 Time 10:48

Recording Fee DE-OFFICIO Receipt No.

Deputy Recorder

(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

COPY

NOTICE OF ACTION

October 28, 2016
Date

To: Richland Development, LLC
c/o Jae S. Ji
Unit 101, Photo Town Building
353 Chalan San Antonio
Tamuning, Guam 96921

Application No. 2015-38

The Guam Land Use Commission, at its meeting on October 27, 2016.

____/ Approved ____/ Disapproved XX/ Approved with Conditions

____/ Tabled

Your request on Lot R4, Tract 93021, Municipality of Yigo for a:

Application No. 2015-38

APPLICATION DESCRIPTION: The applicant, Richland Development, LLC represented by Mr. Jae S. Ji is requesting approval of a Tentative Subdivision to create a subdivision consisting of Ten (10) Single Family residential Lots on Lot R4, Tract 93021 in the Municipality of Yigo.

COMMISSION DECISION: The Guam Land Use Commission **Approved** the applicant's request subject to the following condition;

1. The applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement:

Marvin Q. Aguilar
Guam Chief Planner

11/14/2016
Date

John Z. Arroyo
Chairman
Guam Land Use Commission

11/16/2016
Date

Case Planner Frank P. Taitano

Cc. Building Permits Section DPW

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Government of Guam

BUILDING SAFETY
IS NO ACCIDENT



BUILDING INSPECTION & PERMITS SECTION
APPLICATION FOR PERMIT

Application Number: _____

IMPORTANT: Applicant must complete all items in sections I, II, III, IV

Permit Number: B17000770

I. LOCATION OF BUILDING

Location VICTORY PARK RESIDENCES, GAYINERO ROAD (No) (Street) Zoning District R1

Between CHALAN TUN LUIS TAISANO (Cross Street) and GAYINERO ROAD (Cross Street)

Subdivision VICTORY PARK RESIDENCES LOT 124 Lot # Block — Lot Size 93021

II. TYPE AND COST OF BUILDING

A. Type of Building

Group Occupancy | Type of Construction | Foundation

- ☐ New Building
- ☐ Foundation Only
- ☐ Shell Only
- ☐ Fence Wall
- ☐ Retaining Wall
- ☑ Other ROAD
- ☐ Add
- ☐ Alter
- ☐ Repair
- ☐ Demolished
- ☐ Reconstructed
- ☐ Relocated

Dimension of Building

B. Ownership

- ☐ Private (individual, corporation, non-profit institution, etc.)
- ☐ Public (Federal, State, or Local Government)

C. COST

SCOPE OF WORK

Cost of Improvements	187,000
electrical	
plumbing	
heating, air conditioning	
other (elevator, etc.)	
TOTAL COST OF IMPROVEMENT $	187,000

NOA DOC#: 900084 APP# 2015-38

FORMALLY RICHLAND DEVELOPMENT.

HORIZONTAL ONLY (ROAD & CLEARING & GRADING UTILITIES)

D. PROPOSED USE

Residential

- ☐ One family
- ☐ Two or more families — Enter No. of Units → _____
- ☐ Garage
- ☐ Carport

Non-Residential

- ☐ Amusement, Recreational
- ☐ Church, other religious
- ☐ Industrial
- ☐ Office, bank, professional
- ☐ Public utility
- ☐ School, library, other educational
- ☐ Stores, mercantile
- ☐ Tanks, towers
- ☐ Other (specify) _____

public works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Government of Guam

BUILDING INSPECTION & PERMITS SECTION
APPLICATION FOR PERMIT

Application N

Permit Numb

TO BE FILLED OUT BY BUILDING STAFF ONL

96931 | 05/11/17

Type of Mechanical

- ☐ Central Air Conditioning

96929 | 633.4831 | 689.1776 | 3.7518

there be an elevator?

ings Only

V. PLAN REVIEW

Review Required	Date Plans Started	Date Plans Approved	Print Name

Department of Agriculture
Dipåttamenton Agrikottura

Eddie Baza Calvo
Governor

Ray Tenorio
Lt. Governor

Director's Office	300-7970 / 7969 / 7966
Agricultural Development Services	300-7973 / 7972 / 7967
Plant Nursery	300-7974
Aquatic & Wildlife Resources	735-3955/56; Fax 734-6570
Forestry & Soil Resources	300-7975/6
Plant Inspection Station	475-1426/27; Fax 477-9487
Animal Health	300-7965 Fax 734-6569

Matthew L.G. Sablan
Director

Jessie B. Palican
Deputy Director

September 29, 2017
Memorandum

To: Victory Inc. c/o Studio E. Development

From: Director

Subject: Application for a Permit & Plan Review for a "Building Permit" or "Clearing and Grading Permit" for application B17000770 on lot R4 Located on Chalan Gayinero Yigo.

Based on preliminary inspection of this lot(s) our agency can not approve or sign off on the permit application until a "Biological Survey" has been performed on the lot(s).

The Biological Survey must be done by a licensed and approved Biological Consultant familiar with identification, monitoring and handling of Federally Listed Endangered Species. The Federal government has listed several species only found on Guam on the above mentioned list and as such it is required that no destruction of those species is to occur. Any such destruction will result in fines of $35,000 per individual plant or animal affected. Once the survey has been completed and determined if any of those species are present or not present on the lot(s) our agency will work with the consultant and the US Fish and Wildlife Service to proceed with the next step in any mitigation measures that need to be part of the project before any action is taken on the property.

There are several Consultants that can perform and produce both the proper Wetland and Biological surveys and are familiar with the scope of work that needs to be performed and the requirements that must be in place to further the application. ARC Environmental (Joe Sablan) 969-6723/482-6088, Duenas, Camacho, Bordallo and Associates at 477-7991/97 (Claudine Camacho) are two that have completed these surveys and are familiar with the requirements needed to progress. A listing can also be found in the Guam Phone Book for other consultants. All these consultants again must be versed in the scope of work that is needed.

MATTHEW L.G. SABLAN
Director

RECEIVED
10/26/17
HAGÅTÑA
DPW

HYBRID LAND USE COMMISSION

MCoG DLM 2018-01

Application No. 2017-25

ATTACHMENT A

EXHIBITS

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

DEPARTMENT OF LAND MANAGEMENT

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://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 7, 2017

MEMORANDUM

TO: Chairman, Hybrid Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Supplementary Report
Application No. 2017 – 25HC
Variance - Height
Lot 5147-3-3NEW-6, Municipality of Tamuning

Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law), Sections 61617-61624.

Discussion: The following report is a supplemental response to the Guam Land Use Commission (Commission) order to continue its review of the above-described variance request as submitted by LZ Company. At its re-scheduled meeting of November 28, 2017, the Commission withheld further any action the applicant's request to allow a twenty-six (26) unit condominium/apartment complex with 20,000 square feet of commercial space to exceed the minimum structural height requirement of thirty (30) feet to sixty-four (64) feet or six (6) floors.

The purpose of the continuance was to allow the Commission to consider certain documents necessary to complete its final assessment of the project. This included:

1. Written status report for the commencement of road improvement work on Route 14B by the Director of the Department of Public Works. In response to the' Commission's request, the Department of Land Management issued a request for response to the Director of the Department of Public Works (DPW). **(See Attachment 1).** As of date of preparation of this report we anticipate DPW's response.

2. Clarification as whether the "two municipal public hearing-requirement" as provided in Public Law 129-33 serves as a mandatory caveat before the Commission can take any action on a requested variance. Staff met with legal counsel regarding this matter and had confirmed the responses from MPCs are tools of assessment, thus responses such as an MPC resolution is not a mandatory item needed prior to considering action on a land use project.

NOTHING FOLLOWS ON THIS PAGE

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

DEPARTMENT OF LAND MANAGEMENT

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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Tamuning, GU 96913

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P.O. Box 2950
Hagåtña, GU 96932

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

December 4, 2017

COPY

Honorable Mayor Louise C. Rivera
P.O. Box 786
Hagatna, GU 96932

RE: Request for Municipal Planning Council (MPC) Resolution

Buenas Yan Hafa Adai!

On November 28, 2017, the Guam Land Use Commission convened, with a supplement of four mayors, a "hybrid" commission to review an application with a project cost exceeding $3M. The Commission entertained a height-variance application request for Lot 5147-3, Municipality of Tamuning, for a 6-story building intended to support medical specialty services and residential apartments. This lot is immediately adjacent to Route 14B, Ypao Road, near the SDA Medical Clinic.

A prime issue raised at the public hearing for this project and by the commissioners, as well, was the requisite for Route 14B, Ypao Road, expansion and improvement prior to any development along that corridor. At the meeting, you noted the Director of the Department of Public Works provided you with a timeframe for the commencement of repairs to the road.

Based on this information, I respectfully request a copy of your MPC Resolution, hopeful of this latest development in the matter to be included, therein.

The next Commission will be on December 14, 2017, with the intent on issuing a response to the height-variance application along Route 14B. The Commission is seeks to include your resolution as part of the overall assessment packet. Any effort on your part to expedite this matter will be most appreciated.

Should you need further clarification on this matter lease feel free to our Chief Planner at 649-5263, Ext. 300.

Senseramente,

MICHAEL J.B. BORJA
Director

Date Received
DEC 04 2017
Tamuning-Tumon-Harmon
Mayor's Office

amount of ground area leaving limited space to exercise the recommendations of smart development.

d. The granting of these variances will not be contrary to the objective of any part of Guahan Master Plan adopted by the commission or legislature. According to the Planning Division the use of a clinic and multi-family development is permitted in an "R-2" and therefore the granting of these variances will not be contrary to the objective of any part of Guahan Master Plan adopted by the commission or legislature.

e. The proposed building will substantially enhance the recreational, aesthetic and commercial value of the beach area, and such building will not affect the surrounding property owners' or the public's right to an untrammeled use of the beach and its natural beauty. The building will not affect public right and use of the beach since the property is located over ½ mile away from the nearest beach area.

The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO PUPBLEKO
Glenn Leon Guerrero
Director
Andrew S. Leon Guerrero
Deputy Director

DEC 13 ~~RECD~~ 2017

MB 12/13

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
DEC 13 2017
10:00 pk
GUAM GALC GSS

MEMORANDUM

TO: Michael J.B. Borja, Director, and Department of Land Management

FROM: Glenn Leon Guerrero, Director

RE: Route 14B (Ypao Road) Reconstruction and Widening
GU-NH-014B(001)
Status of Route 14B (Ypao) project

This is in response to The Department of Land Management memorandum dated December 4, 2017 regarding the status of the Route 14B (Ypao Road) project.

The Department of Public Works (DPW) is currently working on finishing up the Right-of-Way purchases necessary for the reconstruction of Ypao Road and is at time of this memorandum about 80% completed.

DPW anticipates that the Invitation for Bids to construct the project will be issued in June 2018 and construction to begin six to eight months later once the contract has been fully executed and the building permit completed. The construction phase is anticipated to last for approximatly one and half year once Notice to Proceed has been issued to the awarded contractor.

The project will include reconstruction and widening of Route 14B (Ypao Road). The new roadway will consist of two (2) 14 foot wide shared-use lanes and a center turing lane. The 14 foot lanes will provide accomidation for bikes along the roadway. Curb, sidewalk and drainage improvemts will also be included.

Should you have any questions or need additional information please contact, Mr. Joaquin R. Blaz, Acting Program Administrator, Highways Division at 646-3128.

Sincerely,

GLENN LEON GUERRERO

542 North Marine Corps Drive, Tamuning, Guahan 96913, Tel (671) 646-3131, Fax (671) 649-6178

EXHIBIT 1 [MCoG DLM 2018-01]





MB 12/14

TAMUNING-TUMON-HARMON MUNICIPAL PLANNING COUNCIL

RESOLUTION NO. 2017-002

Introduced By:

Mayor Louise C. Rivera
Vice-Mayor Kenneth C. Santos
Javier Atalig
John Brown
John Camacho
Vince Camacho
Leo Casil
Antonio Charfauros
Concepcion Duenas
Jacinto R. Estella Jr.
Michael Lasiste
Rosanne Lastimoza
William Nault
Gregory Perez
Robert Perron
Faustino Punzalan
Ronald Taitano
Danilo V.A. Tinsay

A RESOLUTION OF THE TAMUNING TUMON HARMON MUNICIPAL PLANNING COUNCIL, TERRITORY OF GUAM, RELATIVE TO THE APPLICATION NO. 2017-25, ZONE VARIANCE FOR HEIGHT AND USE ON LOT 5147-3-3NEW-6, IN THE MUNICIPALITY OF TAMUNING.

WHEREAS, the Tamuning, Tumon and Harmon Municipal Planning Council ("TaTuHa MPC") met at its regular monthly meeting on the 5th day of October 2017; and

WHEREAS, on September 26, 2017, the Guam Department of Land Management held a public hearing relative to the Application for a zone variance for height and use on Lot 5147-3-3NEW-6; and

WHEREAS, testimony provided by the residents of Ypao Road expressed concerns over the increase in traffic in an area not designed to handle the current traffic capacity it currently experiences; and

WHEREAS, the residents of Ypao Road further expressed concerns over the increase in the population in an already densely populated area with limited water and wastewater infrastructure to handle even the current residents of the Ypao Road; and

WHEREAS, the residents of Ypao Road further expressed concerns with the increase in crime perpetrated in the area that coincides with the increase in the various types of developments in the area;

WHEREAS, the residents of Ypao Road requests that government of Guam disapprove the application in light of the impact to the quality of life of the community and residents and until such time Government of Guam completes the improvement promised on Ypao Road, and the infrastructure repaired or improved to service any further development; and

HYBRID LAND USE COMMISSION

MCoG DLM 2018-02

Application No. 2017-39

ATTACHMENT B

EXHIBITS

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

December 7, 2017

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2017-39
Conditional Use Application
Lot No. 1-R3, Tract 1541, Municipality of Mangilao

1. PURPOSE:

A. Application Summary: The applicant, LG CNS America, LLC, represented by TG Engineers is requesting approval of their Conditional Use Application to construct and operate a Solar Photovoltaic Facility and Renewable Integration Energy Storage System on Lot No. 1-R3, Tract 1541, Municipality of Mangilao

B. Legal Authority: Title 21, GCA (Real Property), Chapter 61 (Zoning Law) and Section 61303 (Conditional Use)

2. FACTS:

A. Location: The property is located in Sasajyan, Mangilao. Access to the property if from off Route 15 to Marbo Cave Road. See **Attachment 1**.

