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

March 6, 2018

GLA 34-18-1620
Speaker Benjamin J.F. Cruz

MAR 0 6 2018
Time: 3:00 [ ] AM [ ] PM File No. 34-1620
Received By: [illegible]

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 are the Minutes from the last GLUC hearings of **Thursday, January 25, 2018 and February 8, 2018**; and, the Minutes from the Guam/Hybrid Commission of January 25, 2018.

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

Thank you.

Cristina

2018 MAR -7 AM 11:27

1620

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

File for Record is Instrument Number 918521

on the Year 20 18 Month 02 Day 22 Time 3:40

Recording Fee DE-OFFICIO Receipt No. _____

Deputy Recorder: Jane Yamasaki
JANET YAMASAKI

Above Space for Recorder's Use only

COPY

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, January 25, 2018
1:40 p.m. to 3:40 p.m. (GLUC)
1:45 p.m. to 3:00 p.m. (MCoG DLM 2018-02)

GUAM/HYBRID LAND USE COMMISSION
Regular Meeting
Thursday, January 25, 2018
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Excused: Chairman John Arroyo

Hybrid Commission:

Mayor Allan Ungacta, Mangilao

Mayor June Blas, Barrigada

Mayor Rudy Matanane, Yigo

Excused: Mayor Melissa Savares, Dededo

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, 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, January 25, 2018		[X]	GLUC	[X]	HLUC
			[X]	Regular	[X]	Regular
Time of Meeting:	GLUC: 1:40pm	GSPC:	[ ]	Special	[ ]	Special
Hybrid:	1:45pm		[✓]	Quorum	[✓]	Quorum
			[ ]	No-Quorum	[ ]	No-Quorum

COMMISSION MEMBERS	SIGNATURE
Chairman John Z. Arroyo	excused
Vice Chairman Victor F. Cruz	
Commissioner Conchita D. Bathan	
Commissioner Tae S. Oh	
Commissioner Hardy T.I. Vy	
HYBRID COMMISSION; LZ COMPANY, APPLICATION NO. 2017-39 (MCoG DLM 2018-02)	
Mayor Allan Ungacta, Mangilao	
Mayor June Blas, Barrigada	
Mayor Melissa Savares, Dededo	excused
Mayor Rudy Matanane, Yigo	Present (but did not sign in CG)
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: 3:40pm | HLUC: 5:00pm

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, January 25, 2018
[✓]	HLUC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	3:40 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.
Marcel Camacho	KEPCO LG	686-2265
BELEN PEREZ		472-8494
Sungho Kim	KEPCO	+82 61 3Ceg 7042
LEONARA Kelly	Land Owner	715-864-2564
Tom KELLY	LAND OWNER	715-379-7441
	— Nothing follows —	

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

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Public Attendance Record
Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

[X]	GLUC	[X]	Regular	Date:	Thursday, January 25, 2018
[✓]	HLUC	[ ]	Special	Time:	1:40 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	3:40 pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
TOR GUDMUNDSEN	KEPCO - LG SOLAR	687-08[illegible]
Leonora Camacho Kelly		715-864-2864
THOMAS KELLY		715-379-7441
ROBERT S. LIZAMA	SEN. T.C. ADA's office	473-3301/02
G. Curt Fleming	Biology/UOG Mang. Lab	489-9250
Daniel Castro	POSV	
Catherine Brunson	USFWS	989-6745
Andrew Paul	BEC	486-5460
	— Nothing follows —	

GLUC Form 21 - GLUC Public Attendance 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, January 25, 2018 @ 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 January 4th 2018 and January 9th, 2018]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, December 14, 2017

III. Old or Unfinished Business [Hybrid Commission; MCoG DLM 2018-02]

IV. New Business [None]

V. Administrative & Miscellaneous Matters

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, January 25, 2018 @ 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 January 4th 2018 and January 9th, 2018]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, December 14, 2017

III. Old or Unfinished Business

Conditional Use

A. **Application No. 2017-39** Applicant LG CNS America, LLC; 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 2018-02] [Continuation – GLUC Hearing of 12/14/2017]** Case Planners: Frank Taitano/Celine Cruz

IV. New Business [None]

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, January 25, 2018 • 1:40 p.m. to 3:40 p.m.

I. Attendance

Acting Chairman Cruz called the regular meeting of the Guam Land Use Commission for Thursday, January 25, 2018 to order at 1:40 p.m., noting a quorum.

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

[Excused – Chairman John Arroyo]

II. Approval Minutes

Acting Chairman Cruz before the Commission is the Minutes from the last GLUC hearing of December 14, 2017.

Commissioner Bathan makes a motion to approve the GLUC Minutes of Thursday, December 14, 2017; subject to corrections of any minor typographical errors.

Commissioner Oh seconds the motion.

Acting Chairman Cruz motion is made by Commissioner Bathan, seconded by Commissioner Oh. All in favor of the motion say "aye" [Commissioner Bathan, Commissioner Oh and Commissioner Vy], all opposed say "nay."

[Motion passed; 3 ayes, 0 nay. No corrections noted]

III. Old or Unfinished Business [Hybrid Commission]

Acting Chairman Cruz recessed the Guam Land Use Commission at 1:45 p.m.

[The Guam Land Use Commission reconvened at 3:10 p.m.]

Acting Chairman Cruz any new business –

IV. New Business [None]

V. Administrative & Miscellaneous Matters

Marvin Aguilar noted that there will be a push forward of other applications that will be placed on the agenda for February.

Commissioner Oh on the legal opinion submitted by Legal Counsel concerning the applicant Kevin Yang (zone change), in reference to the notification process. After reading this, asking the applicant to start the process from the beginning will be difficult for the applicant. And the with the opposition of some of the Perez Acres homeowners, Commissioner Oh wanted to be clear on this because you are now talking about notifying everyone at Perez Acres because they have 1/200 undivided interest. Moving forward, this will be corrected. In cases on these types of situations, Legal Counsel's opinion and advice is to notify all homeowners of Perez Acres.

Nick Toft responds yes and in any situation where there is a 500-foot radius that includes any part of a Horizontal Property Regime; whether it is Perez Acres, or some upcoming development that decides to use an HPR basis that it would be necessary to notify all members of that HPR.

Commissioner Bathan does that include the LZ application that is located next to Talo Verde.

Nick Toft is Talo Verde have an HPR.

Celine Cruz yes, Talo Verde has the townhomes.

Marvin Aguilar other than being an HPR is it governed by an HOA and to what value do we put the HOA –

Nick Toft it is not the HOA that is the critical point. It is the landowner within a 500-foot radius. And because we cannot say that they do not own land within that 500-foot radius because they own an undivided 1/200th interest in the land that is in that radius that they need to be notified statutorily unless it is amended and have the Legislature say in cases of HPR, notify the President or something like that, but that is not the case.

Michael Borja Talo Verde townhomes is the HPR, not the single-family homes.

Marvin Aguilar it is an association between the two subdivisions.

Michael Borja who owns the land.

Celine Cruz there are two associations; the HOA of the residential area and then there is a sub-organization which is the townhomes' association.

[Discussion ensues on notification of homeowners, fee simple issues, CAFs]

Acting Chairman Cruz all landowners have to be notified.

Nick Toft the problem is that it has to be in the specific manner; otherwise, all subsequent Commission actions are void. The statute is written such that without this mailing of notification everything is still void.

Marvin Aguilar Frank (Taitano) brought out the question on master deeds which is the foundation of ownership before an HPR is approved. It is the way that it is prescribed in the deed when each unit is sold, and for Perez Acres they identified 1/200th.

Acting Chairman Cruz will the applicant have to start the process over or is it just the notification process.

Nick Toft because this is one of the first things that has to be done, the application should be started over. Mr. Klitzkie also pointed out the defect on the name that was noted on the billboard sign being Mr. Yang's name and not the corporation or visa versa. Correct this as well so it does not give him a "foothold to launch an appeal" on the Commission's decision on a technical legal matter. If Mr. Klitzkie wishes to appeal the decision of the Board it is considered more difficult for him to get the Court to overturn the decision.

[Lengthy discussion ensues; other projects in which there were HPRs, HOAs, discussion on the LZ Company's current application before the Commission. In the case of LZ Company, Chief Planner Aguilar will discuss with LZ Company regarding Legal Counsel's opinion.]

Michael Borja briefly discussed the current terms of the Board members to ensure that their terms are current and have not expired, and for those whose terms are expiring to begin the renewal process should they wish to renew.

[Discussion ensues]

VI. Adjournment

Commissioner Bathan motions to adjourn.

Commissioner Oh seconds the motion.

Acting Chairman Cruz motion to adjourn by Commissioner Bathan, seconded by Commissioners; with all in favor.

The meeting of the Guam Land Use Commission for Thursday, January 25, 2018 was adjourned at 3:40 p.m.

Approved by:

Victor F. Cruz, Acting Chairman
Guam Land Use Commission

Date approved:

February 8, 2018

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

HYBRID COMMISSION
(MCoG DLM 2018-02)

ATTACHMENT A

EXHIBIT 1

EXHIBIT 2

ATTACHMENT A

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 5, 2018

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Commission Brief – Application No. 2017-39 Conditional Use Application for a Solar Plant Photovoltaic Facility on Lot 1, Tract 1541, Sasayjan, Municipality of Mangilao

On December 14, 2017 the Guam Land Use Commission (GLCU) began it's review of Application 2017-39, however, it was the order of Acting Chairman, Mr. Victor Cruz, that deliberation be continued as noted in the attached GLUC Agenda Disposition.

The applicant in response to the results of the December 14, 2017 meeting, submits the attached Supplement #3 addressing the issues brought up by the Commission.

Senseramente,

Marvin Q. Aguilar

Attachments

Case Planners: Frank Taitano and Celine Cruz

HYBRID GUAM LAND USE COMMISSION

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

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

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

AGENDA - Disposition

Regular Meeting

Thursday, 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** [X] Quorum [ ] No Quorum
Present were: Chairman John Arroyo, Vice Chairman Victor Cruz, Commissioners Conchita Bathan and Tae Oh, Executive Secretary Michael Borja, Legal Counsel Nicolas Toft, Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Celine Cruz and Recording Secretary Cristina Gutierrez.

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

II. **Approval of Minutes**

- GLUC Regular Meeting of Tuesday, November 28, 2017

Action – Motion to approve Minutes of November 28, 2017 was passed unanimously. No changes and/or corrections noted.

III. **Old or Unfinished Business**

Zone Variance **[Reconvened from recessed meeting of November 28, 2017 at 3:50 p.m]**

A. **Application No. 2017-25** Applicant, LZ Company represented by Mark Zhao; Height and Use Variance request, on Lot 5147-3-3NEW in an "R-2" (Multi-Family Dwelling) zone, in the Municipality of Tamuning. **[MCoG_DLM 2018-01] [Continuation – GLUC Hearing of 11/28/2017]** Case Planner: Frank Taitano
Action – Chairman Arroyo ordered the continuation of this application until such time the Developers and the MPC can meet to further discuss the development.

MCoG DLM 2018-01 adjourned at 5:05 p.m.

IV. **New Business**

Conditional Use **[MCoG DLM 2018-02 called to order at 5:20 p.m.]**

B. **Application No. 2017-39** Applicant LG CNS America, LLC; 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 2018-02]** Case Planners: Frank Taitano/Celine Cruz
Action – Acting Chairman Victor Cruz ordered the continuation of this hearing for the application.

V. **Administrative & Miscellaneous Matters** **[None]**

VI. **Adjournment** **[MCoG DLM 2018-01 recessed at 7:25 p.m.]**

Belta Perez
P.O. Box 96
Hagatna, Guam 96932

MB 1/3

30 N

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 03 2018
GLMC/GALSC

TO: Government of Guam
RE: A personal observation hopefully to bring together an appreciation for the value of saving Sasayan Valley , as a nature valley.... (Att. 2 pgs)

I truly believe in the tradition and conviction that our native people value the following "A unique people and its unique history are one in the land". Chamoru natives only indigenous homeland traced its roots in the Mariana Islands.

And as this generation of caretakers for our future generations, we need to appreciate our natural environment in all its totality as we forge into the 21st Century of Modernization.

Pristine Sasayan Valley's 900 acres is the last of Guam's natural wonders of Coastal East with a history to the land.

Please save Sasayan Valley!

Sincerely yours,

Belta Perez
A Native-born Citizen of Guam

RECEIVED
1.8.18
PLANNING
Board

RE: **A personal observation hopefully to bring together an appreciation for the value of saving Sasayan Valley , as a nature valley....**

Thank-you for the opportunity to speak on December 14, 2017 at the GLUC Public Hearing.

The following are important matters from the November 7, 2017 Mangilao's Mayor's public hearing pertinent to a Solar Plant proposal before GLUC, I wish I had been given prior notice to respond before that first public hearing. Due to the fact that I am directly connected to this proposed 60MW ,175 acres Solar Plant.

The people who enjoy the area as landowners, farmers,/residents, guests and tourists who will have to share the same easement dealing with the daily up ground exposure to a Solar Plant. It is a devastating possible reality for this pristine panoramic nature gift of God enclave as the landscape will be changed forever. And it is possible that it could matter to **people's health and safety concerns**, which were not answered back then. **No assurances can be given** to the audience by the orientation presenters.

1. **A response to these concerns was published in a December 1, 2017 Developer's handbook. "According to their Company opinion, there are no Safety concerns. Perhaps the following experience will help understand the nature of the valley** not covered in the developer's proposal. As a former Lot 1 resident of the Valley in past years living in a Quonset metal building, we found the Valley sometimes very windy due to the strong coastal Marianas Trench winds that blow inland against the mountain. During one strong banana storm the winds had difficulty going up the enclosed mountain, resulting in forming little wind funnel-like swirls at the bottom of the mountain. We rushed our family out of the valley to safety elsewhere. We could not fight mother nature. Nor predict her possible wrath at the time.

2. **The natural spring under water, inside Marbo Cave and adjacent to Lot No. 1 was our main source of supplemental water supply to the rain water used**. It slops down to the aquafer. Will this have an impact on the runoff to the ocean from solar waste? The prevailing frequent rains can easily carry the waste as these solar panels are exposed up ground.

3. **As the valley faces the Marianas Trench, perpetually, giant bold ocean waves spray a lot of salt water onto our properties.** Like the rain, will this spray have an effect on the solar panels, being exposed to the elements of nature? It is hard to avoid the ocean sprays carried by the coastal winds.

4. **This coastal fish and wildlife waterfront has an abundance of the best fishing anywhere in an unpolluted environment.** The spectacular view is captivating and so breath-taking to the senses of its beauty. A drive down will take your sense of wonders to another level, so beautiful. Similar to my road trip drive down the East Coast of our nation in the mainland.

Therefore, I am appealing to some sense of reality check for Sasayan Valley as not the best site land use for a Solar Plant. The Valley's volatile unpredictable weather and natural environment scenarios can be an impediment for a sustained Solar Plant.

Our limited natural land resources deserve our upper most priority as 60 MW voltage of heat will certainly have an effect on the overall mountain enclosed posture of the Valley. The Solar Plant 's high concentrate of close knit solar panels will store the heat. Hopefully health, safety and welfare of people will never be in jeopardy. As for the remaining 700 acres owned by others in the Valley, we all must travel on the same easement joint use, a very uncomfortable daily situation to be.

I have nothing against GPA, or its developers. This personal letter is a plea to re-think their moves!

Respectfully submitted,

Belta Sgambelluri Perez
Concerned Adjacent Neighbor
Certified Farmer w/ Dept. of Agriculture

Other sources of interest:

Our forefathers always taught us to respect the land as the Stewards of our tiny island.

Scientifically, long-term, could this project contribute to Global Warming. In the Pacific?

Based on timeforchange.org/effects of global warming meaning increase in heat for our planet. Probably an eye-opener to future Irreversible consequences of modern technology vs green natural uses of energy at the expense of not saving priceless acres of valuable trees and fauna needed to balance the growth of our modern technology. Reason why Solar Plants are best located in desert-like environment, old landfills, dead unusable large parcels, abandoned agricultural garbage dumps (Ron Heinginer) away from people for their sustainable use according to studies as this. God bless our Sasayan Valley meaning Fertile Valley of a documented ":Antigo Na Chamorro Village that once occupied the Valley (Kaiser/Aetna Honolulu and Sobhu Golf, Tokyo) archeological finds after first discovered by my grandfather, Marcelo Sgambelluri, original owner of Sasayan Valley. Thank you

December 14, 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 a representative of the owner of Lot No 5354-3A-6-R1-1, the Estate of Irene Walters Camacho, I respectfully submit the following testimony relating to the Solar Farm development in the Sasajyan area.

While I support the intent to develop sustainable alternative energy solutions for Guam, I am opposed to this development in "our" valley for the following reasons:

1. The Eduardo and Irene Camacho family owns 105,560 square meters or 26.39 acres, and has medium to long-range goals to develop our properties as a residential community.
2. Our property is situated immediately adjacent to the proposed development site.
3. The adjacency of a large scale solar farm to our property may impair the value of our land and any potential future residential home values.
4. The solar panels proposed are rated for wind speeds up to 175 mph. Guam has experienced typhoons in most recent history with sustained winds higher than that design specification. This could present hazardous conditions for any residents and farming communities located in the valley.
5. The solar farm developer, who plans to utilize a very large tract of land in the area has not presented any plans to improve the Water, Sewage and Communication infrastructure throughout the valley for the benefit of neighboring landowners.
6. The Sasajyan valley is a peaceful, serene oceanfront environment that should have as its highest and best use, residential communities, farming and other low impact uses.

For these reasons, we urge the Land Use Commission to seek other large tracts of land for its alternative energy initiatives.

Sincerely,

Joseph F. Camacho
Administrator, Estate of Irene W. Camacho

December 13, 2017

MB 12/19



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 No 5354-3A-6-R1-8 and Lot No 5354-3A-6-R1-10, I respectfully submit the following testimony relating to the Solar Farm development in the Sasajyan area.

While I support the intent to develop sustainable alternative energy solutions for Guam, I am opposed to this development in "our" valley for the following reasons:

1. The Eduardo and Irene Camacho family owns 105,560 square meters or 26.39 acres and has medium to long range goals to develop our properties as a residential community.
2. Our property is situated immediately adjacent to the proposed development site.
3. The adjacency of a large scale solar farm to our property may impair the value of our land and any potential future residential home values.
4. The solar panels proposed are rated for wind speeds up to 175 mph. Guam has experienced typhoons in most recent history with sustained winds higher than that design specification. This could present hazardous conditions for any residents and farming communities located in the valley.
5. The solar farm developer, who plans to utilize a very large tract of land in the area has not presented any plans to improve the Water, Sewage and Communication infrastructure throughout the valley for the benefit of neighboring landowners.
6. The Sasajyan valley is a peaceful, serene oceanfront environment that should have as its highest and best use, residential communities, farming and other low impact uses.

For these reasons, we urge the Land Use Commission to seek other large tracts of land for its alternative energy initiatives.

Sincerely,

Joseph F. Camacho
Landowner

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 No 5354-3A-6-R1-12, I respectfully submit the following testimony relating to the proposed Solar Farm development in the Sasajyan area.