B. Lot Area: 300 Acres or 1,118,047 Square Meters or 12,034,506 Square Feet.

C. Present Zoning: "A" (Rural) Zone

D. Field Description: Lot 1, Tract 1541 is currently vacant and undeveloped.

E. Masterplan: "A" Rural/Agricultural Zone.

SITE PLAN

Site selection was based on lot features with desirable/key elements which include the more than 276 acres of land available as open space for development. The site plan has been developed to minimize the size and avoid historic sites as well as maximize the setback from the shoreline marine environment. The site is accessible using available paved roads and legal rights-of-ways. Storm water runoff flow patterns are maintained in the current direction toward the existing cliff/eastern coast of Guam and engineering designs to manage the quality and flow rates will follow best management practices as well as local regulation.

The Environmental and Biological Surveys as provided include an array layout developed to avoid sensitive areas for archaeological, environmental, biological resources. The intent is to avoid impacts to sensitive areas. The site plan as presented at the ARC Technical Meeting on August 3, 2017, received no technical recommendations by the members as of the date of this report and therefore remains unchanged, as submitted.

DISPOSAL OF SEWAGE

The applicant provides there will be no additional burden on the GWA public sewer system since onsite septic systems will be used. The Operations and Maintenance Building will have negligible sewage discharge flows from the bathroom and the sewer service will be handled by an onsite Septic Tank disposal system.

ACCESS

The property selected for the project development is off Marbo Cave Road, a 60 feet wide public access and utility easement. If approved, site development plans call for 10-feet wide paved, operation access roads internally within the property.

PARKING

As a utilities facility, access is limited to authorized personnel only. The ongoing operations and maintenance of the facility will have 2-3 authorized personnel present daily. Minimum parking requirements are 3 parking spaces for every 4 employees.

STRUCTURAL LOCATIONS and DIMENSIONS OF BUILDINGS

Two structural elements are presented in the application which serve as a caveat to fulfilling the requirements of Section 61303 of the zoning code:

A. **Solar PV Layout and Geometry:** The site plan has been developed based on a 60MW Solar PV module layout. The conceptual plan utilizes solar PV array blocks of about 2MW ratings. PV inverters are distributed throughout the site integrated

the First Page and the Acknowledgment Agreement at the Last Page of the Notice of Action that cites ***"Pursuant to Executive Order 96-26, Section 5, 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 the Notice of Action, otherwise, the approval of the project as granted by the Commission shall be null and void"; and***

C. That Applicant shall not submit any request for a Building or Grading Permit, should the Time Limitation as specified in EO 96-26, Section 5 has elapsed (note: if this occurs, the application must be resubmitted as a new application that must undergo the entire process anew); and

D. Any changes to the approved site development plan shall as a result of ARC permitting agency requirements shall be reflected in an "As-Built" Survey Map to be submitted to the Guam Chief Planner prior to the issuance of an Occupancy Permit.

Marvin Aguilar
Guam Chief Planner

ATTACHMENTS

1. **Vicinity Map**
2. **Public Hearing Results**
3. **Testimony received to date** ✓
4. **Evidence of compliance to §61303 (c)(1): sign requirement** ✓
5. **252 FY2017** ✓

Case Planners: Frank Taitano, Celine Cruz

Q: What are you asking of us?
R: The development is not going to save the valley but it will provide some level of improvement. This is considered a passive project.

Q: Are there invisible negative effects, like radiation?
R: Medically and scientifically there are no health risks.

Q: Do you have any information with you today that proves there are no negative health effects?
R: The applicant will respond to this concern in writing.

Q: How many batteries, is there a chance of leaks or possibly an explosion?
R: There is very little chance of that happening.

Q: What is the possibility of leakage from the batteries going into the ground?
R: The applicant will respond to this concern in writing.

Zennon Belllinger: I have looked at disadvantages to solar power and there aren't a lot, but one concern is of the material that is being used (since all materials have a life span).
Also, what is the mitigation procedure for typhoons / earthquakes?
R: The design is for 120 MPH winds, and (category) 4 seismic activity – drawings will be stamped to meet codes and standards.

Q: What will happen if there is damage to the materials? How will materials and panels be disposed of? What types of chemicals comes from these materials? How do they affect the environment? Will they affect the water wells?
R: We are obligated to show proof that we are containing water runoff and watershed issues will be addressed through the permitting process.

Marcel Camacho: Requirements of a Conditional Use Permit are to provide for public health, safety and wellness, the letter in the application does not address the safety perspective. There is a 12" water line - has the water line been charged?
R: We have a 2" line extended to the right of the intersection

Q: What is the timeline for where you are at in this (conditional use) process?
R: We have gone through the ARC, we are conducting this public hearing now and then we will go before the GLUC. That is the body that make the decision.

Comment: Please have an alternate plan.

Q: What is the criteria that GEPA has and are all of those criteria covered in your plan? There will be hazardous materials out there and we want to know that there are criteria to ensure its safety to humans.
R: The applicant will respond to this concern in writing.

PUBLIC HEARING MINUTES
November 7, 2017 6:00 PM
Mangilao Community Center
Conditional Use Application No. 2017-39
Lot 1, Tract 1541, Mangilao

Q: What would be the response time for an emergency?
A: The plant will be completely automated with controls for safety.

Q: Is there a back-up plan for dealing with emergencies?
R: The applicant will respond to this concern in writing.

Q: The panels will be physically maintained, as far as the maintenance of the panels, what types of cleaners will be used?
R: We have computer systems to monitor performance of the panels, if the panels are underperforming, they will be cleaned with non-potable water.

Q: What is the potential for chemicals being used?
R: There are no plans to use chemicals

Q: How many jobs are anticipated?
R: Kepco LG will respond in writing.

Q: Will there be fencing around the project?
R: There will be a 6' chain link fence with barbed wire on top.

Q: Will it provide power to landowners down there?
R: The contract is to provide power is specific to selling to GPA.

Comment: The CCU says that they will save 2-3 million but by the 12th year, the owner expects to earn about 340 million? We have a lot to lose here.
R: Over the life of the project, it will save ratepayers.

Q: If this is approved, what is the timeframe?
R: We hope to have it ready by December 2019.

Q: How soon after this meeting will action be taken?
R: We will ensure all criteria of the application is within the information presented to the GLUC so that they can decide the action to take.

Q: Where did the 500' radius come from, why 500'?
Response by Planning Staff:

Will the concerns and questions be answered before they go to the commission?

Q: With a 6' barbed wire fence, how will this affect land values?
R: The applicant will respond to this concern in writing.

Meeting was adjourned at 8:15 PM

Gmail **Toni Johnson <toni.bluepacific@gmail.com>**

Conditional Use application for solar plant facility

Steven Unpingco <ssunpingco@gmail.com> 5 November 2017 at 05:15
To: Toni Johnson <toni.bluepacific@gmail.com>, Rick Unpingco <ricku@ite.net>, John Unpingco <john.unpingco@yahoo.com>, arleenpierce <arleenpierce@gmail.com>, Ken Unpingco <kennunpingco@gmail.com>, Linda DeNorcey <lindadenorcey@yahoo.com>, Joe Unpingco <joe.unpingco.ju@gmail.com>

Dear GLUC Chairman:
My name is Steven S. Unpingco and I own Lot 3.Tract 1533, located within the notice radius of the proposed solar plant facility. I support LG's application for a solar farm on the condition that development will not restrict, pose impediments, or compromise my ability to develop my property to it's highest and best use. I welcome a solar plant facility that is clean, environmentally friendly and provides renewable alternate energy sources.
Thank you .
Steven S,. Unpingco

Received @ mm 11-7-17

Doc No. 3481_18-430

John S. Unpingco
174 Ocean Summit Drive
Piti, Guam 96915



November 6, 2017

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

Gentlemen:

I write to you as a property owner within 500 feet of the proposed development by TG Engineers, PC (*request for a conditional use permit*) Application No. 2017-39. My name is John S. Unpingco. I will be unable to attend the public hearing at the Mangilao Community Center as I will be on travel, but these are my sentiments/concerns regarding the project.

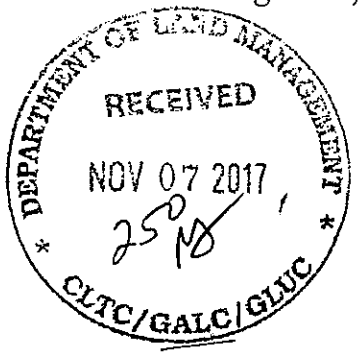
First, I assume that the project involves a solar plant as it is a project entitled "Mangilao Solar Plant". Proceeding on this assumption, my main concern is the safety of the pilots flying into Andersen Air Force Base. If it is in the area below a used "flight corridor", the reflection of the panels from the sun could be blinding to the pilots. Hopefully, this is not the case.

Second, if it is solar panels, can they be safely secured so that they do not blow away in the high winds of a typhoon. The solar panels would need to be capable of withstanding typhoon force winds in excess of 200 m.p.h. Can it be secured? The question is whether the wind-blown debris would affect adjacent property owner's buildings?

Third, the solar panels are angled to maximize catching the sun's rays. They can be adjusted to follow the angle of the sun in the mornings and afternoons. Would such an adjustment cause a glare to any apartment or hotel building development so that instead of a beautiful soothing view of the ocean and valleys what the apartment or hotel dwellers get is an awful glare from the sun shining on these solar panels. This would be a negative effect on the development of adjacent lands and something which would be a totally unacceptable by-product of the project.

Fourth, if this is a solar plant project and one which uses a trade-secret liquid (affectionately called "salad oil") which is boiled by the solar panels are there procedures and safeguards in place which would cover the transportation, storage, and disposal of

EMILY REYES CRUZ
P.O. Box 2012 • Hagåtña, Guam 96932



Nov. 7, 2017

November 7, 2017

John Z. Arroyo, Chairman
Guam Land Use Commission
c/o Department of Land Management
Land Planning Division
P.O. Box 2950
Hagåtña, Guam 96932

Re: Objection to Application of LG CNS America, LLC for Conditional Use Permit to Construct a Renewable Energy Facility (Solar Plant) on Lot 1, Tract 1541, Mangilao in an "A" (Rural/Agricultural) zone
GLUC Application No. 2017-39

Dear Mr. Chairman and Members of the GLUC:

My name is Emily Reyes Cruz. I am the owner of Lot No. 5354-3A-5-17-R2, Mangilao. My property is just one of the many privately-owned parcels near the Marbo Cave area.

I strongly object to the application of LG CNS America, LLC for a Conditional Use permit that would allow it to construct a renewal energy facility or solar plant within 500 feet of my rural/agricultural zoned property.

Let me be clear from the start that I am not against solar power or solar farming. I support clean energy and a reduced reliance upon fossil fuels. Additionally, I understand and agree with Public Law 29-62 which says that at least 25 percent of Guam's power supply must come from renewable energy sources by the year 2035.

However, for the same reasons that the Marbo area was objectionable and inappropriate for use as a military firing range, the area is similarly inappropriate for a solar farm or any other type of industrial development. Because of Guam's limited and ever-decreasing natural resources, a solar plant should not be built in a pristine rural area such as Marbo. It is a fact that solar cells are form of hazardous e-waste. Just this summer, a study by the University of California, Berkley found that that solar panels create *300 times more toxic waste per unit of energy than nuclear power plants*. Moreover, solar panels contain carcinogenic toxic metals such

NATIONAL REVIEW

A Clean Energy's Dirty Little Secret

Discarded solar panels are piling up all over the world, and they represent a major threat to the environment.

By Julie Kelly — June 28, 2017

Clean energy may not be so clean after all.

A new study by Environmental Progress (EP) warns that toxic waste from used solar panels now poses a global environmental threat. The Berkeley-based group found that solar panels create 300 times more toxic waste per unit of energy than nuclear power plants. Discarded solar panels, which contain dangerous elements such as lead, chromium, and cadmium, are piling up around the world, and there's been little done to mitigate their potential danger to the environment.

"We talk a lot about the dangers of nuclear waste, but that waste is carefully monitored, regulated, and disposed of," says Michael Shellenberger, founder of Environmental Progress, a nonprofit that advocates for the use of nuclear energy. "But we had no idea there would be so many panels — an enormous amount — that could cause this much ecological damage."

Solar panels are considered a form of toxic, hazardous electronic or "e-waste," and according to EP researchers Jemin Desai and Mark Nelson, scavengers in developing countries like India and China often "burn the e-waste in order to salvage the valuable copper wires for resale. Since this process requires burning off plastic, the resulting smoke contains toxic fumes that are carcinogenic and teratogenic (birth defect-causing) when inhaled."

This is one of the dirty little secrets behind the push for renewable energy. While consumers might view solar panels as harmless little windows made from glass and plastic, the reality is that they are intricately constructed from a variety of materials, making it difficult to disassemble and recycle them. Japan is already scrambling for ways

activist, who had claimed that the U.S. could generate energy exclusively from wind, water, and solar energy by the year 2050. The scientists said Jacobson's study "used invalid modeling tools, contained modeling errors, and made implausible and inadequately supported assumptions." The group admonished policymakers to "treat with caution any visions of a rapid, reliable, and low-cost transition to entire energy systems that relies almost exclusively on wind, solar, and hydroelectric power."

As the Trump administration considers reforming federal energy subsidies, officials should look at how renewable technologies such as solar panels impact the environment once they've outlived their usefulness. There is nothing environmentally friendly about creating mountains of hazardous waste in an effort to reduce CO_2 emissions.

READ MORE:

The Appalling Delusion of 100% Renewables, Exposed

The GOP Platform Is Right: Coal Is Clean

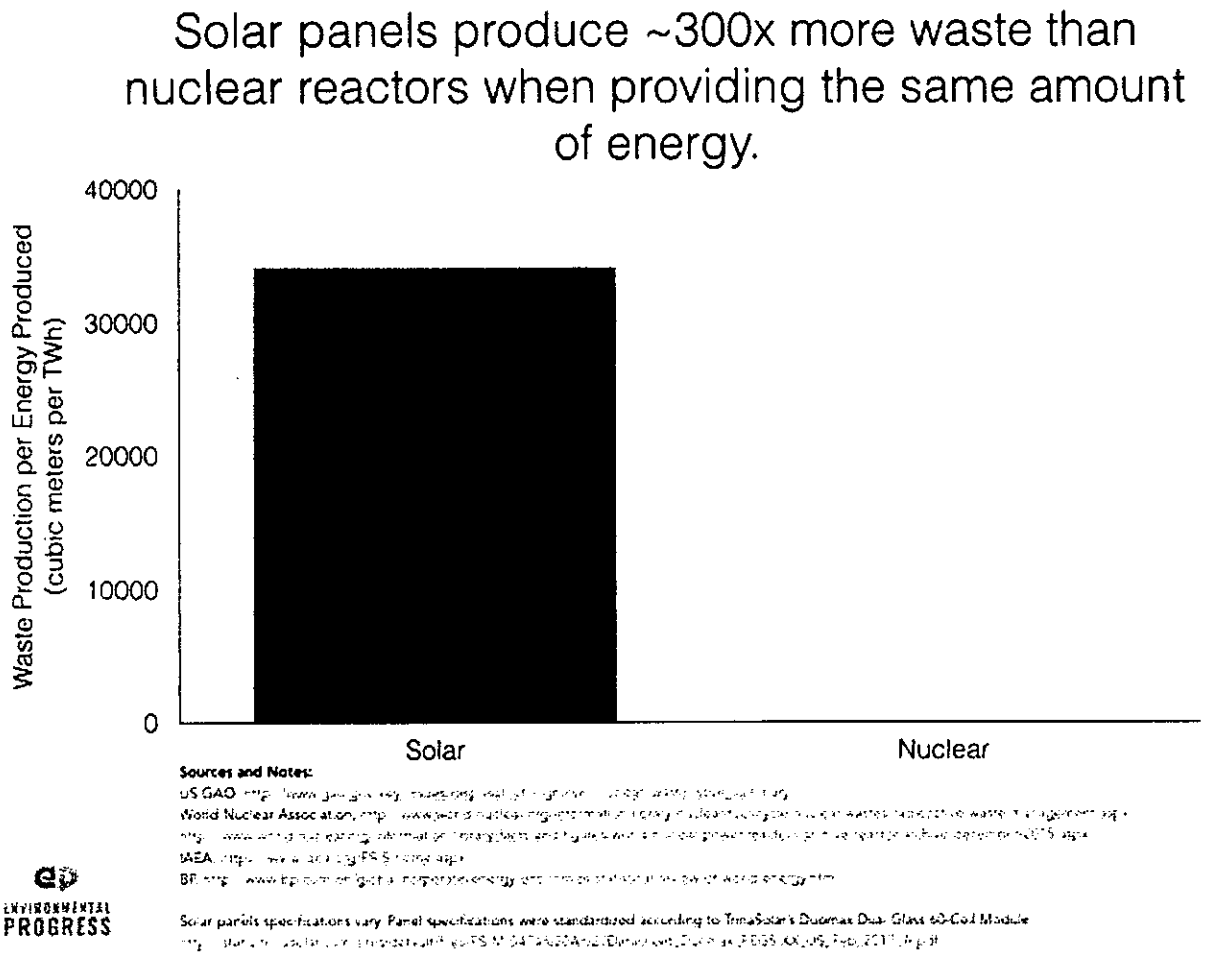
Wind-Energy Sector Gets $176 Billion Worth of Crony Capitalism

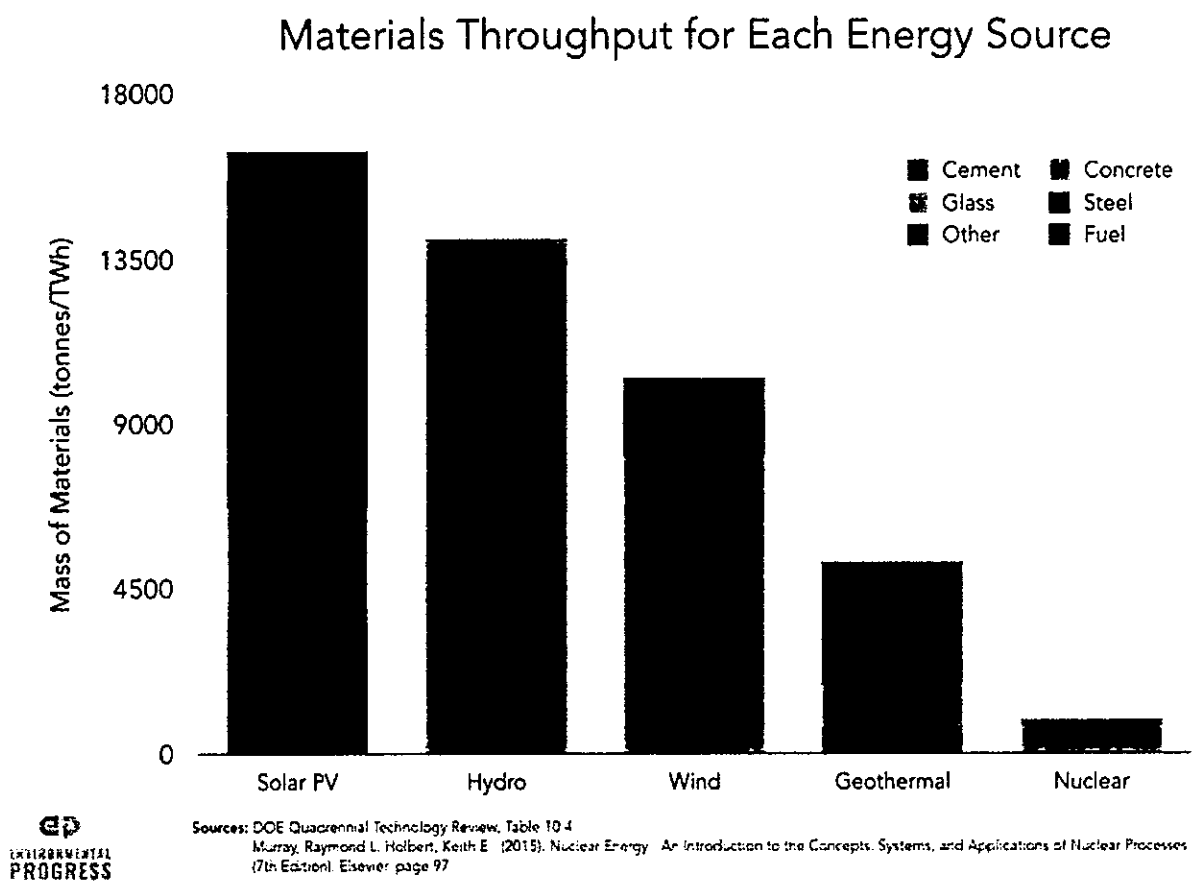
— Julie Kelly is a writer from Orland Park, Ill.

Environmental Progress investigated the problem to see how the problem compared to the much more high-profile issue of nuclear waste.

We found:

- Solar panels create 300 times more toxic waste per unit of energy than do nuclear power plants.
- If solar and nuclear produce the same amount of electricity over the next 25 years that nuclear produced in 2016, and the wastes are stacked on football fields, the nuclear waste would reach the height of the Leaning Tower of Pisa (52 meters), while the solar waste would reach the height of two Mt. Everests (16 km).
- In countries like China, India, and Ghana, communities living near e-waste dumps often burn the waste in order to salvage the valuable copper wires for resale. Since this process requires burning off the plastic, the resulting smoke contains toxic fumes that are carcinogenic and teratogenic (birth defect-causing) when inhaled.



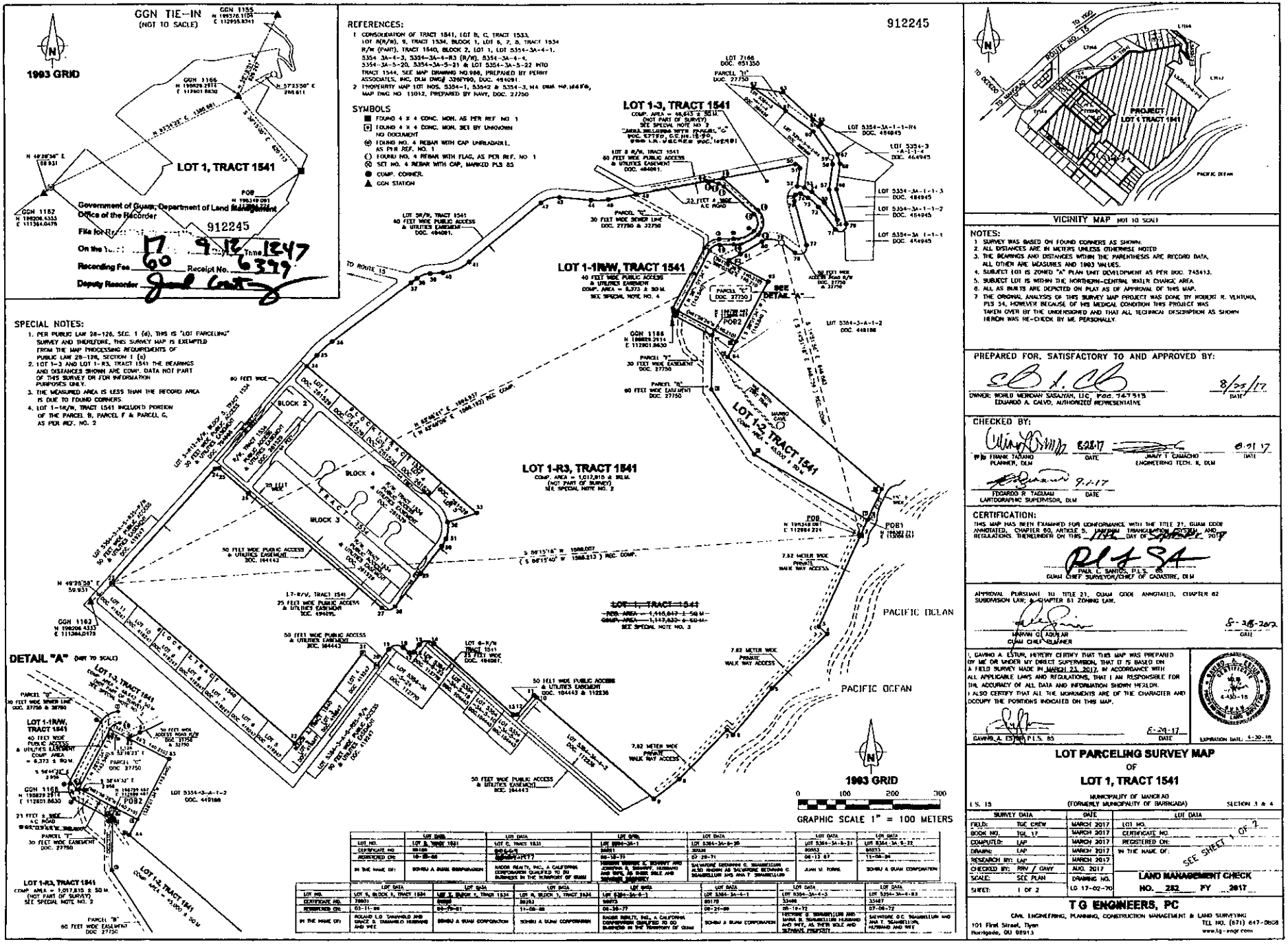


Methodological notes:

- "Solar" in this analysis exclusively refers to solar photovoltaic.
- For the analysis, EP assumed that each solar panel would last 25 years
- EP estimated that a typical 1 GW nuclear reactor produces 27 tonnes of waste annually.

- EP assumed that, worldwide, each nuclear reactor has a similar burnup.
- Capacity factors for solar PV and nuclear are derived from 2016 reports from BP Statistical Review of World Energy and IAEA PRIS and are assumed to remain constant over the 25 year period calculated.
- Nuclear share of world electricity was calculated by dividing world nuclear electricity generation by total world electricity generation.
- Solar panel specifications were standardized according to TrinaSolar's Duomax Dual Glass 60-Cell Module.

Jemin Desai is an EP Fellow and a student at UC Berkeley. Mark Nelson is EP Senior Researcher.



S-15361 1/2

Doc. No. 34GL-18-1501

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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

December 7, 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. 2017-39 (Conditional Use)

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;

It is with the above in mind that the Bureau reminds the applicant that the proposed activity not be deviated upon without ARC and TLUC approval prior to any changes occurring. As a condition to this use proposal any pesticides or hazardous materials must be contained and housed so as to prevent accidental spillage and contingent measures be implemented in order to minimize any negative impacts. The Guam EPA recommends that non-potable water be used to clean the solar panels which would minimize chlorine into our recharge and coastal waters as well.

Erosion Control. The alteration of vegetated areas to a solar facility with buildings, parking lots, roads and other surfaces that prevent water from filtering into the ground to our landscape greatly increases the runoff volume created during storms. Studies show that impervious surfaces can be directly correlated to increased runoff volumes as well as waterway velocities, erosion, and flooding. Controlling erosion and sediment runoff is a major factor in the protection of Guam's vital water resource.

The applicant is required to implement best management practices (BMPs) on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website www.bsp.guam.gov under the Guam Coastal Management Program.

Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In the years between 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

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, and rooftops accelerate stormwater runoff. The Bureau is concerned that once impervious surfaces are installed, commercial pollutants are easily washed into the aquifer and nearby coastal waters. If not properly managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this conditional use application:

1. The applicant must provide GWA with site development plans to construct the proposed development. 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 design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow. If a development will be served by a septic tank/leaching field system, then the system must be approved by the Guam Environmental Protection Agency.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to building permit application submittal. Discussions shall include the proposed water demand 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 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 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 or when a development will be served by a master meter.

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

7. Privately-owned water tanks might be limited to a maximum fill rate to avoid adverse impacts to the public water system.

8. 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's classification and utility service requirements. Activity changes include, but are not limited to, laundry, food service, and vehicle maintenance activities.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

The Honorable
Eddie Baza Calvo
Governor

The Honorable
Ray Tenorio
Lieutenant Governor

public works
DIPATTAMENTON CHE'CHO PUBLEKO
Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

MEMORANDUM

RECEIVED
SEP 21 2017
245

To: Director, Department of Land Management

From: Director, Department of Public Works

MB 9/22

Subject: FOR CONDITIONAL USE
Applicant: KEPCO & LG CNS America, LLC
Application: 2017-39
Lot: Lot 1, Tract 1541, Municipality of Mangilao

Buenas yan Hafa Adai! Applicant KEPCO & LG CNS America, LLC, a renewable resource developer, in partnership with Guam Power Authority ("GPA"), is proposing to implement a new 60 MW Solar PV facility and renewable integration energy storage system (RI-ESS). The project will be located on an approximately 276 acre parcel known as Sasajyan, located in Mangilao, Guam on Lot 1, Track 1541. The proposed project includes a 34.5 KV transmission interconnecting to the GPA grid nearby at Pagat Substation, which is about 1.2 miles north of Route 15. The project also includes two 16 MW/10 WH of RI-ESS battery systems to help stabilize the solar PV plant from abnormal power fluctuations.

The Department of Public Works ("DPW") has completed its review of subject application and has no objections to the proposed implementation, provided the following conditions be in place:

A. secure the proposed area by providing fencing of the area;
B. provide (a set) of preventative measure(s) to protect the solar plant from becoming a hazard to public safety and to take steps to ensure that the solar plant be reasonably resistant to wind and typhoon damage, earthquakes and/or other natural disasters

NOTE: Applicant must make sure that existing activities have no environmental effect or negative impact to surrounding and/or neighboring areas

DPW recommends approval of subject application with conditions (subject to the comments stated above, as reviewed by the Application Review Committee). Prior to the submittal of the building permit application, applicant must submit a complete set of design drawings with all the engineering disciplines needed. Drawings must also conform to the latest building code and applicable rules and regulations.