While I support the intent to develop sustainable alternative energy solutions for Guam, I am opposed to this proposed development in our valley for the following reasons:

1. The Eduardo and Irene Camacho family owns 105,560 square meters (approximately 26.39 acres, and has medium to long-range goals to develop our properties as a residential community.
2. Our properties are situated immediately adjacent to the proposed development site.
3. The adjacency of a large scale solar farm next to our property may impair the value of our land and any potential future residential home values.
4. The solar panels proposed are rated for winds up to 175 mph. Guam has experienced typhoons in most recent history with sustained winds higher than that design specification. This could present hazardous conditions for any residents and farming communities located in the valley.
5. The solar farm developer, who plans to utilize a very large tract of land in the area has not presented any plans to improve the Water, Sewage and Communication infrastructure throughout the valley for the benefit of neighboring landowners.
6. The Sasajyan valley is a peaceful, serene oceanfront environment that should have as its highest and best use, residential communities, farming and other low impact uses.

For these reasons, we urge the Land Use Commission to seek other large tracts of land for its alternative energy initiatives.

Sincerely,

Eduardo G. Camacho
Landowner

APPLICATION NO: 2017-39

APPLICATION FOR CONDITIONAL USE

MANGILAO SOLAR PLANT PHOTOVOLTAIC FACILITY

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

ADDITIONAL RESPONSES WITH ATTACHMENT

SUPPLEMENT # 3

05 JANUARY 2018

PREPARED BY:
TG ENGINEERS, PC

Doc No. 34GL-18-1620

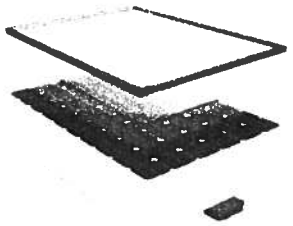
Additional responses for GLUC

1. **KEPCO and LG CNS concurs with all Staff Report recommendations for approval with conditions below:**

   - Developers must meet ARC Conditions
   - Project must obtain a Building Permit within 1-year
   - Building Permit schedule shall not be extended
   - Any Site Plan revisions shall be processed with an updated Site Plan submitted to the GLUC at completion.

2. **Mayor Mantanane expressed health concerns from panel materials, and whether panels are safe for environment?**

   According to 'Test of Hygienic safety standards of water-based materials' which tested several physical and chemical materials eluded from modules, the result shows that modules are safe from any toxic material. There are lists of chemical materials that KOREA TESTING & RESEARCH INSTITUTE (KTR) sets. The result is divided by 'Not Present' items and 'Present' item. 'Not Present' means there are none of the chemical materials from modules, so literally '0' chemical materials for most test items. And other items are also below the standard level satisfying the test criteria.



KTR test of PV module did not detect any heavy metal materials as a result of water elusion test conducted by KTR, and it shows all test items satisfy the standard. Also, LG CNS constructed float solar plant on the reservoir, and all materials are proved to be harmless to the environment.
As for solar modules, as shown in the figure on the left, the solar cells which contain silicon are encapsulated and protected by several layers. The LG module is designed to hold up to 5400Pa using tempered glass, which can withstand weight of 550kg / m2. So there are fewer probabilities that modules are completely broken.

In the case of other projects built by LG CNS, modules were not completely broken. Mostly, the frame or glass was slightly cracked, but modules are mounted on the fixed structure, so no materials in module was released from inside.
Silicon, which is the main material of solar cell, is well known material which is used for every semi-conductor product, such Television, Computer and Cellphone

In terms of PV component ratio, glass takes 74% of mass which is the highest. The aluminum frame amounts to 10% whereas all polymers add to approximately 6.5%. In contrast, the mass of solar cells is 3% and all other materials (like copper) contribute less than 1%. Therefore, there will be mostly physical debris-mostly glass- when modules happen to be broken.

3. **What happens at the end of the 25-years Power Purchase Agreement (PPA)? At end of 25-years GPA may decommission or may extend the PPA for KEPCO – LG operations?**

   KEPCO-LG CNS may extend PPA up to 5 years or decommission the Solar Plant. If KEPCO-LG CNS plans to demolish the plant after 25 years of operation, modules shall be disposed of on Guam, according to the approved standard and criteria after 25 years. Structures will be removed and recycled. Batteries will be collected back to Korea, and the structure will be removed and recycled.

4. **Commissioner Tae Oh inquired about panel materials, and whether any toxic chemicals will result?**

   Please refer to answer #2.

5. **Mayor Mantanane – asked will there be any contamination under panels after 25-years?**

   Please refer to answer #2.

6. **USFWS – office getting contacted to review reports. Requesting a copy of reports and who completed the investigations and credentials? Reports must consider overall area and not just focused on the property.**

   Public Responses filed with the DLM have been provided to the USFWS.

   Furthermore, the USFWS also wanted TGE to provide an evaluation of potential for impacts to the two (2) federally endangered butterflies resulting from the proposed construction of solar energy facility at Marbo and credentials and or references used in its Biological Surveys. A summary of TGE response to the issue above is as follows:

   Mariana wandering butterfly *(Vagrans egistina)*

Host Plant:	Native *Maytenus thompsonii*
Host Plant habitat:	Primary and secondary forest
Number of host plants recorded:	Four (4)
Number of *Vagrans egistina* recorded:	None

   Summary of Anticipated Impacts
   Vagrans egistina has not been recorded on Guam since 1979 (USWFS Undated). No adult specimens, eggs, larvae or pupae were observed during surveys of the subject site. Host plants were recorded in four locations. Host plants are considered fairly common, therefore it is thought that this butterfly species has disappeared for reasons unrelated to host plant availability (Lindstrom and Benedict 2014). Given this butterfly has not been recorded for 38 years and is considered extirpated on Guam, the proposed project will have no direct or indirect impact upon *Vagrans egistina*.

   Mariana eight-spot butterfly *(Hypolimnas octocula marianensis)*

Host Plants:	Natives *Procris pedunculata, Elatostema calcareum*
Moist primary limestone forest featuring high relief karst	
Number of host plants recorded:	None
Number of *H. octocula marianensis* recorded:	None

Summary of Anticipated Impacts

No *Hypolimnas octocula marianensis* eggs, larvae, pupae or adults were observed during surveys of the subject site. No host plants were recorded. The specialized habitat where the two host plants are most commonly found, moist primary forest with steep and rugged karst features inaccessible to ungulates (Lindstrom and Benedict 2014), was not encountered on survey transects. The butterfly was purportedly recorded on a neighboring property across the main access road from the subject site. While the date and exact location of this siting is not known at this time, areas fitting this description would likely be closer to the toe of the cliff line to the north and east where more rugged limestone habitat occurs.

The abundance of ungulates present together with historical human disturbances to include clearing, grading (US military, SOHBU Resort and recent housing developer), burning and farming/ranching documented in a Phase I Environmental Site Assessment by ARC Environmental Services (2017) completed for the project, may have altered conditions resulting in the absence of host plants and habitat that might have been present historically. The documented close association between *H. octocula marianensis*, its host plants and the limited specialized habitat that they are found within, is known to be a vulnerability affecting their survival and a key conservation consideration (Shreiner and Nafus 1997).
While little is known about the two (2) host plants abundance island wide, they are considered to be uncommon in their range and vulnerable to ungulate grazing (USFWS 2013). Given the absence of host plants and specialized karst forest habitat within the project footprint, and the availability of undisturbed, suitable habitat along the surrounding embayment and coastline, it is anticipated that the proposed project to construct a solar energy facility will have no significant direct or indirect impacts upon *H. octocula marianensis*.

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.

Responses to questions raised in GLUC hearing for Marbo Solar Facility

1. Entity who completed field biological survey and report.

   ARC Environmental Services Inc. team performed all field survey activities at the project site. We have completed numerous natural resource surveys across the island for private and local government projects as well as for various US Navy facilities. A team of three (3) was utilized to include biologists with recent relevant experience performing Endangered Species Act (ESA) listed plant and wildlife species surveys at the proposed Marine cantonment site in northern Guam and assisting with ongoing research on skink populations on Cocos Island.

2. Focus on overall area not just project site.

   The subject property encompasses approximately 220 acres portions of which will be avoided for natural and historic resource issues. Early on, the project footprint was shifted

to avoid the Marbo Cave area where higher quality habitat is present. The proposed footprint also avoids the coastal bench area where historic resource issues may remain and a forest area along the access road on the northern edge of the property, across from which a federally endangered snail *Samoana fragilis* colony and possibly a federally endangered Mariana eight-spot butterfly *(Hypolimnas octocula marianensis)* chrysalis have purportedly been observed. None of the three (3) ESA listed tree snails were recorded during field surveys of the subject property.

3. Absence of federally endangered Mariana wandering butterfly *(Vagrans egistina)* despite presence of host plant luluhut *(Maytenus thompsonii)*.

   While the host plant is still fairly common on Guam, the Mariana wandering butterfly has not been observed in recent times and is considered extinct. A more detailed discussion of the two (2) federally listed butterflies and their host plant presence has previously been submitted to the GLUC and can be referred to.

4. Project impacts upon birds.

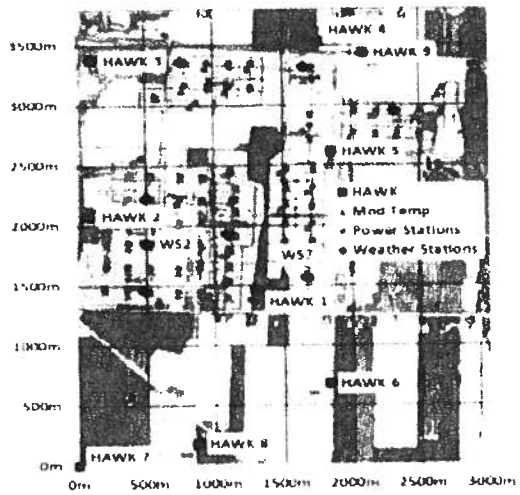
   The development of the proposed solar facility will require removal of approximately 175 acres of disturbed secondary forest and mixed grass/shrub communities. Six (6) bird species were recorded during stationary and pedestrian surveys focused on early morning hours. They were observed flying over, landing and foraging in various areas on site. None of these species are protected under the ESA or are migratory in nature. All but one, the native Yellow bittern *(Ixobrychus sinensis)*, are introduced species. The development of the site will reduce habitat for birds in the Marbo area and likely change the mix of birds utilizing the site since some species forage on maintained shoulders, buffers, and other landscaped areas that will be established post construction. Given the availability of very substantial high quality undeveloped areas in the Sasayan embayment and extended eastern coastline of Guam and the possibility of continued use of portions of the site during operations, impacts to birds overall are anticipated to be insignificant.

5. Project consequences relative to any resulting increases in ambient temperatures and effects upon reported *Samoana fragilis* snail colony and possible Mariana eight-spot butterflies across the access road north of the site near the old quarry will be lessoned by:
   a. Windward conditions – predominant north-easterly trade winds and perhaps of turbulent flow will be present for most of the year.
   b. Vegetation Buffers (strip of steep forested area to remain) and general buffers around the perimeter of the site and arrays will be maintained.
   c. The lower cliff bench will also be preserved with no construction activity allowed.
   d. The project site topography is not a depression for higher temperatures to persist.
   e. The tilt angle of panels for the site will be in the North-South attitude which points away from the strip of steep forested area and toward the Pacific Ocean.

6. Additionally, to address any concerns regarding temperature effects from the solar project on neighboring properties, TGE has provided a technical study entitled "Analysis of the Potential for a Heat Island Effect in Large Solar Farms" (the complete reference study is attached). TGE has provided as summary of the technical analysis, field simulation results, and conclusions as follows:

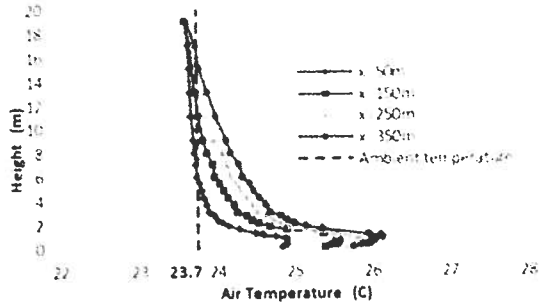
[Analysis of the Potential for a Heat Island Effect in Large Solar Farms]

1. FIELD DATA DESCRIPTION AND ANALYSIS
   - Detailed measurements of temperature, wind speed, wind direction, solar irradiance, relative humidity, and rain fall were recorded at a large solar farm in North America. Fig. 1 shows an aerial photograph of the solar farm and the locations where the field measurements are taken.

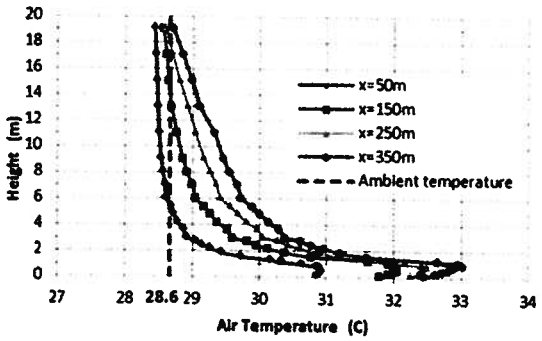


[Fig. 1. A picture of the solar farm indicating the locations of the monitoring stations]

   - Figures 2a and 2b show the air temperature as a function of height at different downwind distances in the morning and afternoon during a sunny summer day. At 9 am (irradiance 500 W/m2, wind speed 1.6 m/s, inlet ambient temperature 23.7), the heat from the solar array is dissipated at heights of 5-15m, whereas at 2 pm (irradiance 966 W/m2, wind speed 2.8m/s, inlet ambient temperature 28.6 C , the temperature of the panels has reached the daily peak, and the thermal energy takes up to 18 m to dissipate.



[Fig. 2a. 9:00 am]



[Fig. 2b. 2:00 pm]

2. CONCLUSION
   a. The field data and our simulations show that the annual average of air temperatures at 2.5 m of the ground in the center of simulated solar farm section is 1.9℃ higher than the ambient and that it declines to the ambient temperature at 5 to 18 m heights. The field data also show a clear decline of air temperatures as a function of distance from the perimeter of the solar farm, with the temperatures approaching the ambient temperature (within 0.3℃), at about 300 m away. Analysis of 18 months of detailed data showed that in most days, the solar array was completely cooled at night, and, thus, it is unlikely that a heat island effect could occur.
   b. Our simulations also show that the access roads between solar fields allow for substantial cooling, and therefore, increase of the size of the solar farm may not affect the temperature of the surroundings. Simulations of large (e.g., 1 million m2) solar fields are needed to test this hypothesis.

References

D. Turney and V. Fthenakis Environmental, "Impacts from the installation and operation of large-scale solar power slants, "*Renewable and Sustainable Energy Reviews*, vol. 15, pp. 3261-3270, 2011.
F.G. Nemet. "Net radiative forcing from widespread deployment of photovoltaics," Environ. Sci. Technol., vol. 43, pp. 2173-2178, 2009.
M. Donovan, "Memorandum: impact of PV systems on local temperature, " SunPower, July 6, 2010. http://www.rurdev.usda.gov/SupportDocuments/EA_5_17_13_RUS_PartA.pdf.
Y. Genchi, M. Ishisaki, Y. Ohashi, H. Takahashi, & A. Inaba, "Impacts of large-scale photovoltaic panel installation on the heat island effect in Tokyo, " in Fifth Conference on the Urban Climate, 2003.
Vasilis Fthenakis and Yuanhao Yu, "Analysis of the Potential for a Heat Island Effect in Large Solar, " Center for Life Cycle Analysis, Department of Earth and Environmental Engineering, Columbia University, New York, NY and PV Environmental Research Center, Brookhaven National Laboratory, Upton, NY, IEEE 39th, 2013

7. Host plants were found but no butterflies. Problem may be missing butterflies but in the area at other times.

Please refer to response to concerns by USFWS in #6 above.

8. **What is known about water-based and non-water-based contaminants? Are they both present in the panel – equipment materials?**

Materials eluded from module by water are explained in 'Test of Hygienic safety standards of water-based materials'. And non-water-based materials are basically PV panel materials and structures (steel, aluminum), glass, and concrete.

As for solar module, described in #3 above, the solar cells, which contain silicon are encapsulated and protected by several layers—please refer to illustration in #3. The LG PV module is designed to hold up to 5400Pa using tempered glass, which can withstand weight of 550kg / m2. So there are less probabilities that modules are completely broken.

9. **Robert Unpingco is in favor of the project and requested for power and water to be provided to his lot.**

In the case of water and power supply for neighbors, it is the duty of the GWA and GPA. Nevertheless, if neighbors really want water supply and power supply, we can consider the best ways for cooperation with the community.

10. **Concerned about typhoon debris.**

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.

In the case of other projects built by LG CNS, modules were not completely broken. Mostly, the frame or glass was slightly cracked, but modules are mounted on the fixed structure, so no materials in module was leaked from inside.
Silicon, which is the main material of solar cell, is well known material which is used for every semi-conductor product.

In terms of PV component ratio, glass takes 74% of mass which is the highest. The aluminum frame amounts to 10% whereas all polymers add to approximately 6.5%. In contrast, the mass of solar cells is 3% and all other materials (like copper) contribute less than 1%. Therefore, there will be mostly physical debris-mostly glass- when modules happen to be broken.

11. **Marcel Camacho noted his concerns for future safety against contamination on his adjacent property.**

There will be no chemical contaminations to adjacent property. And for water and soil, KEPCO-LG CNS is carefully designing storm water management and drainage plans, and erosion control plans to avoid any impact to adjacent property in accordance with all building codes and regulatory requirements.

End of meeting.

ATTACHMENT

Analysis of the Potential for a Heat Island Effect in Large Solar Farms

Vasilis Fthenakis[1,2] and Yuanhao Yu[1]

[1] Center for Life Cycle Analysis, Department of Earth and Environmental Engineering, Columbia University, New York, NY

[2] PV Environmental Research Center, Brookhaven National Laboratory, Upton, NY

Abstract — **Large-scale solar power plants are being built at a rapid rate, and are setting up to use hundreds of thousands of acres of land surface. The thermal energy flows to the environment related to the operation of such facilities have not, so far, been addressed comprehensively. We are developing rigorous computational fluid dynamics (CFD) simulation capabilities for modeling the air velocity, turbulence, and energy flow fields induced by large solar PV farms to answer questions pertaining to potential impacts of solar farms on local microclimate. Using the CFD codes Ansys CFX and Fluent, we conducted detailed 3-D simulations of a 1 MW section of a solar farm in North America and compared the results with recorded wind and temperature field data from the whole solar farm. Both the field data and the simulations show that the annual average of air temperatures in the center of PV field can reach up to 1.9°C above the ambient temperature, and that this thermal energy completely dissipates to the environment at heights of 5 to 18 m. The data also show a prompt dissipation of thermal energy with distance from the solar farm, with the air temperatures approaching (within 0.3°C) the ambient at about 300 m away of the perimeter of the solar farm. Analysis of 18 months of detailed data showed that in most days, the solar array was completely cooled at night, and, thus, it is unlikely that a heat island effect could occur. Work is in progress to approximate the flow fields in the solar farm with 2-D simulations and detail the temperature and wind profiles of the whole utility scale PV plant and the surrounding region. The results from these simulations can be extrapolated to assess potential local impacts from a number of solar farms reflecting various scenarios of large PV penetration into regional and global grids.**

Index Terms – **PV, climate change, heat island, fluid dynamics**

I. Introduction

Solar farms in the capacity range of 50MW to 500 MW are being proliferating in North America and other parts of the world and those occupy land in the range from 275 to 4000 acres. The environmental impacts from the installation and operation phases of large solar farms deserve comprehensive research and understanding. Turney and Fthenakis [1] investigated 32 categories of impacts from the life-stages of solar farms and were able to categorize such impacts as either beneficial or neutral, with the exception of the "local climate" effects for which they concluded that research and observation are needed. PV panels convert most of the incident solar radiation into heat and can alter the air-flow and temperature profiles near the panels. Such changes, may subsequently affect the thermal environment of near-by populations of humans and other species. Nemet [2] investigated the effect on global climate due to albedo change from widespread installation of solar panels and found this to be small compared to benefits from the reduction in greenhouse gas emissions. However, Nemet did not consider local micro-climates and his analytical results have not been verified with any field data. Donovan [3] assumed that the albedo of ground-mounted PV panels is similar to that of underlying grassland and, using simple calculations, postulated that the heat island effect from installing PV on grassy land would be negligible. Yutaka [4] investigated the potential for large scale of roof-top PV installations in Tokyo to alter the heat island effect of the city and found this to be negligible if PV systems are installed on black roofs.