Should you have any questions, please contact Linda Ibanez in Charge or Maryrose Wilson at Division of Capital Improvement Projects ("CIP") at 646-3209 or 646-3224.

9/19/17
GLENN LEON GUERRERO

P- Coulter 9/21/17 Land plng

LIbanez/MWilson
9/13/17

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

MB 19/6

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 06 2017
1230
CLTC/GALC/GLUC

MEMORANDUM

September 22, 2017

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Conditional Use Application No. 2017-39 for Lot 1, Tract 1541, in the Municipality of Mangilao

APPLICANT(S): LG CNS America represented by TG Engineers, PC

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a conditional use permit to develop, construct, and operate a renewable energy facility (Mangilao Solar Plant), on Lot 1, Tract 1541, in an "A" (Rural) zone, in the Municipality of Mangilao.

This memorandum shall serve as GWA's position statement to the above conditional use 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 the 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 are conditions for GWA's position in favor of the approval of this conditional use application:

1. The applicant must provide GWA with site development plans to construct the proposed development. 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 design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow. If a development will be served by a septic tank/leaching field system, then the system must be approved by the Guam Environmental Protection Agency.

10.10.17

GUAM POWER AUTHORITY

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

RECEIVED
AUG 23 2017
Department of Land Management
Time 4:20 Intl

August 15, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 1, Tract 1541, Municipality of Mangilao, (LG CNS America, LLC); Conditional Use Application to construct a 60MW Solar Photovoltaic Facility. **Application No. 2017-39**

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.

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 is 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

Interconnection to the power grid will be dependent on approved power system mitigation projects and GPA's ability to effectively and responsibly receive the solar production subject to GPA solicitation of services and subsequent to CCU and PUC contract approval.

for JOHN M. BENAVENTE, P.E.

ASG/arp

VCB 8/2

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

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

MB 11/14

RECEIVED
NOV 14 2017
1220 P

NOV 13 2017

11.14.17

MEMORANDUM

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Director, Bureau of Statistics and Plans

SUBJECT: DLM **Application No. 2017-39**; **Location:** Tract 1541, Lot 1, in the Municipality of Mangilao, Guam; **Applicant:** LG CNS America, LLC c/o TG Engineers, PC; **Proposal:** Conditional Use to develop, construct, and operate a renewable energy facility (Mangilao Solar Plant in an "A" (Rural) Zone

Håfa Adai! The applicant, LG CNS America, LLC c/o TG Engineers, PC is requesting for a Conditional Use in an "A" Zone to develop a 276 acre 60 megawatt Solar Photovoltaic Facility in the municipality of Mangilao. The property contains a total area of 1,118,047 square meters or 12,034,506 square feet which is approximately 276 acres in size. The applicant is proposing to develop a solar panel farm which includes a 34.5 kv transmission interconnection to the GPA grid from the nearby Pagat substation about 1.2 miles to the North of the project site on Route 15. There will be approximately 230,000 panels proposed that will cover about 200 acres of the 276 acres. The facilities on this compound will consist of an operations and maintenance building, a building for 24 hour personnel, and a building that will serve as a storage and restroom.

Normal bush cutting activity will be done to keep the solar panels free and clear of overgrowth. Fourteen foot access aisles will be used to minimize the need for coral based or asphalt roads and minimize impervious surfaces and the solar panels will be cleaned with rain water that will be chlorine free. Also, a ponding basin will be installed.

The location of the project site can be found in the Sasajyan, Mangilao, Guam commonly referred to as the Marbo area directly fronting the Route 15 intersection to the Latte Heights, Mangilao entrance and across to Dededo via the Latte Heights subdivision. The current make-up of the site location can be considered as a sloping terrain with a mixture of vacant

The applicant is required to implement best management practices (BMPs) on site to control erosion and sediment before, during and after construction of the project. The applicant is advised to consult with Guam EPA for effective implementation of BMPs. These practices may include but are not limited to the following:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the residential property.
2. Minimize unnecessary clearing and grading to preserve existing natural areas.
3. Stabilize construction entrance and install necessary perimeter controls and diversions.
4. Disturbed areas shall be stabilized as soon as feasibly possible after construction.
5. Steep slopes shall be protected from erosion by limiting clearing of these areas.
6. Where feasible, schedule construction during dry season.

For detailed information on the above listed practices, we refer the property owners to the CNMI and Guam Stormwater Management Manual, which may be obtained from our website www.bsp.guam.gov under the Guam Coastal Management Program.

Low Impact Development (LID). The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In the years between 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality.

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, and rooftops accelerate stormwater runoff. The Bureau is concerned that once impervious surfaces are installed, commercial pollutants are easily washed into the aquifer and nearby coastal waters. If not properly managed, this activity can adversely impact Guam's drinking water source and surrounding neighbors if measures are not in place to manage runoff on the property.

The Bureau recommends the applicant 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 and pride 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.bsp.guam.gov.

MANGILAO SOLAR PLANT PHOTOVOLTAIC FACILITY

LOT 1, TRACT 1541, SASAJYAN

MUNICIPALITY OF MANGILAO, GUAM

GLUC HEARING FOR CONDITIONAL USE

DECEMBER 14, 2017

PREPARED FOR:

KEPCO & LG CNS

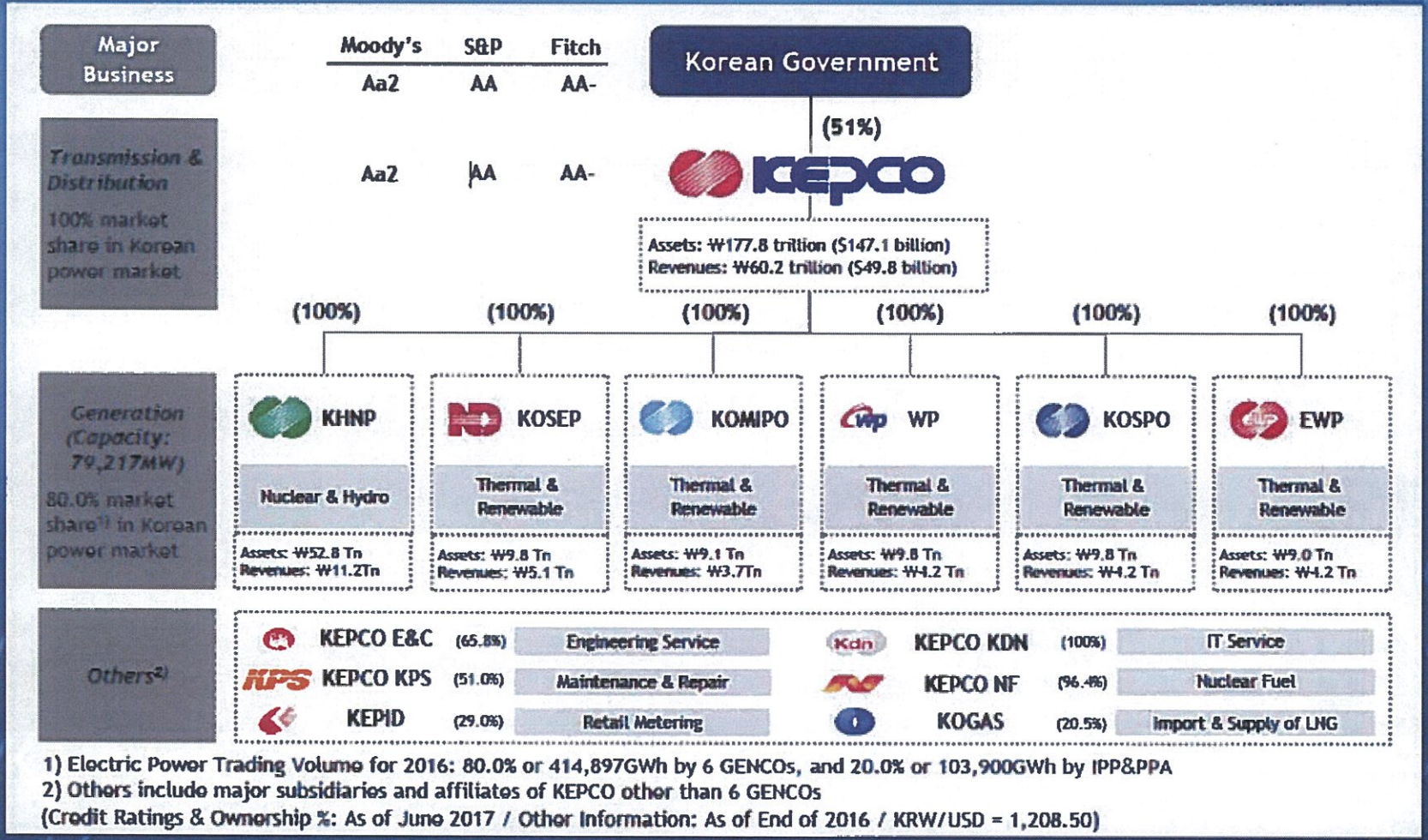
PREPARED BY:

TG ENGINEERS, PC

Doc. No. 34GL-18-1501 .

KEPCO – Sponsor, Major shareholder(1)

◎ Company Profile



1) Electric Power Trading Volume for 2016: 80.0% or 414,897GWh by 6 GENCOs, and 20.0% or 103,900GWh by IPP&PPA
2) Others include major subsidiaries and affiliates of KEPCO other than 6 GENCOs
(Credit Ratings & Ownership %: As of June 2017 / Other Information: As of End of 2016 / KRW/USD = 1,208.50)

Doc. No. 34GL-18-1501 .

KEPCO – Sponsor, Major shareholder(4)

◎ "Solar + ESS" Project Reference





Doc. No. 34GL-18-1501 .

LG CNS – Sponsor, EPC Contractor & System Integrator

LG & LG CNS CNS At Glance

LG Founded in 1947, Sales: USD 140 Billion, 226,400 Employees Worldwide

Electronics

LG has led Korea's electronics industry by developing world-class products using its innovation technology. LG will create the new future for the global electronics industry via R&D investment & global marketing

- LG Electronics
- LG Display
- LG Innotek

10 Companies





Chemicals

Since the inception of Lak Hui Chemical in1947, LG has been faithful to its philosophy of "making products customers need" LG develops chemical products and materials essential to people's lives

- LG Chem
- LG Hausys
- LG Household & Health Care

11 Companies



Telecommunications & Services

Swiftly provide information to customers whenever and wherever they need it. LG will create a new world of communication where customers meet each other mind-to-mind

- LG U+
- LG CNS
- LG International

23 Companies



Doc. No. 34GL-18-1501 .

LG CNS – Sponsor, EPC Contractor & System Integrator

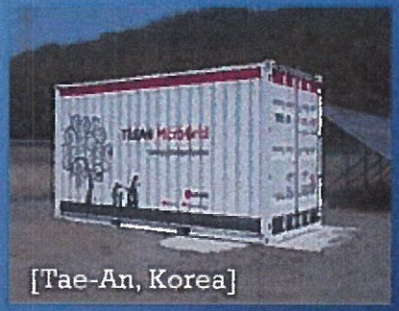
Key Energy Storage Project References

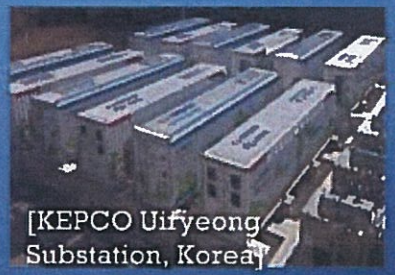
125MW/120MWh Installed

Largest Market Share in Korea

Market	Project Title	Installed Capacity (MW / MWh)	Completion Year
Korea	**Dongbok, Jeju**	**9 / 29.7**	**2016**
	FR ESS for KEPCO Phase III	36 / (12)	2016
	FR ESS for KEPCO Phase II	24 / 7.8	2016
	FR ESS for KEPCO Phase I	8 / (7.6)	2015
	LG Chem Ochang Factory Phase II	3 / 14.3	Mar 2017
	LG Chem Ochang Factory Phase I	1.5 / 7	2014
	LG Chem Iksan Factory	3 / 23	2014
	LG Hausys Oksan Factory	0.5 / 1.7	2015
	Shilla Univ.	0.5 / 1.8	2013
	ESS for Tae-An Solar Plant	0.05 / 0.15	2013
Research	Jeju Smart Grid Testbed	0.08 / 0.3	2013
Overseas	**FR, RI ESS in Guam**	**40 / 34**	**June 2017**


[Jeju, Korea]


[Tae-An, Korea]


[KEPCO Uifyeong Substation, Korea]


[KEPCO Shinyongin Substation, Korea]



[LG Chem Iksan Factory, Korea]


[Shilla Univ.]

Doc. No. 34GL-18-1501 .

PROJECT DESCRIPTION

- Mangilao Solar Plant - 60 Megawatts + 32MW/32MWH Energy Storage System (RI-ESS).
- Will generate approximately 149,000 MWh per year.
- Located on 175 acres in Sasajyan, Mangilao.
- Includes a 34.5 kV transmission interconnection to GPA power grid at Pagat Substation.
- Preserves coastal areas, no pollution, noise, solid waste generated, traffic, impact to utilities

Doc. No. 34GL-18-1501 .

OVERALL SITE PLAN



Doc. No. 34GL-18-1501 .

BENEFITS

- Using solar energy will help achieve Guam's goal to reduce fossil fuel consumption in all sectors to 25% by 2020.
- Solar is a zero fuel cost resource. This means lower costs all around—GPA predicts $34M savings over 1st 5 years
- Reduces energy cost—Mangilao Solar Generation Unit Price: 8.5¢, Current Guam Generation Unit Price : 11 ¢
- More reliable energy with RI-ESS--means consistent power
- Eliminates emission of approximately 30,000 metric tons of CO2 annually (as calculated by EPA guidelines)
- Reduces Guam's dependence upon imported diesel and heavy fuel oil in the event of a disaster that inhibits fuel shipments
- Creates jobs over 25 years
- Provides significant construction activity – Employment & Local Revenues
- Best/right choice for improving the area

Doc. No. 34GL-18-1501 .

PV LAYOUT CONCEPT

- Natural topography and low-level PV panels
- Design has considered preserving ocean view
- Visual buffering along perimeter-heavy jungle
- Security for the entire area
- Landscaping along cliff line fence toward Pagat
- Solar PV does not emit noise
- Designed for 25 years securing a long-term source of sustainable power
- Solar panels will be installed to withstand typhoons
- Storm water will be managed onsite
- No waste water will be generated
- O&M Services will require local labor force

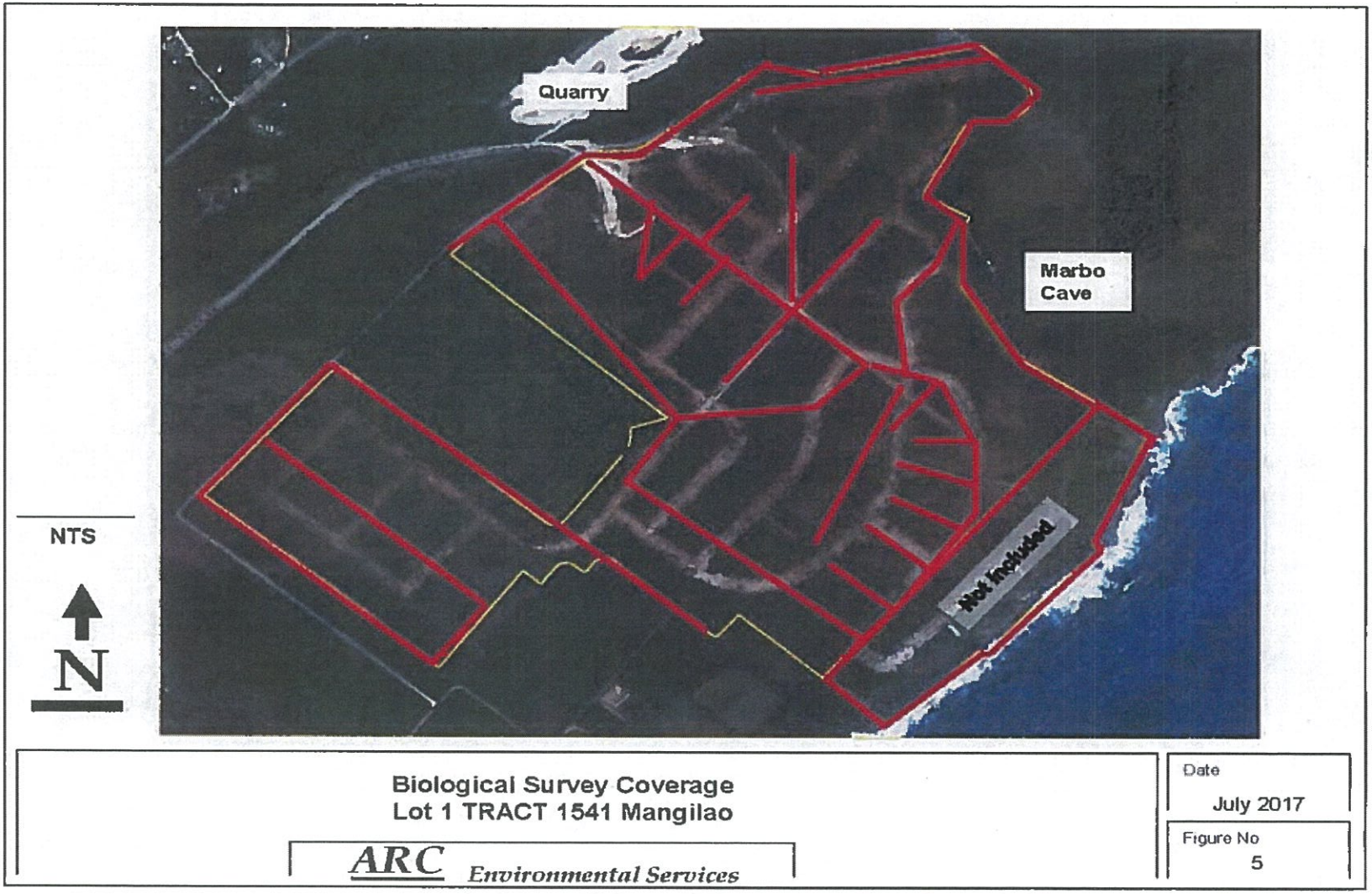
Doc. No. 34GL-18-1501 .

ENVIRONMENTAL SURVEY

- The project site has been confirmed to contain no endangered species of plants or animals.
- Trees and shrubbery will be planted.
- Dept. of Agriculture will be consulted for transplanting Fadang, Nanasu, and Hunik.
- Significant solid waste found onsite.
- No chemical or hazardous wastes found.
- Invasive species found—yellow-banded wasp.

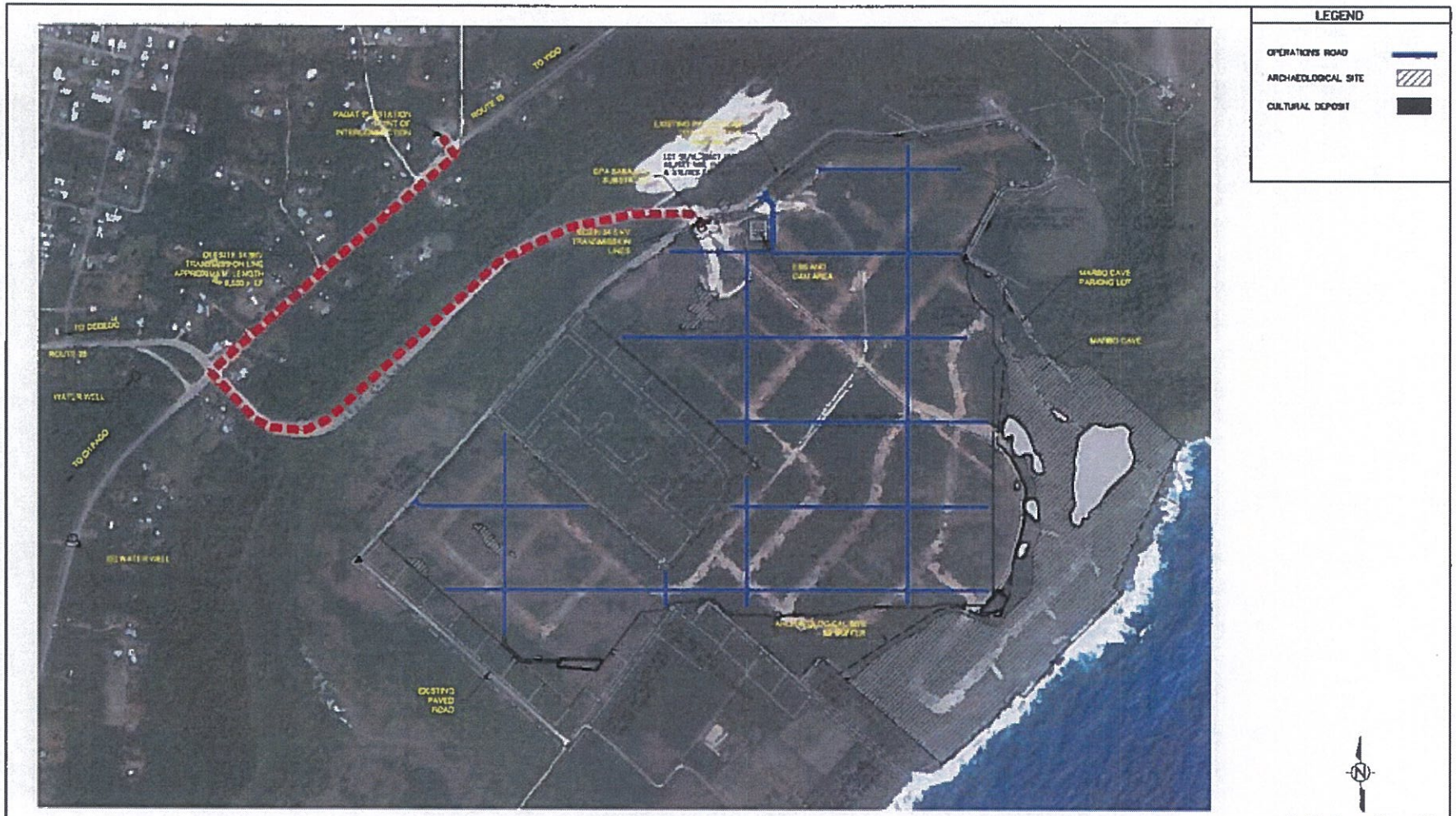
Doc. No. 34GL-18-1501 .

ENVIRONMENTAL SURVEY



Doc. No. 34GL-18-1501 .

ARCHAEOLOGICAL HIGHLIGHTS



① OVERALL SITE PLAN

PROJECT TITLE	MANGILAO SOLAR PLANT KEPCO & LG CNS BABAYAN, MANGILAO, GUAM	DATE	07/14/17				
DRAWING TITLE	OVERALL SITE PLAN					DRAWING NO.	C001B

LG CNS (주)엘지씨엔에스

건운설계법인 1층 제 서울E-2-482호
T: 02-2099-7830 F: 02-2099-0099
서울특별시 영등포구 여의대로 24 FKI타워
E-mail : ybjang@lgcns.com

TG ENGINEERS, PC

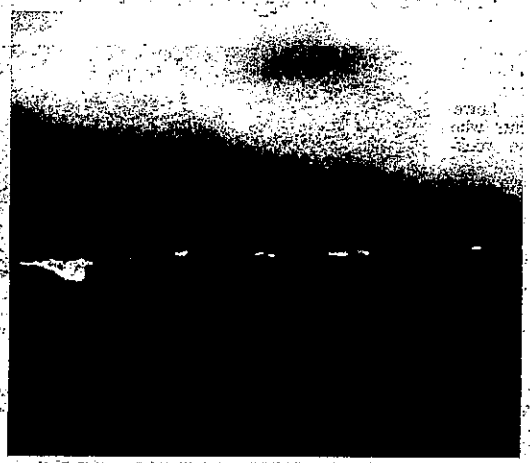
Doc. No. 34GL-18-1501 .

SAVE SASAYAN VALLEY MARBO CAVE LANDOWNER CONCERNS – TODAY'S GUAM POST STATEMENTS NOT ACCURATE

- What will happen to solar farm during storms if designed to 170? "Safety and and personal harm can result, this is endangerment with debris flying around."
- "…25 year contract with the government..federal guidelines require decommissioning of the solar plant..NC agricultural studies found former solar farm land can never be used for agriculture. "
- "Battery Storage..uses an average of 650 gallons per hour of fresh water per megawatt hours of electricity according to sources"

Doc. No. 34GL-18-1501 .

SAVE SASAYAN VALLEY-MARBO CAVE



LOCATION – SASAYAN, MANGILAO, GUAM
5 minutes to Mangilao COUNTRY Club Golf Course 8 minutes to A.B. Won Pat International Airport 10 minutes to Tumon Bay 15 minutes to Guam's Capital, Hagatna

We the landowners of Sasayan Valley are against the proposed non compatible location for an industrial solar farm activity in the physical nature of the Sasayan Valley. The developers are planning to build 230,000 multi-units manufactured metal/glass Solar Panels in the middle of this Valley. They are now seeking permit rezone to place this industrial business Solar Farm for commercial –profit use through GLUC approval. Our small close knit agrarian community is comprised of developers, realtors, architects, engineers, doctors, Lawyers, nurses, recreational advisors, educators, government and military retirees, historical and ancestral administrators, tourism and community founders , fresh water preservation advocates, artists, musicians, Chamorro entertainers, off-island entrepreneurs, farmers, ranchers and residents who plan to grow TOURISM.

Those of us who bought into this piece of paradise from the original landowners did so to enjoy the peace, serenity unpolluted lush green limestone forest, rich ocean wildlife, fresh clean air for health benefits; swimming in the cool spring waters of the underground cave. But most enjoyable and rewarding is our exposure to Pagat's indigenous ancestral habitats and trekking experiences.

What fears we have regarding the proposed project?

1) Major natural devastation of the physical nature of the valley will change depriving us of future Livelihood.
2) We have fears for unseen long-term health hazards from daily exposure to magnetic fields going on in the Valley as radiation heat temperatures will increase as well.
3) Waste water is a big part of this industry, Sasayan Valley and Marbo Cave are part of Northern and Central Aquifers of natural spring waters, as these fresh waters flow down through the Valley slopes and gets trapped in limestone deposits underground. This wastewater may conta-minate the environment if not properly handled and disposed of.
4) Solar Farm rated storms 170 maximum winds, Guam's super typhoon categories are rated at an average of 190 mph. What will happen to these metals and glass materials? Safety and personal harm can result, this is endangerment with debris flying around.



Since this proposal by the private developers is a 25 year contract with government, federal guidelines require that after 25 years (lifeline) it is the responsibility of the owners of the solar farm to decommission the used debris into a landfill that would accept "toxic waste". It has been found by North Carolina agricultural studies that the former solar farm land can never again be used for agriculture.

The battery storage currently uses an average of 650 gallons per hour of fresh water that is needed per megawatt hours of electricity produced. The developers have informed through the public hearing that 60 megawatt will be in the Valley.

NO REZONING OF SASAYAN VALLEY FOR SOLAR FARM, SAVE OUR LANDS. GUAM HAS AVAILABLE EXCESS PUBLIC LAND FOR PUBLIC BENEFIT! ON BEHALF OF OUR ENTIRE COMMUNITY PLEASE STOP THE SOLAR FARM PROJECT!!! SAVE SASAYAN VALLEY HOME OF POPULAR MARBO CAVE! FOR ALL OF US!

Sen serimento '- Sgambelluri, Nelson, Pisarri,Perez etal. (landowners)

APPLICATION NO: 2017-39

APPLICATION FOR CONDITIONAL USE

MANGILAO SOLAR PLANT PHOTOVOLTAIC FACILITY

LOT 1, TRACT 1541, SASAYJAN
MUNICIPALITY OF MANGILAO, GUAM

PUBLIC HEARING REPLY & RESPONSES WITH ATTACHMENTS

01 DECEMBER 2017

PREPARED BY:
TG ENGINEERS, PC

8.0 Marcel Camacho notes he brought LG to Guam.
Marcel Camacho has worked with LG Chem, which is a subsidiary company and Battery Supplier for this project. But LG Chem is a separate company from LG CNS and there is no relationship to Marcel Camacho.

9.0 What is the status of the contract protest?
It is still under OPA review. We will update the information after the decision.

10.0 What will happen to the site at the end of the 25-year contract term? How is the contract completion regulated?
We may extend PPA up to 5 years or decommission the plant.

11.0 Are there any invisible negative impacts for neighbors on adjacent properties? Such as radiation or other negative health impacts from a solar farm operation?
The electricity generated by the module in a solar power plant is DC. DC (Direct current) flows without wave generation, cause no electromagnetic waves. But some devices may cause electromagnetic wave while converting DC to AC and transmitting AC current to the grid. According to the results of the research conducted by the National Institute of Radiological Research ("Measurement of exposure of electromagnetic wave generated from solar power facility"), the electromagnetic wave generated from the solar plant facilities measured is much less than electromagnetic wave protection standard-1 / 500th of the electric field 87 (V / m) and to 1/1000th of the magnetic field 62.5 (mG). Therefore the human body is barely influenced by electromagnetic waves.
It is also less than electromagnetic waves generated by most household appliances. (The notebook is 30.19V / m, 0.72mG and the fan is about 9.01V / m, 0.07mG.) With regard to negative impacts to neighboring landowners, TGE has responded it will be utilized the natural jungle and vegetation along the project perimeter to lessen the visual impacts to neighbors. TGE has planned landscaping as well to mitigate view shed natural shrubs and small trees.