In our study we aim in comprehensively addressing the issue by modeling the air and energy flows around a solar farm and comparing those with measured wind and temperature data.

II. Field Data Description and Analysis

Detailed measurements of temperature, wind speed, wind direction, solar irradiance, relative humidity, and rain fall were recorded at a large solar farm in North America. Fig. 1 shows an aerial photograph of the solar farm and the locations where the field measurements are taken.

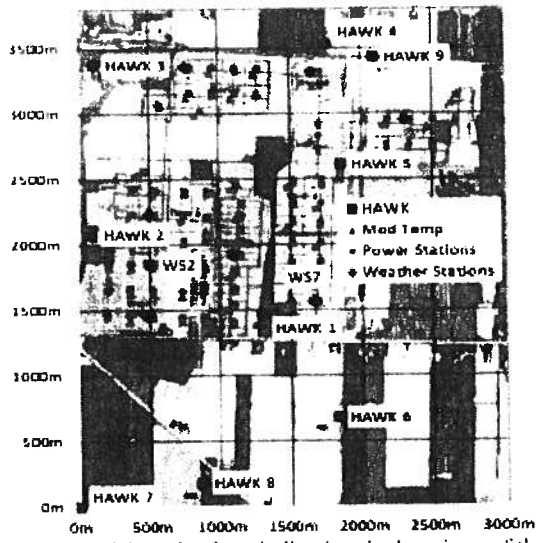


Fig. 1. A picture of the solar farm indicating the locations of the monitoring stations

The field data are obtained from 17 monitoring stations within and around the solar farm, including 8 weather stations (WS) and 9 Hawk stations (HK), all at 2.5 m heights off the ground. There also 80 module temperature (MT) sensors at the back-side of the modules close to each of the corresponding power stations. The WS and MT provide data at 1-min intervals, while the Hawk provides data every 30 minutes. The WS and MT data cover a period of one year from October 2010 to September 2011, while the Hawk data cover a period of 18 months from March 2010 through August 2011.

Hawk stations 3, 6, 7, 8 and 9 are outside the solar farm and were used as reference points indicating ambient conditions. The measurements from Hawk 3, 6, 8 and 9 agree very well confirming that their distances from the perimeter of the solar farm are sufficient for them to be unaffected by the thermal mass of the PV system; Hawk 7 shows higher temperatures likely due to a calibration inaccuracy. In our comparative data analysis we use Hawk 6 as a reference point and, since the prevailing winds are from the south, we selected the section around WS7 as the field for our CFD simulations. Figures 2 to 7 show the difference between the temperatures in Hawk 6 and those in the weather stations WS2 and WS7 within the field, and Hawks 1, 2, 4 and 5 around the solar field.

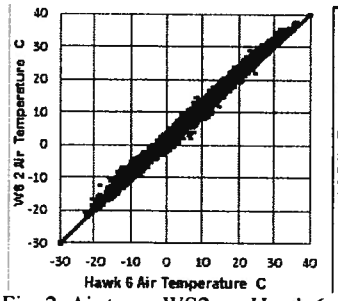


Fig. 2. Air temp WS2 vs. Hawk 6

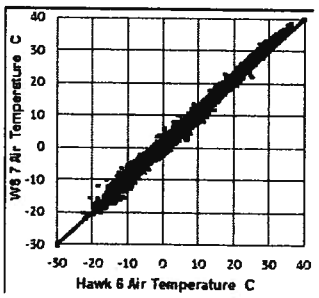


Fig.3. Air temp WS7 vs. Hawk6

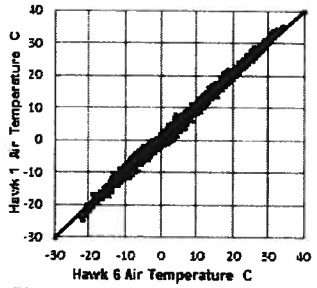


Fig. 4. Air temp Hawk 1 vs. 6

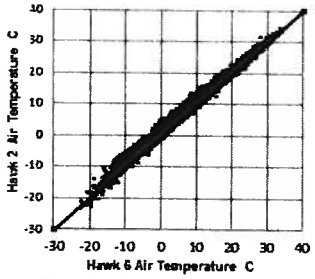


Fig. 5. Air temp Hawk 2 vs. 6

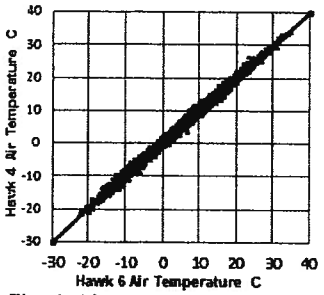


Fig. 6. Air temp Hawk 1 vs. 6

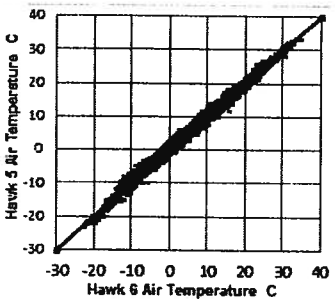


Fig. 7. Air temp Hawk 2 vs. 6

These figures and Table 1 show that with the exception of Hawk 4, the closer the proximity to solar farm the higher the temperature difference from the ambient (indicated by Hawk 6). The relative high temperatures recorded at Hawk 4, and also the relative low temperatures at Hawks 1 and 5 are explained by the prevailing wind direction, which for the time period used in our analysis (8/14/2010-3/14/2011) was Southerly (158°-202°). Hawk 4 is downwind of the solar farm, whereas Hawks 1 and 5 are upwind; the downwind station "feels" more the effect of the heat generated at the solar farm than the ones upwind.

Fig. 8 shows the decline in air temperature as a function of distance to solar farm perimeter. Distances for WS2 and WS7 are negative since they are located inside the solar farm site. WS2 is further into the solar farm and this is reflected in its higher temperature difference than WS7.

TABLE I
DIFFERENCE OF AIR TEMPERATURE (@2.5 M HEIGHTS) BETWEEN THE LISTED WEATHER AND HAWK STATIONS AND THE AMBIENT

Met Station	WS2	WS7	HK1	HK2	HK3	HK4	HK5	HK9
Temp Difference from H6 (°C)	1.878	1.468	0.488	1.292	0.292	0.609	0.664	0.289
Distance to solar farm perimeter (m)	-440	-100	100	10	450	210	20	300

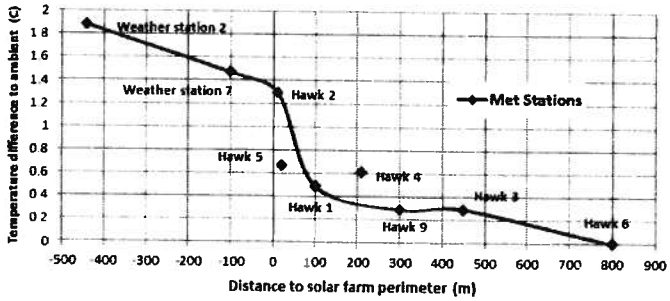


Fig. 8. Air temperature difference as a function of distance from the perimeter of the solar farm. Negative distances indicate locations within the solar farm.

We also examined in detail the temperature differences between the modules and the surrounding air. These vary throughout the year but the module temperatures are consistently higher than those of the surrounding air during the day, whereas at night the modules cool to temperatures below ambient; an example is shown in Fig. 9. Thus, this PV solar farm did not induce a day-after-day increase in ambient temperature, and therefore, adverse micro-climate changes from a potential PV plant are not a concern.

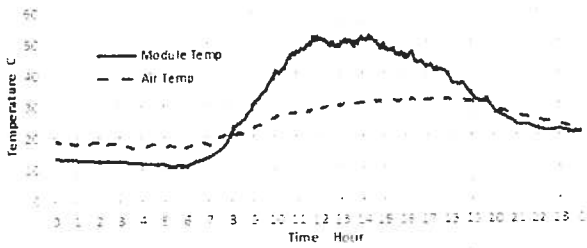


Fig. 9. Comparison of module temperature and air temperature 2.5 m off the ground on a sunny day (July 1, 2011)

III. CFD Model Development

In preliminary simulations we tested the Ansys CFX and FLUENT computational fluid dynamics codes (CFD) and decided to use FLUENT in detailed simulations. FLUENT offers several turbulence schemes including multiple variations of the k-ε models, as well as k-ω models, and Reynolds stress turbulence models. We used the standard, renormalized-group (RNG), and realizable k-ε turbulence closure scheme as it is the most commonly used model in street canyon flow and thermal stratification studies [5]. FLUENT incorporates the P-1 radiation model which affords detailed radiation transfer between the solar arrays, the ground and the ambient air; it also incorporates standard free convection and wind-forced convection models. Our choice of solver was the pressure-based algorithm SIMPLE which uses a relationship between velocity and pressure corrections to enforce mass conservation and obtain the pressure field. We conducted both three-dimensional (3-D) and 2-D simulations.

A 3-D model was built of four fields each covering an area of 93-meters by 73-meters (Fig. 10). Each field contains 23 linear arrays of 73-meter length and 1.8-meter width. Each array has 180 modules of 10.5% rated efficiency, placed facing south at a 25-degree angle from horizontal, with their bottom raised 0.5 m from the ground and their top reaching a height of 1.3 m . Each array was modeled as a single 73 m ×1.8 m × 1 cm rectangular. The arrays are spaced 4 meters apart and the roads between the fields are 8 m. Fig. 10 shows the simulated temperatures on the arrays at 14:00 pm on 7 1 2011, when the irradiance was 966 W m^{-2}. As shown, the highest average temperatures occur on the last array (array 46). Temperature on the front edge (array 1) is lower than in the center (array 23). Also, temperature on array 24 is lower than array 23, which is apparently caused by the cooling induced by the road space between two fields, and the magnitude of the temperature difference between arrays 24 and 46 is lower than that between arrays 1 and 23, as higher temperature differences from the ambient, result in more efficient cooling.

TABLE II
Modules Temperature

Arrays	1	23	24	46
Temperature °C	46.1	56.4	53.1	57.8

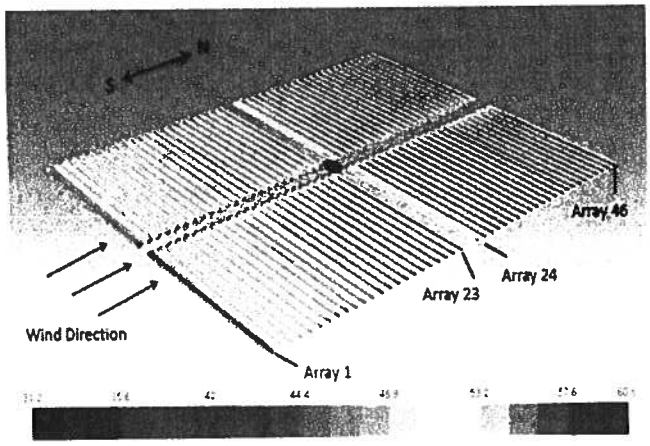
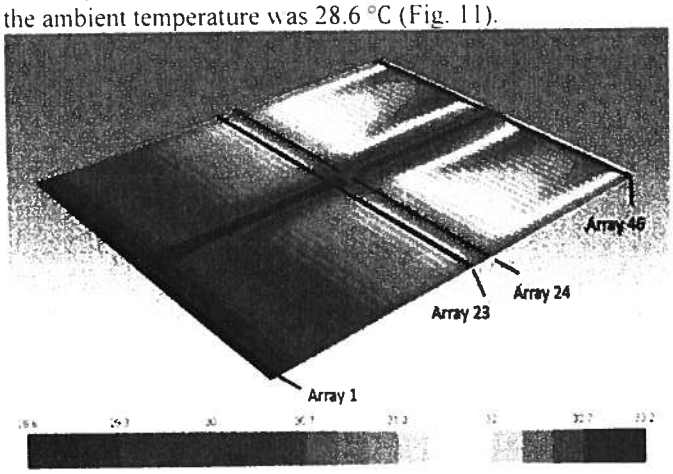
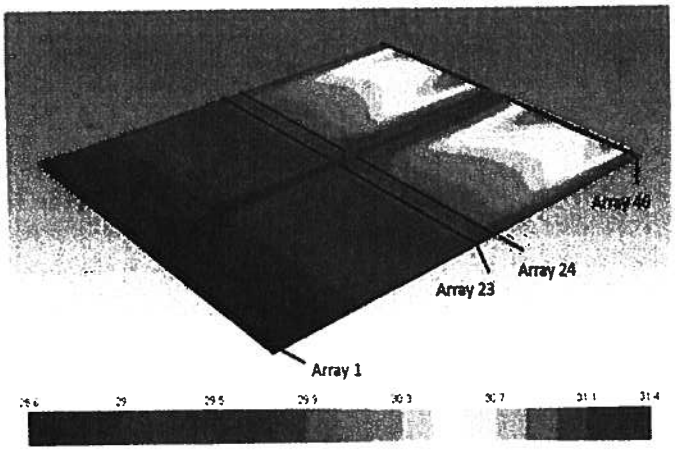


Fig. 10. Module temperatures from 3-D simulations of air flows and thermal exchange during a sunny day

Our simulations also showed that the air temperatures above the arrays at a height of 2.5 m ranged from 28.6 °C to 31.1°C; the ambient temperature was 28.6 °C (Fig. 11).



(a)



(b)

Fig. 11 Air temperatures from 3-D simulations during a sunny day. a) Air temperatures at a height of 1.5 m; b) air temperatures at a height of 2.5 m.

TABLE III
AIR TEMPERATURE

Temperature	Ambient (°C)	Low (°C)	High (°C)	Average (°C)
2.5m height	28.6	28.6	31.1	30.1
1.5m height	28.6	28.6	33.2	30.8

These simulations show a profound cooling effect with increasing height from the ground. It is shown that the temperatures on the back surface of solar panels is up to 30° C warmer than the ambient temperature, but the air above the arrays is only up to 2.5°C higher than the ambient (i.e., 31.1°C). Also the road between the fields allows for cooling, which is more evident at the temperatures 1.5 m off the ground (Fig. 11a). The simulations show that heat build-up at the power station in the middle of the fields has a negligible effect on the temperature flow fields; it was estimated that a power station adds only about 0.4% to the heat generated by the corresponding modules.

The 3-D model showed that the temperature and air velocity fields within each field of the solar farm were symmetrical along the cross-wind axis; therefore a 2-D model of the downwind and the vertical dimensions was deemed to be sufficiently accurate. A 2-D model reduced the computational requirements and allowed for running simulations for several subsequent days using actual 30-min solar irradiance and wind input data. We tested the numerical results for three layers of different mesh sizes and determined that the following mesh sizes retain sufficient detail for an accurate representation of the field data: a) Top layer: 2m by 1m, b) Middle layer: 1.5m by 0.6m, c) Bottom layer: 1m by 0.4m. According to these mesh specifications, a simulation of 92 arrays (length of 388m, height 9m), required a total of 13600 cells. Figures 12-15 show comparisons of the modeled and measured module and air temperatures.

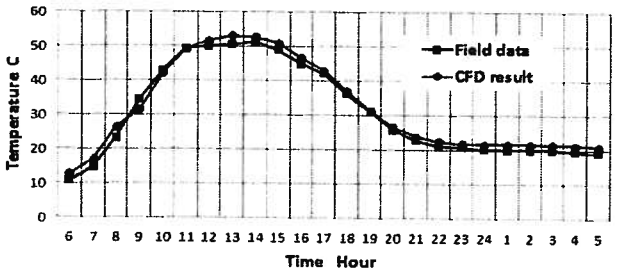


Fig. 12. Comparisons of field and modeled module temperatures; a sunny summer day (7/1/2011): 2-D simulations.

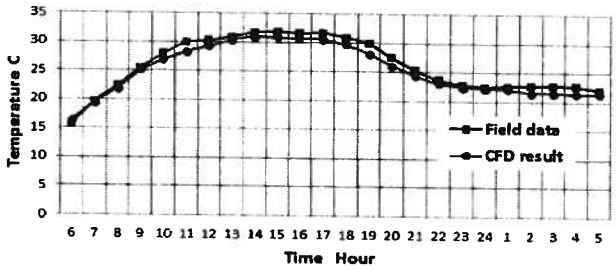


Fig. 13. Comparisons of field and modeled air temperatures at a height of 2.5 m; a sunny summer day (7/1/2011); 2-D simulations.

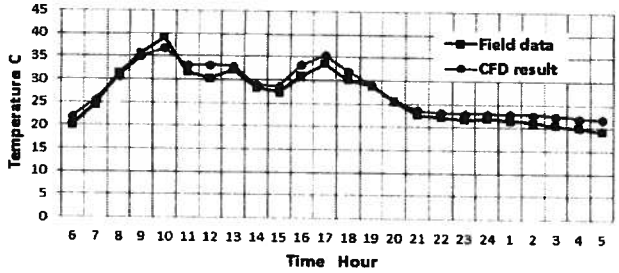


Fig. 14. Comparisons of field and modeled module temperatures; a cloudy summer day (7/11/2011): 2-D simulations.

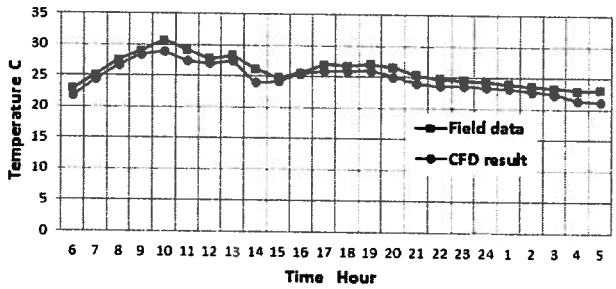
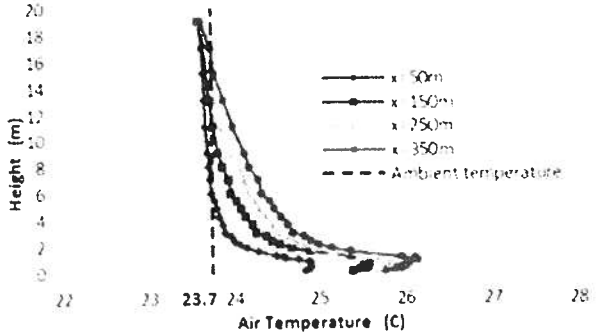
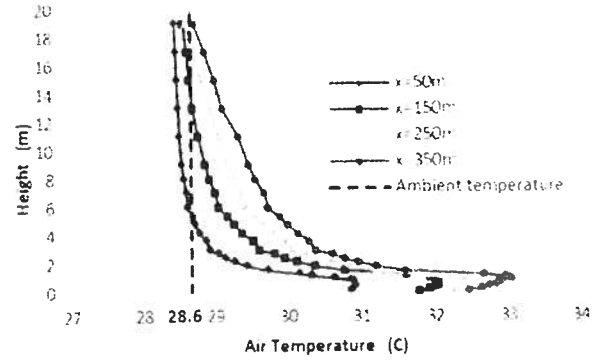


Fig. 15. Comparisons of field and modeled air temperatures at a height of 2.5 m; a cloudy summer day (7/11/2011): 2-D simulations.

Figures 16a and 16b show the air temperature as a function of height at different downwind distances in the morning and afternoon during a sunny summer day. At 9 am (irradiance 500 W/m2, wind speed 1.6 m/s, inlet ambient temperature 23.7°C), the heat from the solar array is dissipated at heights of 5-15m, whereas at 2 pm (irradiance 966 W/m^2, wind speed 2.8m/s, inlet ambient temperature 28.6°C , the temperature of the panels has reached the daily peak, and the thermal energy takes up to 18 m to dissipate.



(a) 9:00 am



(b) 2:00 pm

Fig. 16 Air temperatures within the solar farm, as a function of height at different downwind distances. From 2-D simulations during a sunny summer day (7 1 2011) at 9 am and 2 pm.

IV. Conclusion

The field data and our simulations show that the annual average of air temperatures at 2.5 m of the ground in the center of simulated solar farm section is 1.9°C higher than the ambient and that it declines to the ambient temperature at 5 to 18 m heights. The field data also show a clear decline of air temperatures as a function of distance from the perimeter of the solar farm, with the temperatures approaching the ambient temperature (within 0.3°C), at about 300 m away. Analysis of 18 months of detailed data showed that in most days, the solar array was completely cooled at night, and, thus, it is unlikely that a heat island effect could occur.

Our simulations also show that the access roads between solar fields allow for substantial cooling, and therefore, increase of the size of the solar farm may not affect the temperature of the surroundings. Simulations of large (e.g., 1 million m^2) solar fields are needed to test this hypothesis.

Acknowledgement

We are grateful to First Solar for providing data for this study.

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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

Doc. No. 34GL-18-1620.

December 1, 2017

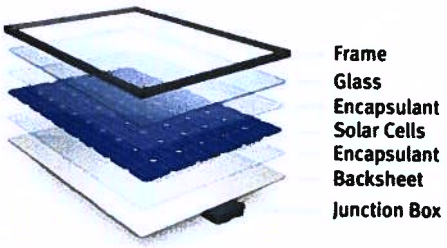
ISSUES & COMMENTS FOR PUBLIC HEARING

Public Hearing Issues & Comments by KEPCO-LG CNS

1.0 Is the transmission line UG or OH?
The planned transmission interconnection line from Mangilao to Pagat Substations will be a combination of overhead and underground configurations.

2.0 Who will maintain the transmission line after construction?
GPA will gain tittle in fee simple for the new transmission interconnection line. Once they received title, GPA will be responsible for the maintenance of the line.

3.0 Is there silicon dust in the panels, or other toxic or hazardous materials that might leak onto the ground if panels are damaged or broken in typhoons or other scenarios?



LG Electronics module have shown any detection of any heavy metals materials as a result of water elusion test conducted by KOREA TESTING & RESEARCH INSTITUTE, and it shows all test items satisfy the standard
(Refer to attachment #1). Also, LG CNS constructed a floating solar plant on irrigation reservoir, and all materials are proved to be harmless to environment.
As for the solar module, as shown in the figure on the left, the solar cells which contain silicon, are encapsulated and protected by several layers. The LG module is designed to hold up to 5400Pa using tempered glass, which can withstand weight of 550kg / m2. So there is a remote probability that modules can be completely broken.
In the case of other projects built by LG CNS, modules were not completely broken. Mostly, the frame or glass was slightly cracked, but modules are mounted on the fixed structure, so no materials in module was leaked from inside.
Silicon, which is the main material of a solar cell, is already proven to be harmless to human body as it is already used in beauty/cosmetic industry and other similar applications.

4.0 Government has promised utility services in the past but so far broken promises.
It is GPA's duty. Therefore, we think GPA should answer to neighbors.

5.0 Why was power infrastructure never put in place?
There are service rules for development of infrastructure and unfortunately, there were not enough customers in this area to justify building power infrastructure.

6.0 Who is the owner of the property? KEPCO & LG CNS Consortium.

7.0 Dumpsite comment caused a reaction.
KEPCO & LG CNS will clean trash dumped around the plant site and transmission line route.

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.

15.0 Do you have any information with you today that proves there are no negative health effects?
Refer to Attachment #1 and #2. And, as we answered Question #3, the main material of a solar cell, is already proven to be harmless to humans as it is already used in beauty/cosmetic field and so on.

16.0 What is the possibility of leakage from the batteries going into the ground? 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).
Refer to Attachment #1 and #2. And, Module the supplier (LG Electronics) provides a 25 year product warranty. Therefore, KEPCO-LG CNS are not aware there is a statute of limitation if contaminates are released from panels and batteries during the contract term.

17.0 What is the mitigation procedure for typhoons / earthquakes?
The engineering design will meet all local codes and standards—to include 176 MPH winds, and (category) 4 seismic activity–all plans, specifications and drawings will be stamped by local registered engineers. This criteria is greater than IBC 2009 adopted by the Government of Guam for building codes.

18.0 What will happen if there is damage to the materials? How will materials and panels be disposed of?
Any and all materials shall be properly disposed of at an approved and permitted landfill, salvage yard, or off island facility.

19.0 What types of chemicals comes from these materials? How do they affect the environment? Will they affect the water wells?
Refer to Attachment #1, #2 and the answer to Question #3. Therefore, KEPCO-LG CNS are not aware there is a statute of limitation if contaminates are released from panels and batteries during the contract term.

20.0 What is the panel material lifespan?
Module supplier (LG Electronics) provides 25 year product warranty. And we regard it as a panel lifespan.

21.0 What is the EPA involvement in the project?
EPA involvement in this project is to review and approval engineering designs to ensure the project, once completed, will meet all local and federal codes. And also, at # 3, # 10, and # 11, there are no possibility of chemical leaks of PV and batteries.

22.0 What is the statute of limitations if contamination from panels appears later?
KEPCO-LG CNS are not aware there is a statute of limitation if contaminates are released from panels during the contract term. Local and federal regulations will dictate how these cases are adjudicated in the future.

23.0 What is the storm water management plan?
TGE has designed a storm water plan that meets all local codes and standards. The key elements of the plan include swales, rip-rap and check-rock dams, and ponding basins to control and manage storm water onsite. These systems follow engineering best practice means and methods for implementation.

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.

32.0 What are the solar panel effects on birds?
KEPCO has started operating a solar farm adjacent to an airport in Hokkaido, Japan. To date, there are no issues related to airplanes as well as birds. And, TGE has conducted Biological Surveys on site and has determined no listed plants or animal species will be impacted. It is unclear what will be the indirect impact to birds once the site is cleared. TGE team biologist believes there is much better habitat from the current project site for which birds will continue to forage and proliferate.

33.0 Are other solar projects by LG close to residential neighborhoods?
LG have several references of PV plants constructed near residential areas. In 'Solar land' project, modules are installed above market buildings. In 'Skovelevo solar plant' project, there are large residential areas about 1km from the plant. Other projects such as Yeosu EXPO plant, Incheon North port solar plant are also successfully constructed in residential area. And we have constructed also several floating solar plants in an irrigation reservoir and on a small island, indicating solar plants are environmental-friendly.

	Project Description	Place	Photo
1	- Project Name: Solar land - Capacity: 2.5MW - Completion Date: 2014/05/09 - Type: Rooftop	Residential area, Korea	
2	- Project Name: Skovelevo solar plant - Capacity: 5MW - Completion Date: 2012/06/30 - Type: Ground fixed	Residential area, Bulgaria	
3	- Project Name: Yeosu EXPO plant - Capacity: 2.5MW - Completion Date: 2012/04/10 - Type: Ground fixed	Residential & Port area, Korea	
4	- Project Name: Incheon North port solar plant - Capacity: 3MW - Completion Date: 2014/05/12 - Type: Rooftop	Residential & Port area, Korea	

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.

Evaluation of potential for impacts to the two (2) federally endangered butterflies resulting from the proposed construction of solar energy facility at Marbo.

Mariana wandering butterfly *(Vagrans egistina)*

Host Plant:	Native *Maytenus thompsonii*
Host Plant habitat:	Primary and secondary forest
Number of host plants recorded:	Four (4)
Number of *Vagrans egistina* recorded:	None

Summary of Anticipated Impacts

Vagrans egistina has not been recorded on Guam since 1979 (USWFS Undated). No adult specimens, eggs, larvae or pupae were observed during surveys of the subject site. Host plants were recorded in four locations. Host plants are considered fairly common, therefore it is thought that this butterfly species has disappeared for reasons unrelated to host plant availability (Lindstrom and Benedict 2014). Given this butterfly has not been recorded for 38 years and is considered extirpated on Guam, the proposed project will have no direct or indirect impact upon *Vagrans egistina.*

Mariana eight-spot butterfly *(Hypolimnas octocula marianensis)*

Host Plants:	Natives *Procris pedunculata, Elatostema calcareum*
Host Plant habitat:	Moist primary limestone forest featuring high relief karst
Number of host plants recorded:	None
Number of *H. octocula marianensis* recorded:	None

Summary of Anticipated Impacts

No *Hypolimnas octocula marianensis* eggs, larvae, pupae or adults were observed during surveys of the subject site. No host plants were recorded. The specialized habitat where the two host plants are most commonly found, moist primary forest with steep and rugged karst features inaccessible to ungulates (Lindstrom and Benedict 2014), was not encountered on survey transects. The butterfly was purportedly recorded on a neighboring property across the main access road from the subject site. While the date and exact location of this siting is not known at this time, areas fitting this description would likely be closer to the toe of the cliff line to the north and east where more rugged limestone habitat occurs.

The abundance of ungulates present together with historical human disturbances to include clearing, grading (US military, SOHBU Resort and recent housing developer), burning and farming/ranching documented in a Phase I Environmental Site Assessment by ARC Environmental Services (2017) completed for the project, may have altered conditions resulting in the absence of host plants and habitat that might have been present historically. The documented close association between *H. octocula marianensis*, its host plants and the limited specialized habitat that they are found within, is known to be a vulnerability affecting their survival and a key conservation consideration (Shreiner and Nafus 1997).

While the little is known about the two (2) host plants abundance island wide, they are considered to be uncommon in their range and vulnerable to ungulate grazing (USFWS 2013). Given the absence of host plants and specialized karst forest habitat within the project footprint, and the availability of undisturbed, suitable habitat along the surrounding embayment and coastline, it is anticipated that the proposed project to construct a solar energy facility will have no significant direct or indirect impacts upon *H. octocula marianensis*.

References

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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.

46.0 How are the batteries monitored and what is the response time if there are operations problems at the site?
Since it is detected by an electric signal, when a problem occurs, the cutoff measure will be made from several mili-seconds to several tens of mili-seconds. Please refer to Attachment #3 of the monitoring system for Batteries and PV modules.

47.0 How are the panels maintained, cleaned? Will there be chemicals used for maintenance?
Basically, modules are cleaned naturally by precipitation. IT is planned to conduct cleaning works 1-2 times a year in the dry season. Fresh water and no chemical materials will be used for cleaning.

48.0 What is the liquid volume needed for cleaning?
We assume four (4) 20-ton sprinkler trucks are required for cleaning the solar plant (0.35L per module).

49.0 How many jobs will be created by the project?
LG CNS expects to employ about 250 people in the construction phase and about 10 people in the O & M phase.

50.0 Will there be a fence at the property perimeter?
Yes. Perimeter fencing will be installed.

51.0 Can power be supplied to the neighbors?
PPA only allows us to sell the power to GPA.

52.0 There used to be sanitary sewer in the valley from the US Navy.
The project site will not use the Navy sanitary sewer system. This is a Navy system and that is not typically available for civilian use. TGE is aware the Navy sewer system has been out of service for many years and it may be in disrepair.

53.0 What will be the benefit to the community?
In the case of power supply for neighbors, in principal, it is the duty of the GPA. And, this solar project provides benefits to the entire island of Guam through GPA. It will help provide annual saving of more the $35M in the first five years. GPA has predicted this will hedge against rising fuel oil prices in the future and help all residence of Guam reduce their cost of energy. Nevertheless, of course, we should discuss with the GPA at first, but KEPCO-LG CNS hopes that the Mayor of Mangilao collects the opinions of the neighbors about the range and level of the specific power supply they want, and we will do our best and make the most possible ways for cooperation with the community.

54.0 The CCU article recently in the news discussed the GPA cost savings but it seemed negligible compared to the revenue by KEPCO – LG over 25-years.
GPA has presented there is a net present value (that is over the 25-year term of this contract) the savings far outweigh the costs to ratepayers.

55.0 The contract protest is pending a decision by the OPA.
It is still under OPA review. We will update the information after the decision.

56.0 Is the sign properly updated with all GLUC application info? Yes.

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.

ATTACHMENT #1

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

TEST REPORT

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

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Test completion Date : June 14, 2017

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Test Result				
Test Item	Unit	Sample classification	Results	Test Method
Cr^{6+}	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)
Cu	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)
Pb	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)
Se	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)
Zn	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)
Fe	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)

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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
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)

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Test completion Date : June 14, 2017

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Test Result				
Test Item	Unit	Sample classification	Results	Test Method
Trichloroethylene	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)
Benzene	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)
1,1.1-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)
dichloromethane	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)
cis-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)
tetrachloroethylene	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)

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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)

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Test Result				
Test Item	Unit	Sample classification	Results	Test Method
carbon tetrachloride	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)
phenols	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)
cyan	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)
fluorine	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)
formaldehyde	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)
potassium permanganate consumption	mg/L	-	Below 0.3	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)

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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)

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Name of sample : PV Module(LGxxxN2W-A5)

Test Result				
Test Item	Unit	Sample classification	Results	Test Method
residual chlorine	mg/L	-	0.20	Process test method for Hygienic safety standards of water-based materials and products : 2015(Ministry of Environment Notice No.2015-103)

Contact area : Above 50 cm^2 /L

* Purpose : For Quality management

Remark : 1. This test report is a test result of the sample and the sample name presented by the applicant and does not guarantee the quality of the whole product. Verification of the report can be confirmed by the homepage(www.ktr.or.kr) or QR code.
2. This test report can not be used for publicity, propaganda, advertising, litigation, etc.
3. This report is only valid for original (including certified copy), and copies and electronic copies / file are for reference only

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June 14, 2017

CHIEF OF KOREA TESTING & RESEARCH INSTITUTE

ATTACHMENT #2

- LGC acquired international certificates(UL, CE, UN/DOT) as well as local certificates (SBA)

Standard (Nation)	IEC 62133 (Europe)	UL 1642 (USA)	UN 38.3 (USA)	SBA S1101 (Japan)
Overcharge	-	-	-	SOC0, 5.0V CC charge
Hot box	130℃, 30min.	130℃, 10min.	-	85℃, 180min.
Crush	13kN, Flat	13kN, Flat/Side	-	-
Impact	-	Φ15.8㎜, 9.1kg, 610㎜		
External Short	80mΩ, 10/45℃	80mΩ, 20/55℃	80mΩ, 55℃	30mΩ, 25℃
Nail	-	-	-	-

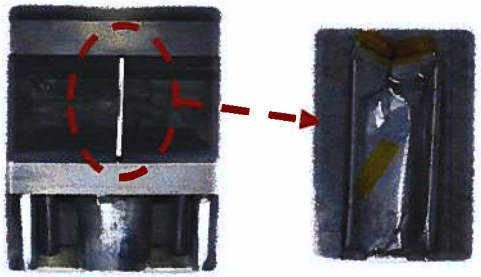
Φ3 , 80㎜/sec

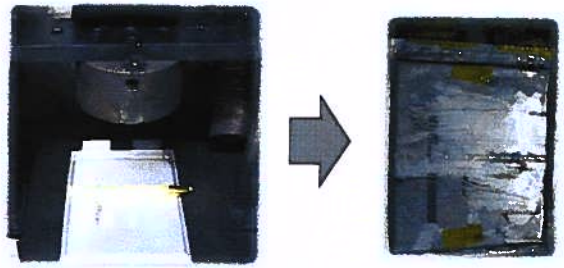
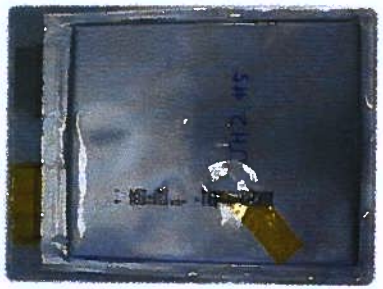
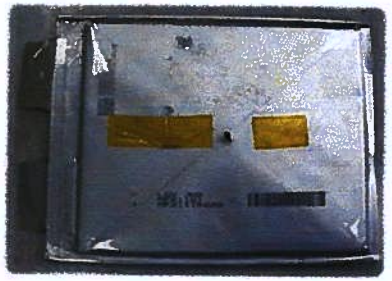
Neither fire nor explosion under the test condition above.

Doc. No. 34GL-18-1620.