What are the batteries made from and are they safe? Is it possible the batteries will explode? Refer to Attachment #2.

12.0 Is it possible the batteries or panels might get damaged and leak toxic materials onto the site? Refer to Attachment #2.

13.0 How will the panels be disposed during operations or at the end of 25-years? Currently, LG CNS plans to demolish the power plant after 25 years of operation. Modules shall be disposed of on Guam at an approved and permitted landfill. Structures will be removed and recycled. The battery will be collected back to Korea, and the structure will be removed and recycled.

14.0 What are the typhoon and earthquake mitigation plans?
TGE has responded the PV solar facility is designed to current building codes and standards. These codes specify 170 mph wind speed and zone 4 earthquake requirements. However, LG CNS has increased the wind speed design criteria to meet 176 mph for this project. It may be envisioned that test-piles may be installed to determine the true strength of the PV structure under extreme typhoon conditions as a form of mitigation. Additionally, the design of the PV module rack structure is such that it is quite low to ground.

24.0 The Conditional Use approval status must meet the following.

- Health
- Welfare
- Safety

The project complies with GLUC requirements and information necessary for GLUC commissioners to make informed decisions. The general public also has been invited to review the information as part of the application process. KEPCO-LG CNS does not believe in its professional opinion Health, Welfare and Safety are in any way jeopardized.

25.0 In the GPA letter (?) it mentions Health and Welfare but not Safety?
GPA's letter was in support of this project since they are the source of this formal tender. GPA has neither expressed any negative issues to the applicant nor to the public regarding any safety issues. And, we will design and construct the solar farm in compliance with safety-related regulations.

26.0 Is there a back up plan for dealing with emergencies?
Emergency plans will have to be available in order for an occupancy permit to be approved by DPW with approvals by agencies such as the Guam Fire Department and Guam EPA. These plans will be developed as part of the Operations & Maintenance phase of the contract.

27.0 The solar facility development is not compatible with other nearby development. We believe this is one of the best choices given the history of the property and lack of development over the past three decades.

28.0 The GLUC is the final Land Use vote for the project approval.
Under current DLM rules and regulations, GLUC has the authority to render a final decision regarding the Conditional Use Permit.

29.0 If Kin had family property at Sasajyan would he still be in favor of the project?
Kin Flores clearly declined to comment because his role as Project Director for the applicant.

30.0 The Perez Grandmother sold the property for a golf course development.
Past agreements regarding the use of land were neither known to TGE/KEPCO-LG CNS nor are they an obligation for future owners to be obliged to honor. KEPCO-LG CNS has procured this project site from the latest landowner without any covenant agreements that TGE is aware of.

31.0 A solar (Industrial) facility is not the best use of the property; it should be for tourism development.
TGE has confirmed the current property is zoned Agricultural which is not designated for high density or hotel zones typical to a tourist district. As current owners of the property, KEPCO-LG CNS has decided the best and right use for the site is for the implementation of a solar facility. KEPCO-LG CNS does not consider this as an industrial utility facility but more a passive site with minimum impact to traffic, utilities, noise and or any air or water emissions.

5	- Project Name: Fish Island solar plant - Capacity: 3MW - Completion Date: 2014/05/09 - Type: Ground fixed	Island area, Korea	
6	- Project Name: Sangju floating solar plant - Capacity: 6MW - Completion Date: 2015/06/30 - Type: Floating System	In irrigation reservoir, Korea	

34.0 Is it safe to put 34.5kV lines overhead?
TGE is designing overhead and underground transmission interconnections that meet all codes and standards. GPA will also review and approve TGE designs before installation and acquiring custody of the line.

35.0 Construction phase traffic is a concern; there will be many deliveries for 230k panels, etc.
The materials and equipment to be transported to site will not be delivered at once. It will be delivered on a staggered basis according to the project schedule. So, we expect that it will not cause traffic disruption. But, in order to minimize traffic disruption that may occur, we will deliver the materials and equipment in a time when traffic volume is low. And, we will arrange the person who controls safety during transportation to minimize traffic disruption. If it is necessary, we will support the delivery schedule.

36.0 The access road condition must be maintained.
LG CNS is committed to repair any damage to the road it is directly responsible for. This road is under the jurisdiction of DPW and ultimately they retain jurisdiction and responsibility for maintenance.

37.0 Does LG have a Real Estate development division? Could they reconsider this property for a resort development and put the solar facility in another location? Maybe on Gov. Guam land?
Unfortunately this is not possible. The property proposed for this project was part of a formal tender submitted to GPA. Changing the project site will result in a material change to LG's formal proposal than may disqualify LG from proceeding with a contract award.

38.0 Endangered snails and butterflies have been found and documented on adjacent property. What will be the protection plan?

It is worthy to note, TGE and its Biological team consultant early in the project planning stages and siting considerations screened the site for environmental constraints and decided in part to locate the facility footprint away from more rugged karst limestone forest topography at the north end of the property (vicinity of Marbo cave) in order to avoid habitat that had a greater potential for presence of listed species.

The same planning effort and avoidance strategy was used actually along the coastline but as we discussed more for reasons of historic cultural resource concerns.

References

ARC Environmental Services. Phase I Environmental Site Assessment Lot No. 1 TRACT 1541 Mangilao. Final Report 2017.
Lindstrom, D. P. and J. C. Benedict. 2014. Final Project Report Federal Candidate Species Surveys on Guam. College of Natural and Applied Sciences, University of Guam Mangilao.
Shreiner, I. and D. Nafus. 1997. Butterflies of Micronesia. Agricultural Experiment Station, College of Agriculture and Life Sciences, University of Guam Mangilao.
USFWS. 2013. U.S. Fish and Wildlife Service Species Assessment and Listing Priority Assignment Form.
USFWS. Undated. Final Mariana Wandering Butterfly Poster.

39.0 Is there any impact to existing ROW and access roads, for example to the Marbo Cave area?
TGE has confirmed that all Rights-of-Ways, easements and access to shorelines have been protected and preserved. And, Doc. 912246 dated Sep. 12, 2017 shows public access to Marbo cave.

40.0 There is a 12" water line - has the water line been charged?
TGE has knowledge of this line being used for construction purposes in the past. TGE cannot confirm what is the operating status of the line.

41.0 We have a 2" line extended to the right of the intersection.
TGE has not formally conducted surveys of existing underground utilities and we cannot confirm this line exists.

42.0 Will the Marbo cave area be kept open for public use?
TGE has indicated Marbo Cave is not part of the project property--it is owned by others. The project however, protects and preserves existing easements and ROW to the Marbo Cave area. And, Doc. 912246 dated Sep. 12, 2017 shows public access to Marbo cave.

43.0 What are the advantages / disadvantages to OH and UG transmission lines, why not put the new lines underground?
Although the underground lines are better than overhead lines for their reliability, overhead lines are less expensive (which would impact GPA's LEAC positively) and easier to inspect, repair and maintain than underground lines. Also, our interconnection configuration has been carefully reviewed by Guam Power Authority and we believe mixing underground and overhead lines is the most efficient method for GPA and the people of Guam.

44.0 Are there any safety issues with the connection of this facility to the GPA grid?
The 3rd party expert has been conducting system impact study regarding the connection of our solar farm to the GPA grid, and we will design and construct the solar farm in compliance with the result of the study and other applicable regulations.

45.0 The current plan has 8-containers of batteries and approx. 230k panels to be installed at the site.
The project design will house the battery modules indoors and no containers will be used. Approximately 221,760 PV modules (panels) currently are estimated for implementation.

57.0 What law / code allows "industrial" use for power in an "A" zone?
DLM has quoted under Conditional Use for an A-Zone, solar facility is determined to be under utility use and therefore it qualifies under current land uses regulations.

58.0 Is solar power generation classified as a "Utility"? Yes.

59.0 The project benefits have been explained but there is no negative impact identified?
The project provides the best and right choice for land used overall. Any positive benefits far out way negative impacts due to construction. For example, TGE has considered:

- Mitigating view shed issues by using the natural topographic of the site and designing low profile solar panels
- Perimeter fencing will also be colored keyed to match surrounding vegetation
- Landscaping along perimeter fence will also use native plants to mitigate view shed issues.
- Existing dense jungle will be maintained; again to mitigate any view shed issues.
- Clearing & grading of existing vegetation will be mulched to distribute to farmers and or green-waste landfill to help avoid proliferation of invasive species such as the rhino beetle or the fire ant.
- Archaeological Monitoring Plan has been approved by Guam State Historical Preservation Office (GSHPO) to monitor any construction activity for cultural deposits, categorize them to determine how they will be documented and treated.
- Biological surveys have determined no listed plants or animals are affected,
- Illegal dumping of solid waste and garbage will be disposed of at approved and permitted landfill.

60.0 What is the project impact on adjacent land values?
TGE has retained the expertise to assess the impact of land values of the adjacent properties due to the development. This study will be made available to the GLUC prior to its public hearing for its review once completed.

TEST REPORT

Zip Code 46762 5, MyongJiOceanCity-9ro, Gangseogu, Busan, Korea TET(051)464-0771 FAX(051)462-2115

Test Report No : TAP-010878
Representative : Cho SungJin, Jung DoHyun
Company : LG Electronics Inc.
Address : 128, Yeoui-daero, Yeongdeungpo-gu, Seoul, Korea

Receipt Date : May 17, 2017
Test completion Date : June 14, 2017

Name of sample : PV Module(LGxxxN2W-A5)

Test Result				
Test Item	Unit	Sample classification	Results	Test Method
flavor	-	-	O.K.	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
smell	-	-	O.K.	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
chromatility	degree	-	Below 0.1	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
turbidity	NTU	-	0.05	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
Arsenic	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
cadmium	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)

-Next Page-

Preparation : Lee Woomi
E-mail : umi3931@ktr.or.kr

Technical Director : Kim Jaehong
Tel : 1577-0091(ARS ①->④)

June 14, 2017

CHIEF OF KOREA TESTING & RESEARCH INSTITUTE

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Test Item	Unit	Sample classification	Results	Test Method
Hg	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
Mn	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
Na	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
1,2-dichloroethane	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
1,2-dichloroethylene	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
1,2-trichloroethane	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)

-Next Page-

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Test Result				
Test Item	Unit	Sample classification	Results	Test Method
epichlorohydrin	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
vinyl acetate	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
Styrene	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
1,2-butadiene	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
1,3-butadiene	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
N,N-dimethylaniline	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)

-Next Page-

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June 14, 2017

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Test completion Date : June 14, 2017

Name of sample : PV Module(LGxxxN2W-A5)

Test Result				
Test Item	Unit	Sample classification	Results	Test Method
2,4-Diaminotoluene	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
2,6-Diaminotoluene	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
nitric nitrogen, nitrite nitrogen	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
anionic surfactant	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
chloride ion	mg/L	-	Non-detection	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)
evaporation residue	mg/L	-	15	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)

-Next Page-

Preparation : Lee Woomi
E-mail : umi3931@ktr.or.kr

Technical Director : Kim Jaehong
Tel : 1577-0091(ARS ①->④)

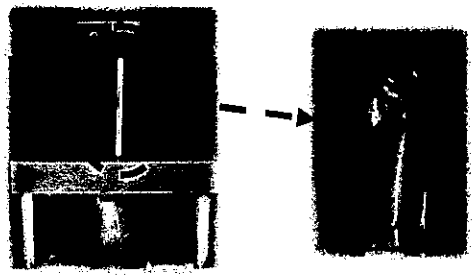
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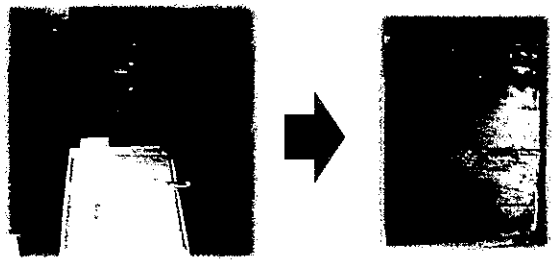
CHIEF OF KOREA TESTING & RESEARCH INSTITUTE

ATTACHMENT #2

Cell Safety

- **No fire or explosion throughout all safety tests**

Overcharge	Hot box	Crush
		
SOC0, 6.3V, CC charge	130℃, 30min.	13kN, Flat/Side

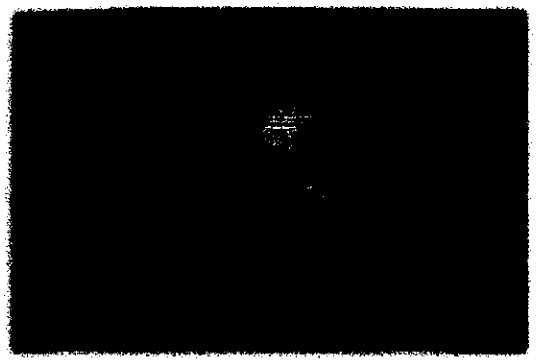
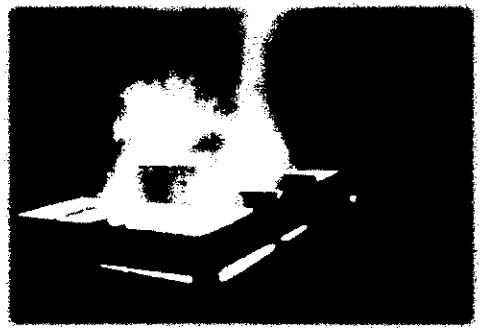
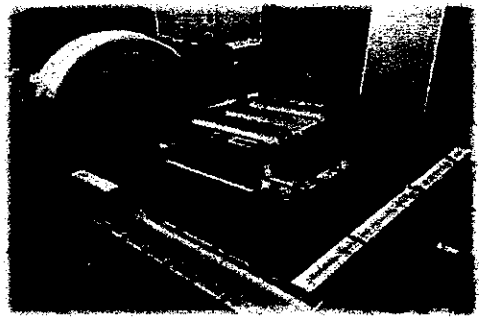
Impact	External Short	Nail
		