Cell Safety

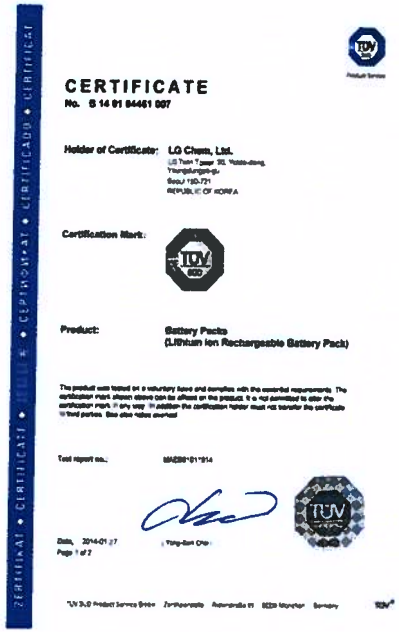
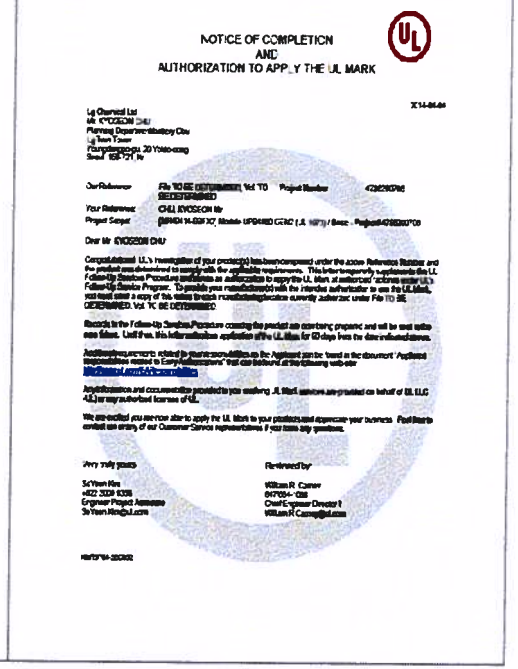
- **No fire or explosion throughout all safety tests**

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

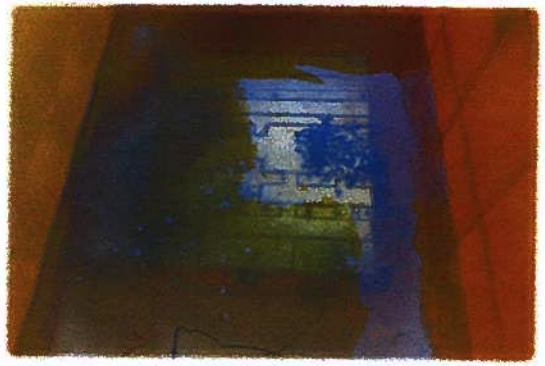
Passed all tests

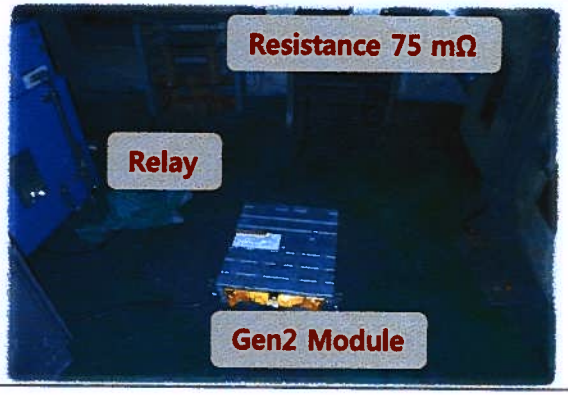
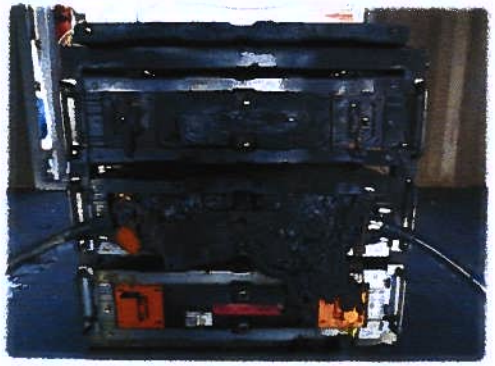
- **LGC's UPB4860 passed and acquired all international safety certificates**

UN DOT	CE (Rack System)	CE (UPB4860)	UL
			

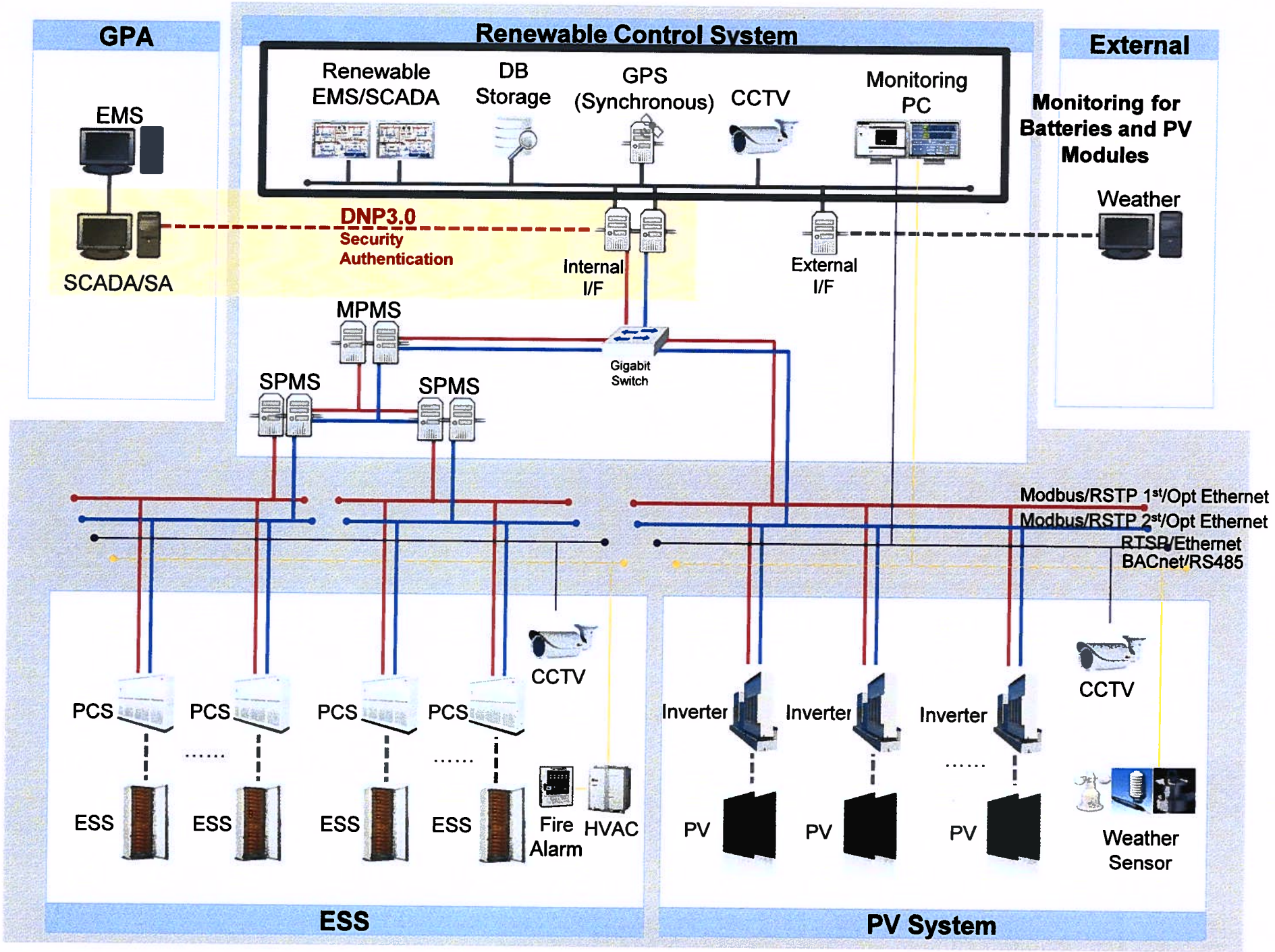
Module Safety

- **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

ATTACHMENT #3


GPA
EMS
SCADA/SA
Renewable Control System
Renewable EMS/SCADA
DB Storage
GPS (Synchronous)
CCTV
Monitoring PC
DNP3.0
Security
Authentication
Internal I/F
External I/F
External
Monitoring for Batteries and PV Modules
Weather
MPMS
SPMS
SPMS
Gigabit Switch
Modbus/RSTP 1st/Opt Ethernet
Modbus/RSTP 2st/Opt Ethernet
RTSP/Ethernet
BACnet/RS485
CCTV
PCS
PCS
PCS
PCS
ESS
ESS
ESS
ESS
Fire Alarm
HVAC
Inverter
Inverter
Inverter
PV
PV
PV
CCTV
Weather Sensor
ESS
PV System

MANGILAO MUNICIPAL PLANNING COUNCIL

MINUTES OF JANUARY 4, 2018 SPECIAL MEETING
6:00 pm. Community Center

I. CALL TO ORDER

A special meeting of the Mangilao Municipal Planning Council (MMPC) was held on Thursday, Jan. 4, 2018, at 6:00 p.m. in the Community Center. Mayor Allan G. Unpingco presided as the Chairman of the Council.

II. ATTENDANCE

Present included: Liz Actalle, John Aguon, Ray Blas, Ben Carbullido, Dominic Muna, Darlene Taitano, Rosita Tosco. Attending from the Mayor's Office were Vice Mayor Tommy Duenas, Ms. Vanessa Aguero, Ms. Jeanette (Jan) Muñoz, Clarissa Borja, Nick Campos, and Max Erickson.

Special guests from TG Engineers, PC and KEPCO & LG CNS: Mr. Joaquin "Kin" Flores, Mr. Tae Guk Sandsen, Mr. Chung Kook Choi, Mr. Ji Sug Chung, and Mr. Sung Ho Kyu. Also present were: Mr. Ted Nelson, Jr., Mr. Marvin Schaaff, P.J. Aguon, and Jane Gaschen.

III. SECRETARY'S REPORT

No Minutes for December 11, 2017 meeting; no quorum.

IV TREASURER'S REPORT -- None.

V. NEW BUSINESS -- None.

VI. OLD BUSINESS

1. Solar Plant Photovoltaic Facility

Mr. Joaquin "Kin" Flores noted that the ELUC hearing for this project, that was scheduled last month, had been extended/continued for next Thursday Jan. 11. He asked for the Mayor and Council's support. Mr. Flores stated that a conditional land use permit had already been obtained from FPA for the clearing and grading of the property.

Mr. Chung Kook Choi, General Manager for KEPCO, indicated his company is willing to help support activities that were beneficial to the village as a whole. The Mayor had earlier voiced his concern relative to the several residences in the area that were requesting utility services from government agencies. He would like to provide them an opportunity to get on the grid with the understanding that each individual is responsible to apply for power/water, in the event of any development.

Mr. Ted Nelson Jr. spoke before the Council, apologizing for part of his families' comments during the town hall meeting. Several of his family members did not want the facility built in the area. He indicated that although they own properties there most of them do not reside in the area. [illegible] meeting event site in Mangilao. He felt that KEPCO is to be congratulated on [illegible] power/water and water to their residences. He informed the council, that to his knowledge, there was no petition circulating against the project.

some of his relatives were not in favor of having the facility built there due to environmental, historical and cultural issues.
Mr. Flores asked if the Mayor and the council have identified projects that their company can assist with that would be beneficial to the village. For example: KEPCO can adopt the Route 15 area: maintaining the road and side streets, parks (picking up solid waste, trash, cutting grass, etc.); installing proper lightings; traffic signals in key intersections throughout the village. Mr. Flores and council members Dominic Muna and Ben Carbullido agreed that before traffic lights are installed in intersections, a study on the flow of traffic need to be assessed. In the meantime, crosswalks may be placed on the four corners of the intersection for safety and accessibility.
Mr. Choi indicated that seven (7) motion sensor cameras will be installed to monitor the road area. Also, he noted that his company may not be able to install street lights but that with joint funding with other agencies or grants, they are willing to give their support and provide assistance.
Mr. Dominic Muna suggested that perhaps the company can establish some kind of financial support to be given to the Mayor's Office for the Mayor to use for community projects at his discretion. Mr. Flores and Mr. Choi both agreed that at the present time this was not a feasible plan.
Mr. Dominic Muna made a motion for the Mayor and the Council to determine which issues or projects that KEPCO may support that will benefit the community, including maintaining the Rte 15 area, keeping it clean and providing safety/security, street lights, crosswalks, cameras. The motion was seconded by Mr. Ben Carbullido; unanimously approved.

VII. ANNOUNCEMENTS

Guam Land Use Commission (GLUC) meeting is scheduled for Thursday, Jan. 11. The Mayor has been invited to attend; as well as the Mayors from the surrounding villages.

VIII. ADJOURNMENT

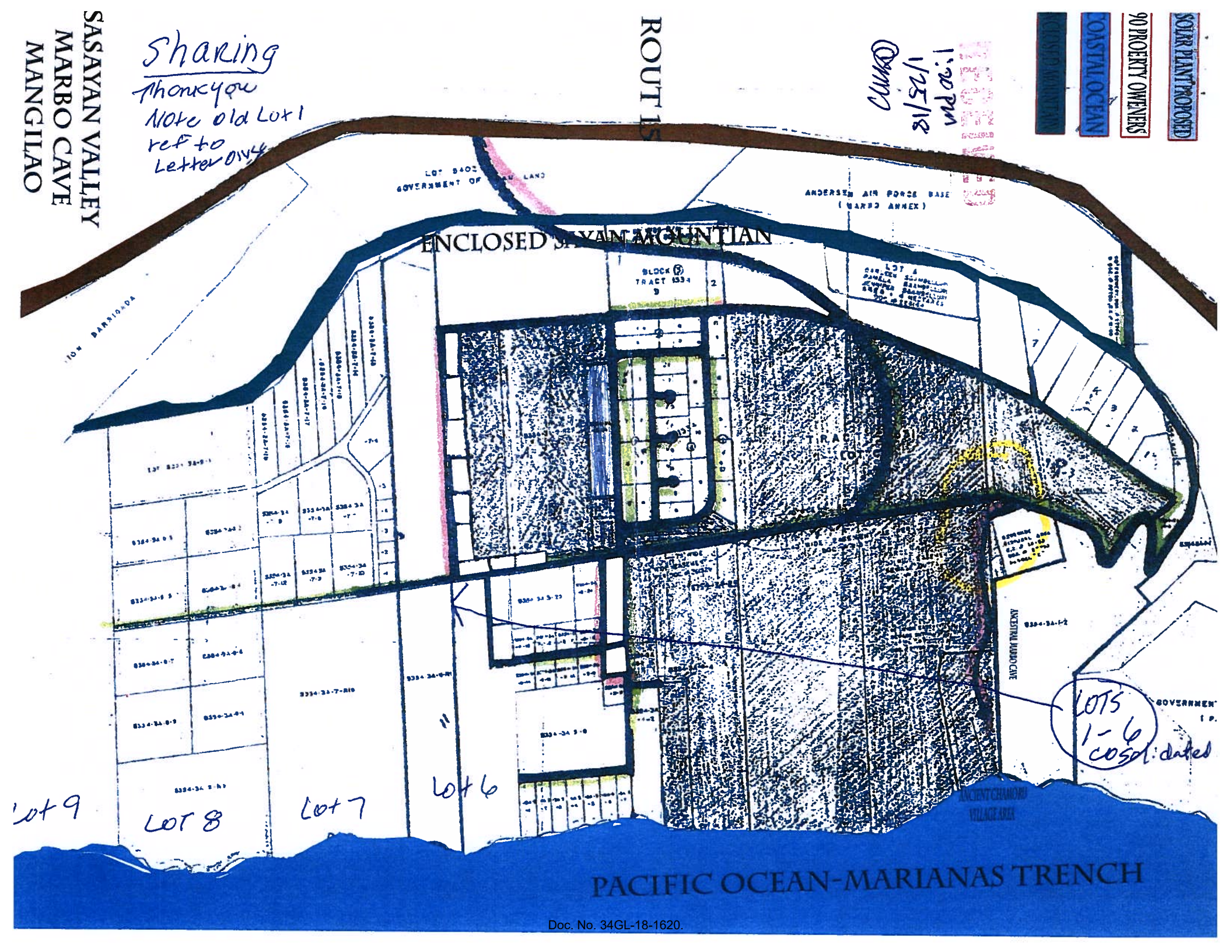
Mr. Ben Carbullido make a motion to adjourned; seconded by Ms. Liz Actalin; unanimously approved. Meeting adjourned at 7:55pm.

Respectfully submitted,

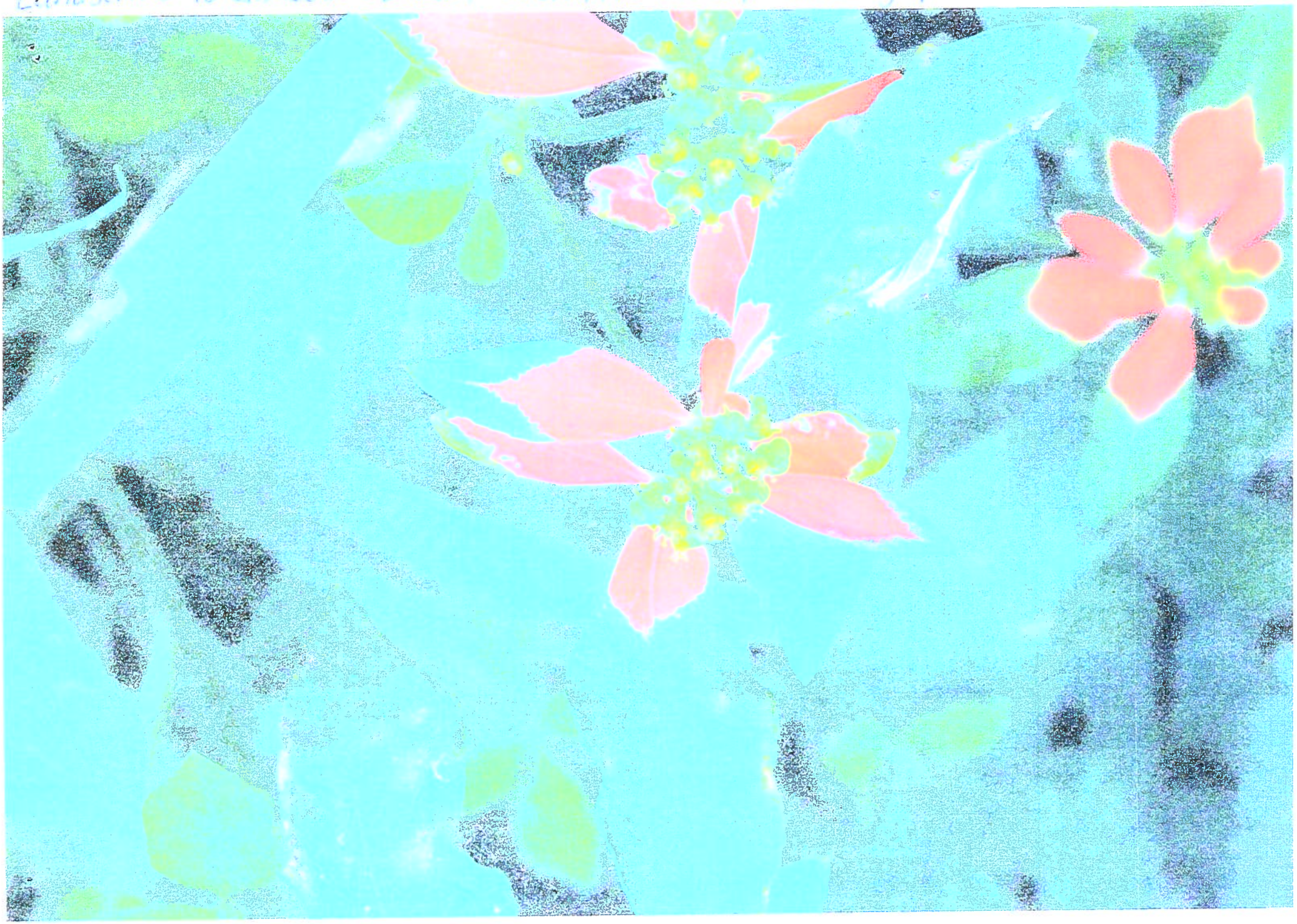
Rosita D. Tosco, Secretary
Date: Jan 10, 2018