Φ15.8mm, 9.1kg, 610mm	5mΩ, 25℃	Φ3mm , 80mm/sec

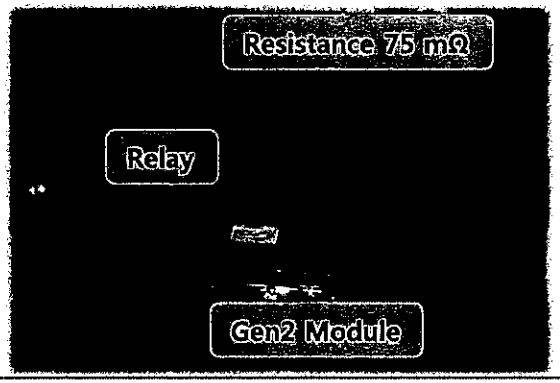
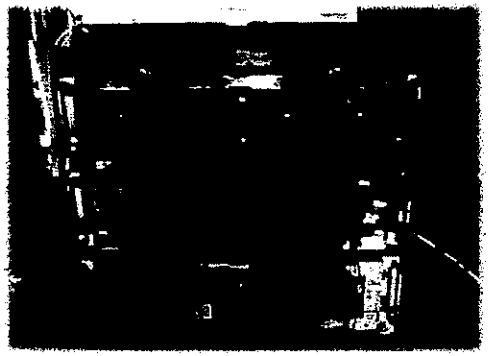
Passed all tests

Doc. No. 34GL-18-1501

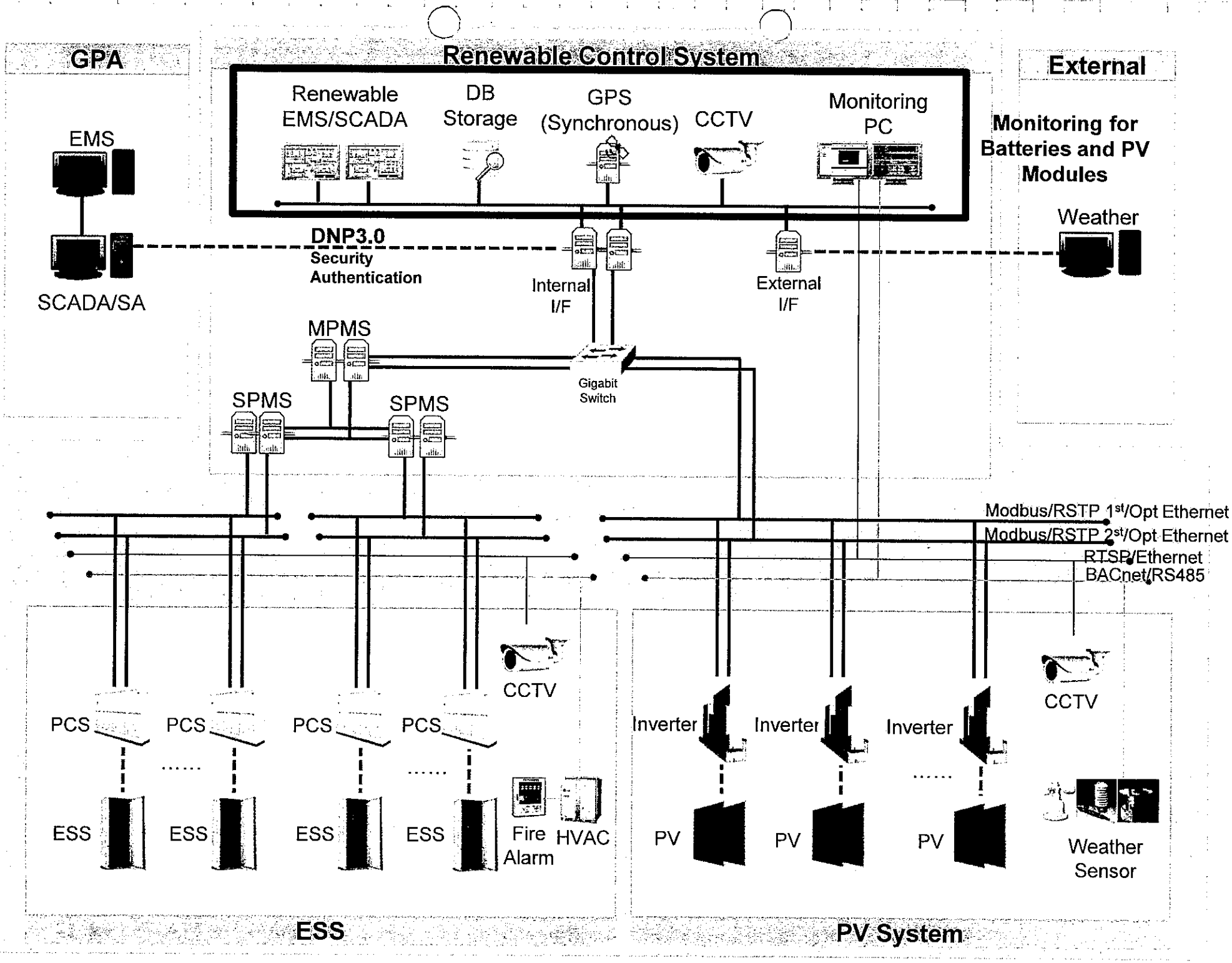
Module Safety

- **No fire or explosion throughout all safety tests**

Water Plunge	Fire Exposure	Vibration
		
KBIA	KMVSS	UN38.3

External Short Circuit	Fire Propagation/Suppression	Drop
		
UN38.8	LG Chem	LG Chem

Doc. No. 34GL-18-1501 .



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SOLAR TRADE ASSOCIATION

Impact of solar PV on aviation and airports

Summary of evidence compiled by the Solar Trade Association to help inform the debate around permitted development for non-domestic solar PV in Scotland.

Background on situation in Scotland

A Scottish Government consultation in June 2015 on extending Permitted Development Rights for **non-domestic roof-mounted solar** (with no upper limit on array size) has seen the re-emergence of the issue of glint and glare after concerns expressed by airports, notably in responses from Glasgow Airport and Glasgow Prestwick Airport. The consultation seeks to remove the clause in the Town and Country Planning (General Permitted Development) (Non-Domestic Microgeneration) (Scotland) Amendment Order (SSI 2011/136) that "permitted development rights do not apply... within 3km of the perimeter of an aerodrome or technical site." This would level with domestic rooftop solar, for which permitted development rights exist with no requirement for prior approval next to airports and no reports of issues in Scotland or England. The airport responses note concerns over safeguarding against glint and glare, interference with Communications Navigational and Surveillance equipment, and infringement of obstacle limitation surfaces in aircraft flightpaths. However, while they cite aerodrome safeguarding legislation and Civil Aviation Publications (CAPs) they do not provide any factual or anecdotal evidence of solar causing problems. The Scottish Government has yet to issue a response to the consultation.

Civil Aviation Authority (CAA) guidance issued in 2010 states that a developer should "provide safety assurance documentation regarding the full potential impact of the installation on aviation interests". This is something that at the moment can be requested by airports through the planning system, normally in the form of a risk assessment or glare assessment. We understand that the Civil Aviation Authority have argued that if this is removed then there will be no mechanism for airports to request developers fulfil safety requirements regarding glare, which could result in an accumulation of solar developments around an airport with a potential to cause glare.

Permitted development rights in England were extended to 1MW for solar PV in April 2015. The Statutory Instrument states that "development is permitted subject to the condition that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the design or external appearance of the development, in particular the impact of glare on occupiers of neighbouring land." Therefore there is a pre-notification/prior-approval period – a form of 'planning-lite'. However developers and planning authorities have raised concerns that developers still have to submit broadly the same information, which often costs the same amount in terms of fees and planning authority resources and takes the same amount of time (6-7 weeks).

Legislation and guidance

Ultimately it is up to each planning and local authority to determine what is required in terms of an impact assessment and each authority has different requirements. There can be no requirement at all, a 'tick-box' exercise, or a more thorough assessment, for example: Infrastructure Planning SI (SI

Doc. No. 34GL-18-1501 .

2016/17) (The East Midlands Gateway Rail Freight Interchange and Highway Order 2016): "The prior approval of the airport operator (acting as the statutory aerodrome safeguarding authority) must be obtained by the undertaker for the installation of any solar photovoltaic panels or apparatus within the authorised development, such approval not to be unreasonably withheld or delayed. Any request for such approval must be accompanied by a full solar glare assessment and detailed risk assessment."

There are no EU provisions or requirements from the European Aviation Safety Agency (and none planned) concerning solar PV developments on or near aerodromes – therefore the expectation from CAA is that solar PV developments are managed by aerodromes in accordance with the well-established statutory safeguarding arrangements (together with local planning authorities, as required) in accordance with the DfT/ODPM Circular 1/2003.

There is various guidance available on the topic. The US Federal Aviation Authority (FAA) had technical guidance, which has directly informed the CAA's stance on solar PV around airports. However, this is due to be updated, with the following disclaimer on the cover: "the FAA is reviewing multiple sections... based on new information and field experience, particularly with respect to compatibility and glare... the FAA cautions users against relying solely on this document at this time. Users should refer instead to the Interim Policy." In sum, the FAA interim policy asserts that proposed solar developments on a federally-obligated aerodrome must undergo ocular impact assessments as outlined in the document and submit these to the FAA for approval. This is a precautionary measure based on the FAA's authority over airspace and construction on an aerodrome. Any solar developments next to or outside the aerodrome are not obligated to undergo assessments. The policy is due to be updated pending new evidence, overdue since 2013.

The CAA interim guidance follows suit: if the proposed solar development is 'on-aerodrome' then the process outlined in CAP 791 must be followed. All of those that have made such an application to the CAA to date have been approved. If any aerodrome operator wishes to install solar PV outside of the licensed boundary (i.e. on the roofs of terminals or other buildings or adjacent land) then there is ***no requirement*** for the aerodrome operator or developer to consult ***or*** notify CAA, nor seek CAA approval. However, engagement with the aerodrome/developer is advised so as to ensure the relevant safety issues have been fully considered. The CAA guidance is due to be updated after the FAA update theirs.

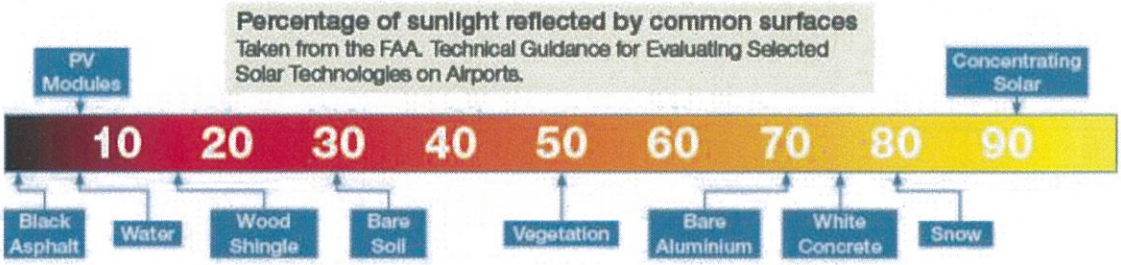
Glint and glare

Glint and glare refers to light reflected off smooth surfaces, either momentarily and intense (glint) or less intense for a more sustained period (glare). This could potentially have an impact in two areas:

1. Pilot distraction on take-off, landing or flight circuit
2. Air traffic controller distraction

The FAA guidance on this topic states: "solar PV employs glass panels that are designed to maximize absorption and minimize reflection to increase electricity production efficiency. To limit reflection, solar PV panels are constructed of dark, light-absorbing materials and covered with an anti-reflective coating. Today's panels reflect as little as 2% of the incoming sunlight." Evidence produced in the guidance shows that this is slightly more than black asphalt, about level with bodies of water, and much below bare soil, vegetation, rooftops, glass, snow or metal. However, the guidance finds that

"because the panels are a flat, polished surface, it is a reasonable assumption that most of the light is reflected in a specular way" different to a rough surface, potentially having an ocular impact.



(Diagram source)

Crucially, the FAA guidance finds that "solar installations are presently operating at a number of airports including megawatt-sized solar facilities covering multiple acres.... To date, there have been no serious complaints from pilots or air traffic control due to glare impacts from existing airport solar PV installations. Any potential problems in this area have apparently been resolved prior to construction through one or a combination of the strategies described above. The anecdotal evidence suggests that either significant glare is not occurring during times of operation or if glare is occurring, it is not a negative effect and is a minor part of the landscape to which pilots and tower personnel are exposed."

Pre-emptive and remedial strategies suggested by the FAA include:

- assessing baseline reflectivity conditions ("At airports, existing reflecting surfaces may include hangar roofs, surface parking, and glassy office buildings. To minimize unexpected glare, windows of air traffic control towers and airplane cockpits are coated with anti-reflective glazing and operators will wear polarized eye wear. Potential glare from solar panels should be viewed in this context.");
- tests in the field, i.e. moving , testing and altering the tilt of the panels ("For the two known cases where such a field test was conducted, the tower personnel determined that the effect of the glare produced by the solar panels was not significant");
- geometric analysis (similar to the glint and glare assessments widely used today).

Evidence gathered by the STA on glint and glare

As a starting point the STA contacted several experts in glint and glare analysis for solar around airports. This was then followed by a call for evidence (case studies) and further research specifically to find examples where glint and glare *has* caused a problem. There are hundreds, perhaps thousands of examples worldwide of solar PV installations operational on or around aerodromes. To demonstrate this a short list of examples of airports with large installations on aerodrome, next to runway or under flightpath is included below, which we believe to be only a small fraction of the total. However, while listing PV installations safely sited on or next to aerodromes adds to a growing list of anecdotal evidence to suggest glare is not a cause for concern, it is not a falsifiable test. This was the reason for searching for examples where glare from solar PV has caused a sustained issue.

Doc. No. 34GL-18-1501 .

Following our research we have found no examples of issues or sustained complaints arising on grounds of pilot distraction. This is demonstrable in the expert opinions and case studies below. We have found some evidence of complaints from air traffic controllers, one of these from an installation at Manchester-Boston regional airport, New Hampshire, USA. Air traffic controllers reported a patch of glare from panels for 45 minutes each morning, which was then resolved. No pilots or aircraft reported any issues with glare (link). Malcolm Spaven of Aviatica Ltd also suggested glare for air traffic controllers could potentially be a problem in some instances, but that this is easily remediable. See below for further information.

The other example we found was a solar array near Doncaster Sheffield Robin Hood Airport, which the airport opposed on several grounds including glare, specifically that PV would have an adverse impact on safety "through critical stage flight distraction or eye-damaging glare to air crews within aircraft operating in the vicinity." The array did not go ahead, though the local council's decision was based on concerns about potential impact on public rights of way close to the site: "The proposal fails to protect and enhance public rights of way or add additional links between Low Closes Turbary and the existing recreation network in Belton" (link). Another proposed installation near the flightpath of the Doncaster Sheffield Robin Hood Airport has been approved. The solar farm is now consented and operational (link).

Expert opinions

Below is a summary of conversations the Solar Trade Association has had with experts in this field.