ATTESTED TO:

ALLAN G. UNGACTA, Chairman
MANGILAO MUNICIPAL PLANNING COUNCIL

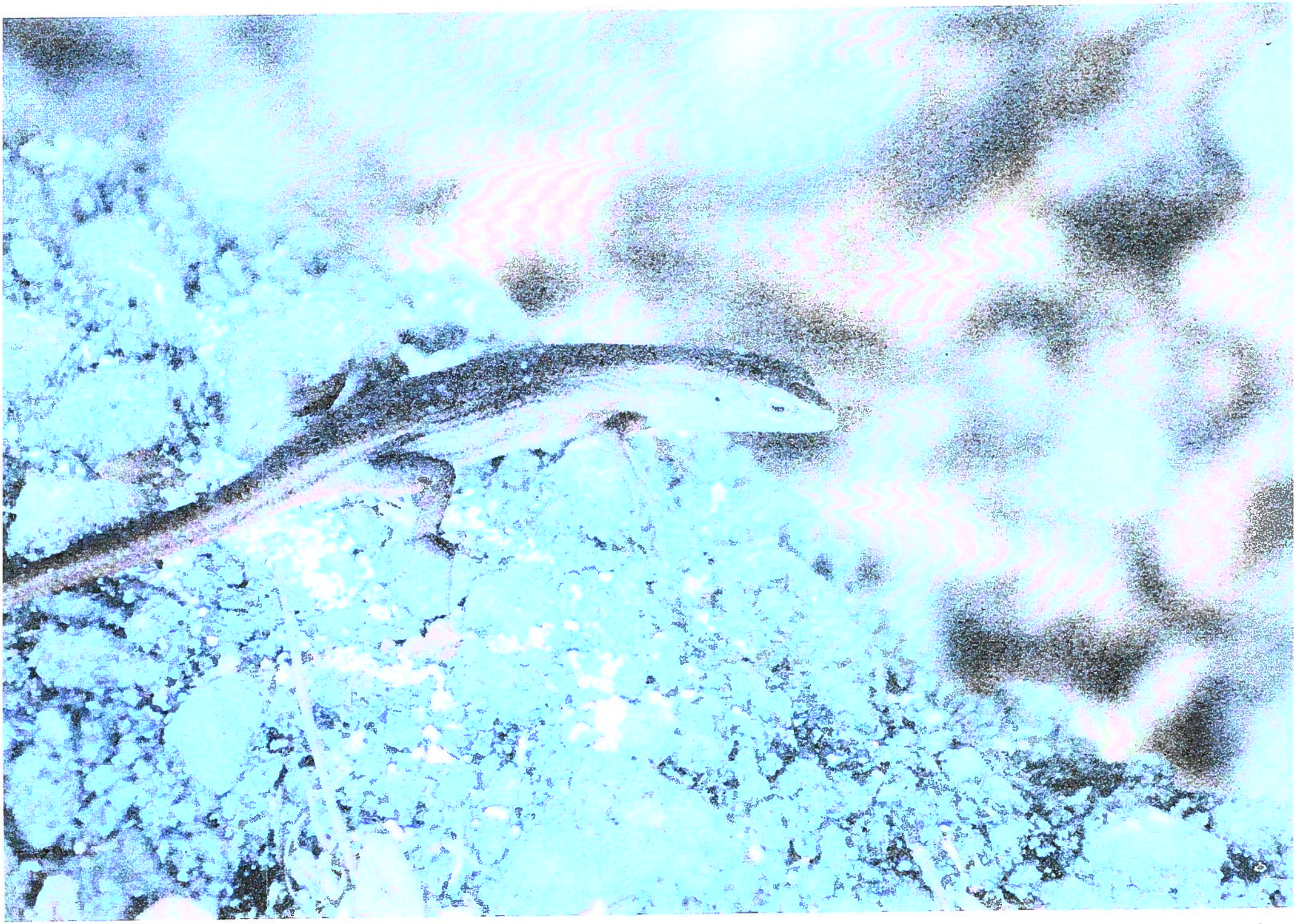


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Landscape to Charge - Enjoy Sasaman Today - A Photographer Paradise



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Doc. No. 34GL-18-1620.



Doc. No. 34GL-18-1620.



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

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GUAM/HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, January 25, 2018
1:45 p.m. to 3:03 p.m.

GUAM/HYBRID LAND USE COMMISSION
Regular Meeting
Thursday, January 25, 2018
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

Mayor Allan Ungacta, Mangilao

Mayor June Blas, Barrigada

Mayor Rudy Matanane, Yigo

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

HYBRID LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, January 25, 2018 • Reconvened at 1:45 p.m. to 3:03 p.m.
[MCoG DLM 2018-02]

I. Attendance

Acting Chairman Cruz reconvened the Hybrid Land Use Commission meeting at 1:45 p.m., noting a quorum. **[Recessed on Thursday, December 14 2017]**

Present were: Acting Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Legal Counsel Nick Toft, Mayor Allan Ungacta (Mangilao), Mayor June Blas (Barrigada), Mayor Rudy Matanane (Yigo), Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Celine Cruz and Recording Secretary Cristina Gutierrez.

[Excused: Chairman John Arroyo, Mayor Melissa Savares]

II. Approval of Minutes

Acting Chairman Cruz before the members is the Minutes from the last hybrid commission meeting of Thursday, December 14, 2017.

Commissioner Bathan makes a motion to approve the Minutes of the Hybrid Land Use Commission of December 14, 2017.

Commissioner Oh seconds the motion.

Acting Chairman Cruz motion made by Commissioner Bathan, seconded by Commissioner Oh. All in favor of the motion say "aye" [Commissioner Bathan, Commissioner Oh, Commissioner Vy, Mayor Ungacta, Mayor Blas], all opposed say "nay."

[Motion passed; 5 ayes, 0 nay']

III. Old or Unfinished Business

Conditional Use

A. Application No. 2017-39, Applicant, LG CNS America, LLC; Conditional Use permit request for a renewable energy facility, on Lot 1, Tract 1541, in the Municipality of Mangilao, in an "A" (Rural) zone. **[MCoG DLM 2018-02] [Recessed on 12/14/2017]**
Case Planner: Frank Taitano/Celine Cruz

Acting Chairman Cruz today's meeting is a continuation of December 14, 2017. At the last meeting Acting Chairman Cruz closed the public comment period; however, re-opened for public comments to those who were not present at that meeting.

Public Comment

Leonora Camacho Kelly is a landowner of property in the area of the project site. Ms. Kelly is visiting the island due to the passing of her father (Dr. Luis Camacho), and wanted to take this opportunity to provide comments for this project on their land. The property is near and dear to her; it was inherited by her mother (Janet Walters Sgambelluri Camacho), and her concern was that this land is important to carry down to her children. She plans on coming to back to Guam eventually, and her children plan on coming back to visit, and she wants a place for them to call home. This is beautiful land and it is sacred. Ms. Kelly grew up with really strong family roots and was taught to the value of what they have; and over the years, although she hasn't been a resident of Guam, she has seen land go so fast just for money. She is not against solar power, it's a great idea, but not in this area. There is an issue with wind and asked that a wind study be done for the area, there is the possibility of the solar panels being toxic, and with storms coming through, debris flying around, and was not too sure that the safety of the residents in this area is being considered. **[NOTE: Mrs. Kelly yielded her time to Mr. Marcel Camacho so that he can expand on this thought process of a wind study for the area.]**

Marvin Aguilar (Chief Planner) noted for the record were:

1. Supplement No. 3, additional responses from TG Engineers;
2. Minutes of the Mangilao MPC dated January 4, 2018 (Special Meeting); and,
3. Photographs/Map from Mrs. Belta Perez

[For full content/context, please refer to Exhibits 1, 2 and 3 respectively]

Acting Chairman Cruz called Mr. Marcel Camacho to the table and allowed him to provide additional public comment.

Marcel Camacho thanked the Commission for allowing him the opportunity to share the concerns of the property owners with a direct affect from the applicant's request. As mentioned previously and in his written testimony, they are concerned mostly about the Commission's role to ensure that the application meets the three criteria outlined in an approval of a small approval or an approval of a project of this magnitude on close to 300 acres of property. The application has to meet the health, welfare and safety of the community before the Commission acts on it in a positive way. He found it odd that the position statement from the General Manager of GPA talked about the health and welfare issue, but was absent on speaking about the safety issue of this project. Mr. Camacho comments that he can only assume that the General Manager of GPA held back from committing to making a bold statement about the safety because there are concerns.

The Building Code of Guam says that at a minimum construction can occur to withstand winds of at least 170 mph. And that is what this project has in their application. His concern is that the solar farm that was approved in Dan, the first one, receiving 19.5 cents per kilowatt hour has been built and has not been tested of the high winds. He goes on to say that Guam has not had a major typhoon to test the panels, and assumed that this solar farm was engineered correctly. This application talks about 8.5 cents per kilowatt hour, significantly less than the 19.5 cents that the first application was approved at, and there was a third application that was even lower than the two solar farms. What has the applicant done to get their price down so low, and questioned the materials to be used for the project; using clips instead of panels being bolted down, etc. Mr. Camacho's biggest concern is his property and his family's property; they actually owned one hundred acres of property going from the cliff to the ocean that was given to him by his great-grandfather. The family property will be handed down to their children, their children's children

and so on. This project is for 25-years or maybe more and that is a concern because there is that possibility of a super typhoon in the next 25 to 30 years to affect the island. Mr. Camacho questioned what will happen to the panels if they are not engineered correctly and the storm exceeds 170 mph winds; and, was unsure if KEPCO and LGS was willing to take on such liability, and did not want to hear the excuse that it was an act of *God*. Mr. Camacho asked for two items; first, that more time be allowed so that the engineers can provide a wind study because this valley is very unique, and secondly, that the latching system be reviewed again so that they are latched to withstand winds in excess of 170 mph. In closing, Mr. Camacho asked that the Commission be careful in their deliberation and in making their decision on this project because it will impact the other 600, 700 acres of property in the area.

Dr. Kurt Fielder (University of Guam, Associate Professor) specializes in endangered species, and in particular, animals. Dr. Fielder has spent some time in the area and was familiar with the location of the project site. He has spent some time on the hillside underneath the quarry to the west across the street from the project site, and there is a population of very rare tree snails that live there although not large in number, there are only four or five other populations of this snail on Guam. It is a fairly rare animal and protected by the endangered species act. There are also post plants for the Marianas A-Spot butterfly across the street from the project site and has found some evidence of the butterflies. He has not spent much time in the area where the solar farm is to be built, but he has seen the environmental study that has been done and his concern was whether or not the tracks used were thorough enough to detect the presence of endangered species. Dr. Fielder's other concern was the effects that a solar farm can have on the surrounding area even if there is nothing of importance that needs to be protected within the construction zone. Dr. Fielder goes on to comment that he has found a very good study that looked at temperature changes within photovoltaic power plants, and what was found was that in large power plants you could expect a four to five degree change in temperature, and that could affect the adjacent areas; it could dry out and/or change the moisture awhile, and impact some of the native organisms in the surrounding forest. His concern is that the impact of this solar plant does not negatively affect those native species in the forest surrounding it, and that some of the concerns that he brought up at the public hearing in Mangilao would be addressed.

Acting Chairman Cruz Commissioners, any comments or questions.

Mayor Rudy Matanane (Yigo) Mr. Ted Nelson, Jr. was not able to attend today's hearing because he was off-island and asked Mayor Matanane to speak on his behalf. Mayor Matanane commented that at a meeting that was held in Mangilao, the owner of the project was going to spend $100K to accommodate landowners to include "Ms. Belta" and six other landowners.

[Note: Unidentified female member in the audience comments that this information was not correct and asks why her name was brought up. Acting Chairman Cruz explained that this was a matter that was not being discussed at this meeting, and asked that she refrain from making additional comments. [NOTE: Unidentified female later identified as Mrs. Belta Perez]

Mayor Matanane asked if he could continue to speak on comments that Mr. Nelson asked him to convey to the Commission.

Michael Borja (Executive Secretary) asked if this would be considered a conflict since Mayor Matanane is a voter and is representing a landowner.

Mayor Matanane this would be the decision of the Commission to stop him from making comments if there is a conflict of interest.

Acting Chairman Cruz asked Legal Counsel for his opinion on the matter.

Nick Toft (Legal Counsel) if the Mayor is adding his own opinion then you will get into a situation where you have a conflict, but if you are passing on a statement ---

Mayor Matanane (interjecting) conveys the message given to him by Mr. Nelson that as long as the owners of the project provide power for six landowners that everything would be okay because he supports the project.

Acting Chairman Cruz any other public comments. Please state your name for the record.

Tom Kelly (former resident of the island) Mr. Kelly states that his mother is Teresita Santos Atoigue and his grandfather was Jose Benavente Atoigue, and that his legacy goes back many, many years on this island. Mr. Kelly states that he was old enough to experience Typhoon Karen and has experienced two other super typhoons since then and has seen the devastation. He has heard the promises of infrastructure and nothing happens. He is in familiar with solar technology and supports it if the time is right and in the right place. This is not the place for this project. He does not want see something get stalled, an operation destroyed. He further added that he has seen the Ricky Bordallo debacle that the Atoigue family lost out on. He lost out on this, his children, grandchildren; and instead of having property here, they will have to buy from strangers. Mr. Kelly states that he can go on and on, but yields his time to his aunt, Belta Perez.

Acting Chairman Cruz before you begin Mrs. Perez, I will allow you five minutes to provide comment.

Belta Perez when this was first presented at the Mangilao Mayor's Office she appealed to her neighbors to change the use to recreational area something that the people of Guam can enjoy, and has not changed her mind. Mrs. Perez shows the photos of the land (refer to Exhibit 3). When clearing was done the ancestral area near the cave was touched. Her concern was when she found out that Lot 1 was to be used for this project; since 1972 she has been personally involved with Kaiser development, Shobu development and the housing development that recently did not happen; and the land was rezoned back to agricultural. Her mother gave up her property so that the people can enjoy the beautiful land. There is a total of nine lots, and out of the nine lot six lots will have solar panels to deal with. She reminds the Commissioners that the photos show how pristine and panoramic the valley is. **[Unable to decipher remaining comments of Mrs. Perez as the audio was inaudible.]** In closing, Mrs. Perez states that she is fighting to save the valley for its nature, habitat, its cultural, and history.

Acting Chairman Cruz seeing no further public comments, Acting Chairman Cruz closed the public comment period. Mr. Kin Flores was asked to come forward and address the comments made.

Kin Flores (representing TG Engineers who has been retained by KEPCO LG to secure a conditional use permit.

Acting Chairman Cruz does the supplemental that was submitted provide answers from the last GLUC hearing.

Kin Flores subsequent to the last GLUC hearing, they provided responses of the concerns from both the Commissioners, Mayor Matanane and the public as well as from the U.S. Fish and

Wildlife Service; the responses can be found in the third supplement that was provided to the Commission.

Acting Chairman Cruz the supplement does not have any new information other than responding to the concerns of the Commissioners and the public.

Kin Flores that is correct. Mr. Flores briefed the Commission on the latest development of the project since the last meeting.

1. There was a procurement protest that was lodged with the OPA, and the OPA ruled against the appellant, and then the appellant filed a lawsuit with Superior Court. However; shortly thereafter, withdrew the appeal and this issue is no longer valid.
2. A notice of intent to award TG Engineers has been given. The CCU Board approved through a Resolution the power purchase agreement for KEPCO LG endorsing the project and allowing management to file its petition with the Public Utilities Commission which will be entertained at the PUC February session.
3. The design for the project has been ongoing since the application was first filed and retained by KEPCO LG; designs are nearly complete and permit ready for the permitting process.
4. Clearing/grading permit has been reviewed and approved and is awaiting the conditional use approval from the Commission.
5. Construction is expected to begin as soon as March 2018 depending on the building permit and review process. Expected completion is still planned for December 2019 or early quarter of 2020.
6. Responses was provided for the public hearing in supplement number two and also provided responses to some of the concerns at the last GLUC hearing one of which was health concerns expressed by Mayor Matanane. Mr. Flores explained that detailed information was provided in supplement number 3 along with material data breakdown of what the panels are made of. The response was supported by laboratory analysis to show what was water-based chemicals or any chemicals that are detectable under test situations.
7. The panels are made of tempered glass, double encapsulated panels that are made of semi-conductor materials which would be phones, laptops, computers, etc. The major of the panels is non-toxic which is shown with hard data, hard evidence through laboratory tests. There are no toxicity effects with regards to panels falling on the ground and emitting any type of chemical discharge.
8. After the 25-years, there is an option with GPA to extend for an additional five years for a total of 30 years at the discretion of GPA. What GPA will do with the facility thereafter is completely unknown. The property will revert back to KEPCO LG as the legal owner of the property, and will decide at that time what should be done with property.
9. KEPCO LG will remove the batteries and return them to Korea (as previously mentioned). They will be recycled or reused. The metals, aluminum and the panels will be removed and disposed of in proper, permitted landfills here on Guam or off-island in salvage facilities.
10. Addressed the issue regarding U.S. Fish and Wildlife service. They had a chance to discuss the matter with a representative and sat down at length and discussed the methodology for the biological surveys. A host plant was discovered for the butterfly species, the Marianas A-Spot; however, as reported in the supplement, the chief biologist has not seen the presence of the butterfly for the last 38-years. Host plants are commonly found throughout the island, but yet the species has not been discovered. Unless evidence

has shown otherwise, methodology has been reviewed and thorough transact approach to the site was conducted. Outside perimeter for biological surveys was not conducted.

11. In the third supplemental it shows the concern on temperature which disperses very quickly in as high as 18-meters back to ambient temperature. The property is located on the windward side of the island and there is a lot of turbulent wind and there will be a lot of wind flow in addition to the natural study results that was shown on the technical paper. The study was done over the course of several months; acquiring actual data and measuring of temperature on actual solar field. The result is that it has a minimum effect to ambient conditions.
12. Snails were not found on site. Biological surveys are approached to the extent that is reasonably possible. It is a 250-acre site and there were several transacts throughout the entire area. It was difficult to cover 100-percent of the area.
13. A second meeting was held with Mayor Ungacta which was a productive meeting. The Mayor's Council as a group supports the project, but requested that some issues such general security and the safety of surrounding areas be addressed; lighting was a concern; at the intersection of Route 26 and Route 15 and Marbo Cave Road, the Mayor was concerned about the lighting and the traffic for children catching the bus and looking at how the area can be improved for safety at the intersection with either a crosswalk or traffic signal light that will benefit the community of Mangilao and the entire island. As a result, a streetlight will be provided for Marbo Cave Road, beautification of the road and cleaning up of debris from illegal dumpling. As corporate citizens and good neighbors of the village for the next 25-years, KEPCO will commit to the Mayor that they will assist in being good citizens and neighbors for the community of Mangilao.
14. Power issue that was brought by Mr. Unpingco at the last meeting. It has not been defined; however, KEPCO is willing to do, in a positive way, collaborate with GPA to provide some power infrastructure to the surrounding area.
15. To monitor ingress and egress of the facility, KEPCO will look into security and surveillance cameras to be put in place to track who enters and exists the area.