Danny Scrivener, Technical Analyst, Pager Power Ltd - +44 (0)1787 319001

- Over 200 glint and glare assessments conducted for airports and developers – c.20 of these have been commercial rooftop, the rest ground mount
- None have led to the solar development being refused.
- Circa 80% have been passed without any need to revisit proposals – i.e. no risk of glare
- Circa 20% have needed revisiting, asking developer to consult airport on plans
- Maximum five projects have involved the airport asking the solar developer to revisit the scheme and work on the design. These projects have subsequently gone ahead, e.g. Hayle Farm and Woodtown Farm, a joint installation at the end of the runway of Bournemouth airport. Both installations completed in early 2016. The Sandia model for aviation glint and glare assessment was used. They altered the elevation angles to reduce impact.

Michael McGhee, Director, Neo Environmental - +44 (0)0141 773 6262

- Glint and glare assessments are currently required by the Planning Authority if the solar PV station is anywhere in the airfield/airport's safeguarded zone or within 30km of an airport.
- All Neo Environmental's glint and glare assessments have showed no problems so far. He also assesses impact on air traffic control and hasn't had any problems there so far.
- Within the safeguarded zone it is correct that buildings have to be within a certain height, so in theory CAA could have a concern with height but the reality is that the additional height from a solar PV station is so small it will never be a problem (more of a precautionary measure about an airport's authority on building in an airport's safeguarded zone).

Malcolm Spaven, Director, Aviatica Ltd - +44 (0)1875 830750

- There is no evidence that glint and glare is a significant issue for pilots and planes.
- Air traffic control towers with a solar PV installation to the North can reflect light towards controllers.
- A 3km exclusion zone is likely too excessive as it would exclude a lot of areas that would not pose any risk to the aerodrome.
- Glare can be mitigated by vegetation or slightly less reflective panels.
- Solar PV emits less glare than bodies of water, car windscreens and greenhouses.
- Spaven Consulting report: "No evidence could be found from existing solar energy projects around the world of any reported problems of glare affecting pilots. This includes many projects in the USA where the Federal Aviation Administration routinely assess such projects for potential glare impacts." (link)

Charles Morelli, Managing Director, AARDVaRC Ltd - +44 (0)1787 468539

- AARDVaRC has conducted 20 airport assessments and 50 non-airport assessments, solar PV has never been an issue and none of his findings have ever been challenged.
- Never seen a site refused planning permission due to glint and glare
- Never seen a sustained objection once the topic has been understood.
- He has seen instances of airports scaring off developers on grounds of glint and glare before assessments have been carried out. He feels this is a spillover of airports having had disputes with the wind industry.
- FAA guidance is originally based on evidence from studies conducted by the US Airforce on the effect of flash blindness on their pilots from nuclear flash. The guidance states that flash blindness can be caused at levels of 650-1,100 lumens/m^2, which on a quick internet search shows up as levels equivalent to "an overcast day; typical TV studio lighting" (link). According to AARDVaRC, the real problem with flash blindness is not the level of light itself, but on stepping quickly from areas of low light to high light without time for your eyes to tune (e.g. stepping from shadow directly into a bright light). From the perspective of a pilot, being in the open sky, unless an overcast day with shadow from cloud cover (and no sun), aircraft do not fly in shadow. If facing the sun, the lux from the direct sunlight will far outshine the lux from glare from PV panels (solar panels reflect 2% of light).

Case studies

Examples of airports with large installations on aerodrome, next to runway or under flightpath (this is based on a brief scoping exercise, and we believe the list to be a small fraction of the total):

- Gatwick (50kW 150m from runway)
- Heathrow – floating array on Thames QEII reservoir (6.3MW under flightpath)
- Belfast International (4.8MW adjacent to airport)
- Stanstead airport (2.5MW)
- Photon - Birmingham Airport (50kW on terminal)
- Southend Airport – (120kW on terminal and 5MW under landing flightpath)
- Birmingham Airport (50kW terminal roof)

- East Lanford, Cornwall (5MW)
- Dunsfold Aerodrome, Surrey (2MW)
- Cornwall Newquay airport (5MW)
- Prestwick airport (50kW)
- Manston Airport (large solar farm 1.2km from runway 28 threshold)

- San Francisco (0.5MW on terminal)
- Oakland (6000 panels on terminal)
- Denver (11MW)
- Boston
- Indianapolis (12.5MW)
- Fresno Yosemite Airport (2MW on site)
- Las Vegas
- Los Angeles
- Chattanooga Airport USA (5 acre array on aerodrome)
- Nellis Air Base Nevada (15MW)
- Kramer Junction, Victorville, CA, USA
- Blythe, CA, USA
- Pena Boulevard, Colorado, USA
- Bakersfield, CA, USA
- Oakland Airport, CA, USA
- Albuquerque Airport, NM, USA
- Boston Logan Airport, MA, USA
- San Jose Airport, CA, USA
- Houston Airport, TX, USA
- Prescott Airport, AZ, USA
- Yuma Airport, AZ, USA
- Ben Gurion Airport, Israel
- Adelaide Airport, Australia
- Ancona Falconara Airport, Italy (45kW on roof surrounding control tower)
- Athens International in Athens, Greece (8MW on aerodrome)
- Cochin International Airport, India (12MW)
- Munich
- Saarbrucken, Germany (1.4MW)
- Zurich
- Changi
- Stuttgart

Non-glare issues arising from solar PV on and around airports

Blocking of flightpaths

The FAA technical guidance note says "due to its broad authority to protect airspace, the FAA must be given data to review any construction or alteration on a public use airport regardless of height or location". It then states "solar panels, when tilted properly to the south-facing sun, extend to a height

Doc. No. 34GL-18-1501 .

of as little as three feet above the ground making it possible for siting close to runways without penetrating an imaginary surface. The low profile of solar panels allows for greater flexibility in finding the most appropriate location on the airport for electricity generation." We understand this to mean authorisation is to be given as a precautionary measure, but solar generally does not interfere with airspace. Note also that the proposal from the Scottish Government is for roof-mounted solar, which on a pitched roof will add only a few inches to the roof height, and on a flat roof will add less than one metre without accounting for other objects on the roof. After our own research and asking experts in the industry we have found no examples of issues or complaints arising on these grounds. It is thought that complaints in this area are a consequence of disputes over wind energy.

Interference with communications equipment

The FAA technical guidance states that "studies conducted during project siting should identify the location of radar transmission and receiving facilities and other NAVAIDS, and determine locations that would not be suitable for structures based on their potential to either block, reflect, or disrupt radar signals. Due to their low profiles, however, solar PV systems typically represent little risk of interfering with radar transmissions. In addition, solar panels do not emit electromagnetic waves over distances that could interfere with radar signal transmissions, and any electrical facilities that do carry concentrated current are buried beneath the ground and away from any signal transmission." After our own research and asking experts in the industry we have found no examples of issues or complaints arising on these grounds. It is thought that complaints in this area are a consequence of disputes over wind energy.

Conclusions

The STA is not an expert in either aviation or glint and glare. This paper is only intended as a basic summary of the evidence available, and further work could be done to investigate the issue. However, from the evidence we have seen so far the STA does not believe that there is cause for concern in relation to the impact of glint and glare from solar PV on aviation and airports, nor relating to infringement on airspace or interference with communications equipment. Solar PV panels are designed to absorb not reflect light, and their level of reflectivity is lower than that of other objects commonly visible on and around aerodromes, e.g. metal roofs, glass windows, cars, and bodies of water. Permitted development rights already exist for domestic roof-mounted PV adjacent to airports, with no reported issues, although these are much smaller sized systems. Under Article 221 of the Air Navigation Order a mechanism exists to address glare post hoc if it emerges as a problem.

Further Resources

BRE National Solar Centre 'Planning guidance for the development of large scale ground mounted solar PV systems' (link)

South Somerset Council Planning: "As stated previously, photovoltaic panels are designed to absorb light and not to reflect it. They have a smooth surface, however, which means that incident light from a specific direction is reradiated in a specific direction. This means that photovoltaic panels can cause reflections which are considerably less intense than direct sunlight. Photovoltaic panels typically reflect 2% of incident light." (link) I.e. generally, it is rare for aircraft to fly through areas of glint, due to

the specific angles needed from the sunlight. Where it does occur it is much less intense than direct sunlight.

Other contacts: Steve Pester, Principal Consultant, BRE National Solar Centre, +44 (0) 1923 664 729; Adrian Lea, Technical Director, Wardell Armstrong (based in Cornwall) +44 (0)1872 560738; Dujon Goncalves-Collins, Director of Policy – Technologies, RenewableUK +44 (0)20 7901 3049.

Planners: LDA Design, Pegsus, Savills, Parker Dann

Doc. No. 34GL-18-1501 .

Marcel G. Camacho
P.O. Box 11194
Tamuning, GU 96931

December 14, 2017

Mr. John Arroyo
Chairman, GLUC
% DLM
PO Box 2950
Hagatna, GU 96932

Reference: GLUC Application No. 2017-39

Hafa Adai Mr. Chairman:

Thank you for the opportunity to submit this testimony. As the great grandson of Marcelo Sgambelluri, my namesake and the owner of the entire Sasajyan valley at one point in time, and now an adjacent property owner of the proposed development, I am compelled to speak out on the issue at hand.

I want to share for the record also that I was instrumental in introducing both KEPCO and LG CNS to GPA, and I am not against renewable energy as a solution to reduce reliance on fossil fuels, to protect the ozone layer, and to help Guam to come into compliance with the clean air act and eliminate the $38,000.00 per day per generator for each of the 19 generators that GPA is running.

As the Chief of Professional and Development Planning for the premiere Engineering firm in Micronesia who represented major developers through the GLUC process, I can empathize with the challenges you face as you deliberate what is in the best interest of the neighbors of proposed development projects, and the applicants intention.

Also, as the facilitator of the development of the master plan for Guam (I Tano'-ta) and as a Guam Senator who had oversight of the land, agriculture, and housing agencies, I feel uniquely qualified to present a balanced position on any and all applications before this body, including this one.

From a technical standpoint, I want to ensure that this Super Major project, proposed for at least 25 years, and potentially continuing thereafter under GPA's Management, on 300 acres of a very beautiful and pristine valley of the North-East Coast of Guam, is in the best interest of the public's health, safety, and welfare, as required by law.

And because this is such a large project, I beg for the Commissions patience as we try to understand all the technical information presented to us as laymen, and the position of each government entity that is required to submit a statement through the application review committee (ARC) process.

As a matter of fact, I would like to insist that each ARC member be present to explain their technical analysis of the application, and allow us to ask questions. Those who have not submitted a position should be subpoenaed to show up for questioning.

Again, a super major industrial use project of this magnitude should not be taken likely, because we as concerned citizens expect nothing less of our appointed officials.

The sooner we can reach a meeting of the minds, the sooner you all can move on to deliberate the next major issue.

From a personal standpoint, I have a vision to afford each of my five children, and any more that I may choose to have in the future, an opportunity to build their residence on property that was handed down to me through four generations of family, "Irensia" in the vernacular.

Catherine Nelson Illarmo
153 Dama de Noche Lane
Latte Heights Estates
Mangilao, Guam 96913

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DEPARTMENT OF LAND MANAGEMENT
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CLTC/GALC/GLUC

November 29, 2017

John Arroyo, Chairman
Guam Land Use Commission
P.O. Box 2950
Hagatna, Guam 96932

Hafa Adai,

Commissioners, I am calling on you to reject the proposed Mangilao Solar Plant Photovoltaic Facility at Lot 1, Tract 1541, Sasajyan, Municipality of Mangilao, Guam. After much consideration of the benefits of the plan, especially in light of GPA's recent announcement regarding rate increases, I believe that the long-term harm caused by the plant on the land far outweigh the anticipated benefits.

The plant would irreparably alter Sasajyan.

My grandfather, Marcello Sgambelluri, bequeathed Sasajyan Valley to his heirs to ensure their future, and he taught that the land was a resource meant to keep us sustained and nourished, and is deserving of respect. The proposed plant will forever change the land use.

First, the land has traditionally been a place where our family has built homes, raised crops, and enjoyed nature. Since our retirement, my husband John and I have developed our property as a source of food for our family and a relaxing venue for family gatherings. Sasajyan's tranquility and beauty has never been spoiled by industrial use. Allowing the plant would be the tip of the iceberg, forever altering the use of the land and potentially opening the door for further industrial use.

Second, the plant would constitute blight, covering 175 acres with 230,000 solar panels. The developers stated that the area would be surrounded by fencing topped with barbed wire, which will detract from the beauty and tranquility of the scenery and imposes an ominous atmosphere.

The plant could have disastrous environmental effects.

As laid in their plan, the developers admitted that the plant would not survive a super typhoon. The developers stated that the plant would be able withstand 175 mile per hour winds. Our island has a history of powerful typhoons with winds in excess of 175 mile an hour. The foundation will probably withstand the strong

EXHIBIT 2 – [MCoG DLM 2018-0]

In closing, I wish to thank the Commission for the opportunity to express some of my concerns. I urge you, the members of the Commission, to deny the proposed development. Furthermore, that the Commission request that the developers find an alternate site which would be more compatible with the project. I pray that you will address the above concerns as you deliberate your decision. Si Yu'os Ma'ase

Respectfully,

Catherine Illarmo

Catherine N. Illarmo

DEPARTMENT OF LAND MANAGEMENT
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DEC 15 2017
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December 13, 2017

Mr. John Arroyo
Chairman, Guam Land Use Commission
c/o Department of Land Management
P.O. Box 2950
Hagatna, Guam 96932

Re: Application No 2017-39 for a Solar Farm Development in the Sasajyan Valley

Dear Mr. Arroyo:

As the owner of Lot 5354-3A-6-R1-6, I respectfully submit the following testimony relating to the Solar Farm development in the Sasajyan area.

I am opposed to this development in our valley for the following reasons:

- Our family has near and long term future plans to develop our property as a residential community.
- Our property is situated immediately adjacent to the proposed development site.
- A large scale solar farm and the proposal for conditional rezoning to industrial specifically for the solar farm for 25 years will impact the value of our land and any future land development potential.
- Land owners and residents safety concerns have not been

Written Testimony - GLUC Application 2017-39

Tom Camacho <tom.camacho@gmail.com>

Wed 12/6/2017 10:41 AM

To: LAND MGT DIRECTOR <LANDMGTDIRECTOR@land.guam.gov>;

Cc: Vince Camacho <vince.camacho@gmail.com>;

1 attachment

GLUC Letter - John Arroyo.pdf;

Hafa Adai Mike,

Please accept my written testimony expressing concerns on GLUC Application 2017-39. As property land owners in the Marbo Cave area, we wholeheartedly oppose the approval of the owner's application for conditional use of the property for the purposes of constructing a [illegible] plant. Our concerns are outlined in the attached document.

Thank you,

Tom Camacho
488-8800

EXHIBIT 4 – [MCoG DLM 2018-02]

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