Kin Flores this will bring the Commission up to date on the status of this project. We hope that the Commission will give us a positive and favorable approval.

Acting Chairman Cruz are there any questions and/or comments for the applicant.

Mayor June Blas (Barrigada) inquired if there was anything in writing from the federal government on the environmental issues; was an actual inspection done at the site to determine if any of the butterflies are present.

Kin Flores responds "no." They did not find any listed federal of Government of Guam endangered or threatened species. By law, they are required to report any federally listed species plants and/or animals to the U.S. Fish and Wildlife because a new set of rules will be followed for surveys. None were found. They found fadang or cycad trees which is listed on the federal list, but not on the GovGuam list. They are committed to working with the Department of Agricultural on this project on how the trees can be dealt with; and hopefully, transplant some of the species in the correct fashion and manner. It is yet to be determined on how to proceed with this program. As part of the landscaping and the visual buffering for the site, they plan on transplanting some of the fadang trees along the perimeter fencing.

Mayor Blas did the U.S. Fish and Wildlife conduct an inspection on their own and confirm the non-existence of the species. In the previous meeting, it was mentioned that they were not aware of the project.

Kin Flores replied that to the extent of their methodology, they did not discover anything. The study was provided to U.S. Fish and Wildlife and was discussed at length to describe how the survey was approached and what the findings were. They were convinced at the conclusion of the meeting that Fish and Wildlife was more informed and satisfied with their approach. A request could have been made to conduct a site inspection, but that request never came through Mr. Flores' office. Mr. Flores further confirms that nothing in writing was received from U.S. Fish and Wildlife, and all communication was made verbally through meetings.

Mayor Allan Ungacta (Mangilao) in light of what came up earlier on wind factors and damaging effects that may occur in the event of typhoons, has studies been conducted. Mayor Ungacta added that the other issue was on liability. What assurances does the community have that security will be in place in the event of typhoons.

Kin Flores in the supplement response to the Commission for this particular issue and concerns, the facility is being designed to withstand what the Codes require the company to do. There are ethical standards to uphold; structural, electric and civil engineers must ensure that the rules and regulations under the building codes are fulfilled and maintained as required. They also provide some level and margin of safety in their calculations that the panels can withstand winds above 170 mph. LG has required the panels to be designed to withstand winds of up to 176 mph in their design criteria. There are no guarantees that the Code will promise anybody that the panels will remain in place.

- The panels are designed to be in capsulated above and below the cells with tempered glass and secured in racks where if there is damage or impact the tempered glass prevents shattering of the glass and destruction of the panels. It is designed to be held together by virtue of its construction. It will be very difficult for it to be scattered and spewed all over the place;
- There will be a 7-foot perimeter fencing throughout the facility;
- Visual buffering will be maintained; all surrounding jungle around the perimeter fencing will be maintained to mitigate some of the visual impacts that the property landowners are concerned about;
- Mr. Flores pointed out that this site was massively cleared at least twice before. The vegetation, plant life and trees have been significantly altered by construction;
- Development will not occur at the lower bench where a burial site was previously discovered. There will be absolutely no construction in this area, and will be cordoned off to ensure protection;
- In some areas there is already a right-of-way within the horseshoe subdivision of about 40-feet throughout the perimeter which will add additional buffering; and,
- They will be taking advantage of the natural topography of the land, and they will not massively be grading the property unlike what was previously done.

Mayor Ungacta asked if the Code that was used is current.

Kin Flores it is IBC 2009 Code; ASTM National Electric safety code and a slew of other codes that they are obligated to follow as professional engineers.

Commissioner Bathan on the conditional use application the applicant is LG CNS America LLC which is based out of New Jersey; will there a local office on Guam when the project is completed.

Kin Flores LG CNS America has a current and ongoing project with GPA at this time which is separate from this project. They do have a local office at the old DFS building and required by law to register with a local address. They are incorporated on Guam as LG CNS America LLC and KEPCO as the consortium owners of the property.

Commissioner Bathan upon completion of the solar facility what is the liability insurance coverage that will be provided for this specific project.

Kin Flores commented that he was unable to answer the question.

Commissioner Bathan lastly, who will be responsible for maintaining the solar facility.

Kin Flores it would be a newly created entity under LG CNS or KEPCO; KEPCO LG will hire an operator to operate the facility on their behalf.

Commissioner Oh fencing was mentioned previously; will the perimeter fence be on the property line or surrounding the actual solar panels and will chain-link fencing be used or considered.

Kin Flores not in all areas. There will only be fencing on the upper cliff and not in the lower bench area. The fencing to be used will be similar to the fencing used at the Naval Station where it has an epoxy green coating, almost like a rubberized coating on the fence and will be color keyed. The fence design will also have hog-wire to prevent wild animals from entering the site.

Commissioner Oh solar panels itself are not 176 mph wind rated, is this correct. The frame and racking are rated for 176 mph winds, and not the panels.

Kin Flores that is corrected; in the supplement, it was noted that wind loading for uplift and specified to handle a lot of pressure.

Commissioner Oh in the original report there was mention of LG CNS installing solar panels throughout the world. Has LG CNS ever installed solar panels in areas with very high wind ratings.

Kin Flores clarified that KEPCO LG CNS has projects in different areas and in different countries; however, they rely on local engineers to ensure that it is safe and sound and in accordance to standards. The standard requires 170 mph. TG and its design team are required to ensure that the facility meets all codes and standards for this island. It is no different from what they would do in other countries where they will rely on the countries' standards.

[Discussion ensues]

Commissioner Oh if projectile was to hit the panels what are the chances that glass debris will scatter throughout the area.

Kin Flores in their supplement number 3 it eludes to that. It is not probable, it may be possible, but the likelihood of it being shattered and spewed all over the entire 175 acres is very unlikely just by virtue of its design.

Commissioner Oh there was mention in the Mangilao MPC minutes concerning employment. How many employees will there be for this facility.

Kin Flores this question was answered in their initial presentation; there will be anywhere from three to four employees at the very most, but can be manned with only two.

Acting Chairman Cruz aside from the four employees for the facility, will a contractor be hired for maintenance such as grass-cutting, etc.

Kin Flores it would make best sense to hire local personal that can do the work such as grass-cutting and general and routine maintenance. The personal that will man the control room have to be trained and experienced personal for that purpose.

Acting Chairman Cruz at this time you are waiting for this Commission's approval for this project. During the studies conducted you hired an archeologist and conducted prior studies.

Kin Flores that is correct. It was part of our submittal and application to the GLUC. The archeologist that was retained for this project was to discuss how the area was to be developed with Guam HPO (Historic Preservation Office) and Department of Parks and Recreations. And that involves what they refer to as an archeological monitoring and data discovery program. An AMDP was developed and has since been adopted and approved by HPO to proceed with construction, but will require that they monitor construction throughout the site for any excavation and civil work. In the event if something found, the AMDP will define how the artifacts are to be dealt with.

Acting Chairman Cruz based on what was previously stated, the company will be following current Guam building codes; wind rating of up to 176 mph per the Code.

Kin Flores clarified that it is stated as 170 mph per Code, but their client is requiring 176.

Acting Chairman Cruz are there any other questions. [None noted] Continue to be a good neighbor and work with the Mayor and the community. Acting Chairman Cruz asked that they assist their neighbors who are seeking assistance within reason; i.e., bringing power as close as possible to their residence.

Kin Flores this issue has been discussed at length with GPA, and LG has approached GPA on what type of collaboration is possible. In a positive way, LG is committed to see how this can be achieved.

Acting Chairman Cruz any other questions. [None] Thank you Mr. Flores for the presentation.

Commissioner Oh asks of Legal Counsel if the special meeting of January 4th require any type of notification.

Nick Toft (Legal Counsel) responds "not to his knowledge, no."

Acting Chairman Cruz what is the pleasure of the Commission.

Commissioner Oh I would like to make a motion to approve the Applicant, LG CNS America's request for a conditional use permit for a renewable energy facility, on Lot 1, Tract 1541, in an "A" (Rural) zone, in the municipality of Mangilao with the following conditions:

a) Applicant to adhere to all ARC conditions and requirements as stipulated on their official position statements;
b) If the conditional use is granted, the applicant is required to read carefully read, understand and comply with the time limitation condition noted on the first page and the acknowledgement agreement on the last page of the Notice of Action that cites, *"Pursuant to E.O. 96-26, Section 5, the applicant must apply for and receive a building or grading permit for the approved GLUC project within one 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;*
c) Applicant shall not submit any request for a building or grading permit should the time limitation as specified in E.O. 96-26, Section 5 has elapsed; and,
d) Any changes to the approved site development plan shall, as a result of ARC permitting agency requirements, shall be reflected in as as-built survey map to be submitted to the Guam Chief Planner prior to issuance of an Occupancy Permit.

Acting Chairman Cruz motion made by Commissioner Oh. Is there a second.

Commissioner Vy seconds the motion.

Acting Chairman Cruz motion is seconded by Commissioner Vy. Discussion. [None noted] All in favor of the motion indicate by raising your hand; [Acting Chairman Cruz, Commissioner Oh, Commissioner Hardy, Commissioner Bathan, Mayor Ungacta, and Mayor Blas], all opposed say "nay."

[Motion is passed; 6 ayes, 0 nay, 1 abstain (Mayor Rudy Matanane]

IV. New Business [None]

V. Administrative & Miscellaneous Matters [None]

VI. Adjournment

Commissioner Oh motion to adjourn the Hybrid Commission meeting.

Commissioner Bathan seconds the motion.

Acting Chairman Cruz motion to adjourn by Commissioner Oh, seconded by Commissioner Bathan; with all in favor.

The Hybrid Land Use Commission for Thursday, January 25, 2018 was adjourned at 3:03 p.m.

Approved by:

Victor F. Cruz, Acting Chairman
Guam Land Use Commission

Date approved:

Feb. 22, 2018

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
DLM, Planning Division

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

File for Record is Instrument Number 918777

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Deputy Recorder: Jane Yamasaki
JANET YAMASAKI

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GUAM LEGISLATURE

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room
ITC Building, Tamuning

Thursday, February 8, 2018
1:41 p.m. to 5:10 p.m.

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Attendance Sheet

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

Date of Meeting: Thursday, February 8, 2018

Time of Meeting: GLUC: 1:41 Pm | GSPC:

	GLUC		GSPC
X	Regular		Regular
	Special		Special
✓	Quorum		Quorum
	No-Quorum		No-Quorum

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

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

ADJOURNMENT: GLUC: 5:10pm | GSPC:

GLUC Form 19 - GLUC Commission Attendance Sheet

GUAM LAND USE COMMISSION
GUAM SEASHORE PROTECTION COMMISSION
Public Attendance Record
Location: Department of Land Management Conference Room
590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

[X]	GLUC	[X]	Regular	Date:	Thursday, February 8, 2018
[ ]	HLUC	[ ]	Special	Time:	1:41 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	5:10pm

PLEASE PRINT NAME CLEARLY	APPLICATION NAME AND/OR NUMBER	Telephone No.
Kim Borja	FEB	
Rachel Sanchez	FEB	
Kilo Celestino	FEB	
Ray Ch		
Neil Erni	FEB Rizal Village	
Mark Jonge	Rizal Village	

GLUC Form 21 - GLUC Public Attendance Record Form - APRIL 2010

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, February 8, 2018
[ ]	HLUC	[ ]	Special	Time:	1:41 pm
[✓]	Quorum	[ ]	No Quorum	Adjournment:	5:10 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.
Ignacio Santos	2017-44	7773862
DAN SWAVELY	LPR/JAXA & RBJ VILLAGE	688-8229
Harry Gutierrez	#2017-12	482-5213
SUSAN LA ROSA		456-1515
Richard Sane	Yong Ja Oh	687-9865
ICHIKO CRUISOTUM	FCB	
CALEB TAN	2017-44	898 3777

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

GUAM/HYBRID LAND USE COMMISSION
Regular Meeting
Thursday, February 8, 2018
Department of Land Management Conference Room
3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. John Z. Arroyo, Chairman

Mr. Victor F. Cruz, Vice Chairman

Ms. Conchita D. Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Mr. Nicolas Toft, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Ms. Celine Cruz, Case Planner

Ms. Grace Vergara, Planning Staff

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES
Department of Land Management Conference Room, 3rd Floor, ITC Bldg., Tamuning
Thursday, February 8, 2018 • 1:41 p.m. to 5:10 p.m.

I. Attendance

Chairman Arroyo called the regular meeting of the Guam Land Use Commission for Thursday, February 8, 2018 to order at 1:41 p.m., noting a quorum.

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

II. Approval of Minutes

Chairman Arroyo first order of business is the approval of the meeting minutes. Commissioners have had an opportunity review/read the Minutes, Chairman Arroyo entertained a motion to approve.

Commissioner Bathan made a motion to approve GLUC regular meeting Minutes of January 25, 2018; subject to corrections of minor edits to be submitted to the Recording Secretary by close of business today.

Commissioner Oh seconds the motion.

Chairman Arroyo motion made by Commissioner Bathan, seconded by Commissioner Oh. There being no discussion noted, Chairman Arroyo put the motion to a vote. All in favor of the motion please say "aye" [Chairman Arroyo, Vice Chair Cruz, Commissioners Bathan, Oh and Vy], all opposed say "nay." **[Motion passed; 5 ayes, 0 nay]**

Michael Borja (Executive Secretary) inquired how the approval of the hybrid commission minutes of January 25, 2018 will be handled. Mr. Borja also brought up that at the next GLUC meeting there will be a new set of hybrid commissioners.

Chairman Arroyo suggested that the Commission waits for Legal Counsel and ask for his opinion.

Chairman Arroyo asked of the Commissioners if they would like to make any changes on the order of business on today's agenda.

Vice Chairman Cruz suggested Item V- Administrative & Miscellaneous Matters be moved to the top of the agenda.

[There were no objections noted from the Commissioners]

V. Administrative and Miscellaneous Matters

Conditional Use Renewal

E. **Application No. 2000-12B**, Reliable Builders, Inc. represented by Daniel D. Swavely; requests renewal of a previously approved Conditional Use permit for its temporary workforce housing facility, on Lot 5160-6-3 (Harmon), in the Municipality of Tamuning. Case Planner: Frank Taitano

Marvin Aguilar reads staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [For full content/context, please see attached report]

[Attachment E – Staff Report dated January 12, 2018]

Chairman Arroyo questions for staff. [None noted from the Commissioners]

Daniel Swavely Reliable Builders and his other clients with similar facilities want to make sure that they keep the workers' housing approved and intact in hopes that there will be a resolution to the H-2B visa problem. Mr. Swavely also reports that there are no H-2 workers currently staying at the facility, and asked for the Commission's approval to renew the request.

Chairman Arroyo questions for staff.

Commissioner Bathan notes that in in enclosure 2 – Position License to practice that the attached license for Yong Hae Chan (sp?) expired in December 2017.

Daniel Swavely he was also aware of the expiration of the license and explained that the application process began since September/October 2017; but, did not update the application. Mr. Swavely added that he will submit a renewed license for file.

[No additional comments and/or questions noted for staff and Mr. Swavely, Chairman Arroyo was ready to entertain a motion.]

Vice Chairman Cruz makes a motion to approve the applicant's request to renew its conditional use permit subject to the conditions as noted in Chief Planner's Staff Report (see Attachment E].

Commissioner Bathan seconds the motion.

Chairman Arroyo motion made by Vice Chairman Cruz, seconded by Commissioner Bathan. Discussion on the motion. [None noted] All in favor of the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Bathan, Oh, and Vy], all opposed say "nay."

[Motion passed; 5 ayes, 0 nay.]

Technical Amendment

F. **Applicant, Leo Palace Resort**; requests for a Technical Amendment to the Leo Palace Resort's Master Plan to accommodate the continued operation and upgrade of the JAXA Guam Downrange Tracking Station by SKY Properties Corporation, on a Portion of Tract 2511, in the Municipality of Yona. Case Planner: Frank Taitano

Frank Taitano reads the Commission Brief (for full content/context, see attached report)

[Attachment F – Commission Brief dated January 8, 2018]

Chairman Arroyo questions of staff. [None noted]

Dan Swavely gave a brief presentation to the Commission to include the history, existing operation and its lapse in the time for missing the 2003 renewal, and what the new activities will be.

- This activity was originally approved as a Zone Change in a "PDD" and this was how the Commission approved these types of requests; however, they are now handled as technical amendments with the Chief Planner's authority to determine how much of a technical amendment should mimic a Zone Change. This type of technical amendment has been twice granted by the Commission in the last six months; recently, the Commission approved in November the antenna for ARINC. Since then, the Commission has approved two other technical amendments for the Leo Palace resort's operations to include a new parking lot for the hotel and a new top-dressing and bunker sand storage area.

- In 2001, this lessee of the property where the downrange tracking facility is located got a zone change from the Commission's predecessor to engage in that operation for twelve years, and nothing has changed since. They are the tracking station for the current technology for launching of rockets used for satellites and other types of space exploration.

- Mr. Swavely extended the applicant's apologies to the Commission for the lapse in the timeline that occurred after 2013. This change in technology in Japan's launch vehicles, which are now called H-3 rocket, takes on new telemetry, antennas and receivers and upgrades have to be made to the existing site. There will be no change in the footprint of the existing 1.3 acres; no change to the utility use; and, no change in personal.

- The request is to extend this technical amendment, temporarily, and asking for 20-years to the Leo Palace Resort's PDD Master Plan. [Note: 20-years is needed because that is the state of technology for the new equipment coming in.]

Chairman Arroyo the last approval was for a period of 12-years. What was the basis for the 12-year request.

Marvin Aguilar the 12-years came from the original approval in order for them to operate the facility.

Frank Taitano further explained that the 12-years was at the request of the applicant, and it had to do something with the life-span and technology at that time. As Mr. Swavely explained, the lifespan of the new upgrade is for 20-years.

Chairman Arroyo the 20-years would be for the new technology. [Mr. Swavely responds, "for the new telemetry technology."] Chairman Arroyo asked if the Commission would have to retroactively go back and approve the zone change or technical amendment back to 2013.

Frank Taitano explained that this is a new application for a technical amendment.

Chairman Arroyo since the applicant did not get approval to renew back in 2013 they are basically operating in violation. So, does the Commission have to make that right by retroactively approving that.

Marvin Aguilar advised that it was based on the timeline on the viability of the technology and this is being projected for 20-years. The advantage of placing a timeline is that you don't want to tie-down the original PDD if it is approved for a golf resort facility to this specific use.

Dan Swavely the application was approved in 2001; built and began operating in 2002. It will be 16-years already with this technology. The H-2 rocket will come in place in 2020; so, the old technology will be used for 18-years.

Mr. Swavely explains that the old technology expired in 2013, and so there is almost a five (5) year lapse if actual dates are used. The gap does not need to be covered by any approval, but the Commission may.

Chairman Arroyo explains that the Commission needs to make sure the record is clean. This would basically a 25-year approval from 2013 to 2025.

Dan Swavely corrected the expiration to 2037. 2017 which was the effective date plus 20 years goes to 2037. If the Commission wants to add on the four years that was missed that would be a total of 24-years. It would be 25-years less if you go back 5 years, go forward 20; and, this will take you to 2012 to 2037.

Commissioner Bathan has the applicant comply with all the conditions of the Notice of Action.

Marvin Aguilar yes.

Commissioner Oh since the initial approval in 2001 and operational by 2002; following that initial installation, has there been any upgrades to the infrastructure, equipment upgrades.

Dan Swavely responded that the only upgrade was software, but basically doing the same thing. The plan is to upgrade the facility now to monitor the launch in 2020.

Commissioner Oh was there a reason for the Notice of Action's expiration in 2013.

Dan Swavely the applicant has characterized it as a lapse in timeline. Shortly after the first JAXA agency was approved there were three other agencies, and may have been paperwork issue.

Commissioner Oh trying to understand the logic and reasoning behind the initial 12-year term. Was this because of the lifespan of the equipment.

Dan Swavely that was the expectation at that time for the lifespan of using the technology for the H-2A and H-2B launch vehicles.

Chairman Arroyo inline with Commissioner Oh's question, Leo Palace, within the next 20 years does not have a need for this property that is being leased.

Dan Swavely responded that they think not, and if records of use is reviewed for the sports facilities it is minimal.

Chairman Arroyo noted there were no additional questions of staff or Mr. Swavely, Chairman Arroyo asked for a motion on the request.

Commissioner Oh makes a motion to approve the technical amendment for Leo Palace Resort's Master Plan to accommodate the continued operation and upgrade of the JAXA Guam Downrange Tracking station by SKY Properties Corporation, on a portion of Tract 2511, in Yona; subject to the following conditions:

1. The extension of the Master Plan shall be for a period of 25-years starting from the original expiration date of the Notice of Action on June 14, 2013; and,
2. Applicant to adhere to all conditions as noted in the original approved Notice of Action.

Chairman Arroyo the motion is to approve the technical amendment to the Leo Palace PDD with the condition that the request expires in 25 years beginning June 14, 2013 and that the conditions applicable to the original approval remain in full force and effect.

Commissioner Bathan seconds the motion.

Chairman Arroyo seconded by Commissioner Bathan. Any discussion on the motion [None]. On the motion, all in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Bathan and Vy], all opposed say "nay." **[Motion passed; 5 ayes, 0 nay]**

III. Old or Unfinished Business

Zone Change

A. Application No. 2017-12 Applicants, Rosalina E. Werkkunen and Leonora E. McGeough represented by Harry D. Gutierrez, Zone Change from "A" (Rural) to "C" (Commercial) zone, on Lots 1-3-R1 and 1-2, Tract 1141, in the Municipality of Dededo. [Continuation – GLUC Hearing of November 28, 2017] Case Planner: Penmer Gulac

Commissioner Bathan asked if there was a photo of the Notice to Rezone billboard.

Chairman Arroyo called for a 10-minute recess.

[Commission recessed at 2:20 p.m. and reconvened at 2:30 p.m.]

Chairman Arroyo Mr. Gutierrez was advised that there was an issue with the billboard notice. Section 61633 specifically states that the time, date and location of the GLUC hearing be displayed on the billboard. The photo provided to the Commission notes the date and location but no time. The law is specific on what the Commission can and cannot do; and since the sign does not conform to the law, the review of this application cannot continue today. Mr. Gutierrez was asked to provide the appropriate information on the sign, and will be scheduled for the next available GLUC hearing date.

IV. New Business

PDD Amendment

B. Application No. 2017-26 Applicant, Yong Ja Oh represented by FC Benavente, Planners; amendment request to a previously approved Planned District Development (PDD) to allow commercial development on Lot 27NEW, Block 2, Tract 240, in the Municipality of Dededo. Case Planner: Penmer Gulac

Commissioner Oh mentioned to the Chairman that this is a family property and asked to be recused.

Chairman Arroyo takes note that Commissioner Oh is recusing himself due to conflict of interest.

Commissioner Bathan is this project less than the 3-million-dollar threshold.

Marvin Aguilar the three-million-dollar threshold does not apply to zone changes and/or amendments to a PDD. For applications such as this construction costs are not looked at, it just the concept of changing the zoning designation.

Penmer Gulac summarizes the staff report to include purpose, facts, public hearing results, staff analysis, discussion, recommendation. [For full content/context, see attached report]

[Attachment B – Staff Report dated January 31, 2018]

Chairman Arroyo notes for the record receipt of Resolution 2017-10 from the Dededo Municipal Planning Council; approving and supporting the applicant's request. **[Exhibit 1 – Dededo MPC Resolution 2017-10]**

Seeing no questions for staff, Chairman Arroyo opened the floor to the applicant's representative.

Richard Sana (representing Mr. Yong Ja Oh) gives a brief presentation on the applicant's request to amend its existing PDD to allow commercial uses on the subject property. Mr. Sana stated that he had nothing further to add to the staff report.

- The application had favorable reviews from the members of the Application Review Committee. A presentation was also conducted before the Dededo MPC who has endorsed this application as evident in the resolution that was provided by the MPC.
- Noted one objection at the public hearing; however, other residents who attended were in favor of the conceptual plan of the application.
- As seen in the layout, there are two buildings; the first building consists of five (5) commercial spaces with a square footage of 5,000 per space, and the second building has a larger footprint. The commercial building will not specifically a convenience store, but more of shopping outlets to include possibly a beauty shop and banking institution.

Chairman Arroyo is the entrance into the property off of Y-Sengsong Road; will there be an entrance from Route 3.

Richard Sana as of right now off of Y-Sengsong Road, and in the future access from Route 3. Mr. Sana added that they have been in communication with the Military who is requesting that they be provided a proposed drawing on how it will be accessed and what type of structure that will go over the pipeline. It is understood that if the military needs access to the pipeline, the structure can be removed.

Chairman Arroyo is there any special approval so that the access can go through the buffer zone on YSengsong Road.

Richard Sana the property line abuts YSengsong Road.

Chairman Arroyo there is a 20-foot wide buffer zone between the property line and the road; is it okay to build across that.

Marvin Aguilar responds "no." Mr. Aguilar added that at one point Planning thought that this buffer was for the expansion of the road. It was Mr. Aguilar's belief that the buffers were put in place because the properties that are along YSengsong (with exception of the fire station, church and the community center) needed space between the road itself and the residential development along the roadway.

Chairman Arroyo will the applicant need special permission to go over the buffer zone.

Marvin Aguilar it would be more of a DPW matter.

[Discussion ensues]

Vice Chairman Cruz asked why the sliver portion of the lot is on the map.

Richard Sana explained that it could have been a mapping error. It seemed that this road when it was all individual lots at one time was an access to one of the lots on the northern rear portion. Instead of a dashed-line a solid line was used and became a separate lot.

[Lengthy discussion ensues on Lot 31 which is not part of the subject lot, owned by the Government.]

Vice Chairman Cruz once the development is done it looks like they actually own the property.

Richard Sana the owner proposes to acquire this lot in the future; the property does not serve anybody but the property owner. The sliver of property will be considered as green space until it is acquired by Mr. Oh. Mr. Sana further states that they will comply with all conditions stated on ARC agencies' position statement. The first phase is to get the PDD amended and then proceed with permitting process.

[Discussion ensues]

Vice Chairman Cruz will the government sell this sliver of property to the applicant.

Michael Borja yes, but will have to be done by legislation.

Vice Chairman Cruz reiterates that the conceptual drawing is wrong. The drawing shows as one entire lot to include the slivered property.

Richard Sana this is a conceptual plan and can change.

Chairman Arroyo the conceptual drawing includes the slivered property, assuming that you will be able to purchase the property.

Richard Sana yes, if this request for PDD amendment is approved.

Chairman Arroyo there were no additional comments and/or questions from the Commission, Chairman Arroyo opened for public comment.

Public Comment [Seeing none, public comment period was closed by Chairman Arroyo]

Commissioner Bathan there was one opposition received for this application. This property owner indicated that her property is within the 500-foot radius. What is the property owner's lot number.

Marvin Aguilar the landowner mentions that she is within the 500-foot number, but does not state her lot description.

Commissioner Bathan can limited commercial be considered to address the Dededo MPC's concern on adult type entertainment or related type businesses from operating. Although the consultant indicated that this type of business will not be allowed, Commissioner Bathan suggested limited commercial be considered.

Richard Sana what is the actual regulation on the sale of alcohol in proximity of schools, churches, etc.

Marvin Aguilar 500-feet from entrance to entrance.

Richard Sana the physical location of the store that is allowed to sell liquor to the actual building of a school and/or church.

[Discussion ensues]

Chairman Arroyo from the way the resolution reads, it is not so much as a concern that it is within the 500-foot distance from a church or school. It appears that the MPC does not want adult entertainment on the property regardless. Commissioner Bathan recommended that the Commission looks at a limited commercial zone change; it would be limited to the types of businesses and/or operations that the owner would want on the property.

Marvin Aguilar this is an amendment for the land use within a PDD, and it can be conditioned. The request is for an amendment to a previously approved PDD.

Mr. Aguilar states that the whole concept of a PDD is to bring two or three different types of land uses within one large land mass. The operative term is make the businesses work together harmoniously or co-exist.

Richard Sana the big lot that is being consolidated with the other lot is already zoned commercial. A PUD allows different types of uses to include residential, commercial, etc.

Chairman Arroyo one of the lots in the consolidation was commercial, what were the other lots zoned.

Richard Sana residential.

Chairman Arroyo you are before the Commission to ask to amend this rezoned lot. Chairman Arroyo asked the question as to whether or not this will automatically rezone all the other lots that are not commercial to commercial or will the applicant have to come to the Commission to amend it and this new lot become completely commercial as opposed to split-zone.

Richard Sana we are coming in as a whole lot.

Chairman Arroyo the amendment request is to rezone the whole lot commercial. What happened in the past, up until today, does not impact the Commission's decision today. The Commission can look at carrying forward at the applicant's request for commercial; but, set conditions on the approval.

Marvin Aguilar this application is for Lot 27NEW, consolidated lot. The Commission is amending the PDD to allow commercial use in the new consolidated lot.

Commissioner Bathan as long as the Commission can place conditions on the PDD amendment and that the concerns of the Dededo MPC is addressed.

Chairman Arroyo what the Commission is talking about is bars, game rooms, etc.

[Commission recessed at 3:15 p.m. and reconvened at 3:30 p.m.]

Chairman Arroyo reconvened the meeting. Are there any other questions of the applicant before the Commission moves forward with a vote. [None noted] I am ready to entertain a motion.

Commissioner Bathan Mr. Chairman, I would like to recommend approval to amend an existing PDD (Planning District Development) to include limited commercial uses on Lot 27NEW, Block 2, Tract 240 in the municipality of Dededo, under Application No. 2017-26; with the condition that any commercial activity shall not impede on the quiet enjoyment of the surrounding community. Restricted business activities may include, but limited to, adult entertainment, activities engaged solely in the business of on-site sale of alcohol such as bars and game rooms.

Chairman Arroyo motion has been made by Commissioner Bathan. Is there a second.

Commissioner Vy seconds the motion.

Chairman Arroyo seconded by Commissioner Vy. Discussion on the motion.

Vice Chairman Cruz clarified if this would be limited commercial.

Commissioner Bathan limited commercial uses.

Chairman Arroyo on the motion say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioner Bathan, Commissioner Vy], all opposed say "nay."

[Motion passed; 4 ayes, 0 nay, 1 recused]

Chairman Arroyo next item on the agenda –

Zone Variance

C. Application No. 2017-06 Applicants, Virgilio and Susan La Rosa; Zone Variance for Use for a proposed mini-canteen/eatery and catering services on a portion of an existing residential structure, on Lot 4, Block 15, in the Municipality of Dededo, in an "R-1" (Single Family Dwelling) zone. Case Planner: Penmer Gulac

Penmer Gulac summarized the staff report to include purpose, facts, public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context refer to attached report.]

[Attachment C – Staff report dated January 24, 2018]

Marvin Aguilar reads for the record a letter of objection was received from Rose Borja Clark dated January 10, 2018 which was received this afternoon. **[Exhibit 2]**

Michael Borja where is the location of Ms. Clark's home in relation to the proposed project site.

Marvin Aguilar three house lots from the La Rosas. She is closer to Onedera Store.

Chairman Arroyo questions for staff.

Commissioner Bathan how large is the canteen mentioned in the application because it is also proposed for in-dining service.

Marvin Aguilar that proposed use was removed.

Chairman Arroyo had concerns on the responses on the issues regarding hardship, exceptional circumstances. The issues that need to be addressed that gives the Commission guidance on whether or not their request for Zone Variance for Use is warranted.

No additional questioned noted for staff, Chairman Arroyo opened the floor to the applicants.

Susan LaRosa (with Virgilio LaRosa, husband and her son Timothy John LaRosa) Mrs. LaRosa states that they are before the Commission to ask for consideration to have a small business on a small portion of their residence. They were the former owners of Joy's Restaurant located at the Compadres Mall for nine years. And recently, they sold the restaurant due to their current health conditions, and again asked for the Commission's consideration.

Chairman Arroyo questions.

Vice Chairman Cruz you closed Joy's Restaurant and is no longer being operated.

Susan LaRosa the restaurant is sold and under new management.

Commissioner Oh are you currently operating at this time.

Susan LaRosa catering services out of their residence only.

Commissioner Oh just catering, but want to add a take-out area.

Susan LaRosa yes, with the Commission's approval.

Chairman Arroyo states that there are specific reasons that need to be addressed that allows the Commission to consider the request for Use Zone Variance. Answers were provided to the issues, but did not quite understand how the applicants' circumstances sets them apart from the general intent of the law; whether or not what the applicant is asking to do is different from the master plan for the area because the proposal is to place an eatery right in the middle of a residential area. One of the applicant's response to one of the issues was that there are apartment buildings and other commercial businesses within the area; and if the Commission

does not allow the applicant to do what is being requested, it will cause them hardship. Chairman Arroyo could not see how this would be considered hardship for the applicants. Another point noted on the application was, allowing this variance complies in part within an "R-1" and it was not further explained; detrimental affect on the public and the surrounding neighborhood was also not well justified; what the applicants are asking for the variance would be contrary to the master plan was also not addressed.

[Mrs. LaRosa was not able to respond to Chairman Arroyo's queries.]

Chairman Arroyo suggested that the application be set aside for the time being to allow the applicants additional time to provide sound justification on the issues that he had brought up. Chairman Arroyo applauds the applicants for putting the application together with no representation; this is a difficult process to go through, and gave the applicants credit for doing it on their own.

Vice Chairman Cruz asked Mrs. LaRosa if it was their intent to continue to operate their business out of their residence because of their current medical conditions.

Susan LaRosa explained that their medical issues was one reason and the other reason was also due to the cost of the rent. She added that their son is currently going to culinary school so that he can continue to run the family's business at their home.

[Discussion ensues on how the catering service and eatery will be operated.]

Chairman Arroyo it was the order of Chairman Arroyo that this application be continued until the applicants have had enough time to provide additional justification on their request.

Commissioner Oh understands the applicants' justification for hardship; but, believed that what the Chairman was trying to convey was that their personal situation for hardship is not the type of hardship the Commission is looking for. The Commission is looking for hardship when it comes to the property.

Vice Chairman Cruz asked that the LaRosas work with their Case Planner to come up with justification to answer the Commission's issues.

Chairman Arroyo next item on the agenda –

Tentative Subdivision

D. Application No. 2017-44 Applicant Jupiter Juno Co., Ltd. represented by Ike F. Santos; request for a Tentative Subdivision for thirty-one single-family dwelling units with full improvements, on Lot 5-R4, in the Municipality of Agat, in an "R-2" (Multi-Family Dwelling) zone, under Application No. 2017-44. Case Planner: Celine Cruz

Chairman Arroyo this application calls for infrastructure.

Marvin Aguilar yes.

Chairman Arroyo does the cost of the infrastructure is over the three-million dollar threshold.

Marvin Aguilar no, it does not.

Celine Cruz the installation of the infrastructure will not exceed three-million dollars. Ms. Cruz proceeds with the reading of the staff report to include purpose, facts, staff analysis/discussion, recommendation and conditions. [For full content/context, see attached report]

[Attachment D – Staff Report dated January 31, 2018]

Michael Borja in reference to the survey map provided in the application, what was the dotted line cutting across the lot with arrows pointing towards the left. Is there a river running through the lot.

Marvin Aguilar it is a creek.

Michael Borja active, flows, heavy during rain.

Marvin Aguilar only active during rainy season. The applicant is already engaged with the Department of Parks and Recreation and Public Works with regards to addressing the on-site water-way; avoidance.

Michael Borja is there a requirement for Army Corps of Engineers.

Chairman Arroyo it appears that they are putting a drainage pipe.

Celine Cruz the applicant's representative has been coordinating with appropriate agencies, and has an explanation for what has been done, and that can be seen in supplemental information that was submitted. The supplement is the new plans based on comments made by the ARC agencies' input. And as you can see, there was a shift in the configuration of the roadway based on ARC's input.

Chairman Arroyo any additional questions for staff. [None noted] Chairman Arroyo opened the floor to the applicant's representative.

Ike Santos (representing Jupiter Juno, with Jae Kim, Contractor) Mr. Santos states that they agree with the conditions that is being imposed by Planning staff.

- Before proceeding with the design of the subdivision, they approached EPA because of the wet/dry creek; dry during the summer and wet during rainy days. EPA allowed them to install a drainage, but not to continue all the way out [refers to the drawing] and granted based on the topo-map.
- A park was created on this side of the lot, took house lots away and provided ponding areas.
- There is a setback between drainages and the ponding area. BSP asked that there be separation between the ponding area and the natural drainage.

- This portion (refers to the map) is not part of the subdivision, but there are plans to improve this subdivision to add circulation and flow in the area. This is an added addition for the community.
- The road will be developed to provide circulation; fully improved with paved roads, power, water, sewer, streetlights.

Michael Borja to the left of the diagram, there is a road that goes over the creek, a major road to the end; why does the road continue on and how will the road go over the creek.

Ike Santos drainage pipes that will be installed under; concrete to keep the soil from eroding down into the creek, similar to a culvert, but with a head to keep the soil from rolling into the creek. Mr. Santos explains that this is a natural drainage, and developed over the years.

Vice Chairman Cruz what is the size of pipe that will be used.

Ike Santos 4-feet in diameter.

Commissioner Oh this will be buried, underground. If you look at the path of the drainage ....

Jae Kim there will be no structure on top of the pipes.

Commissioner Oh the pipe will be on private property.

Vice Chairman Cruz whoever owns Lot 10 will own the panhandle. It will go through the landowner's property.

Ike Santos yes.

Commissioner Oh there is a way to resolve the issue. The panhandle can be resolved by putting a public easement going into the area, and keep it public. Mr. Cruz's concern is that it is on private property.

[Discussion ensues on potential water run-off that could occur from heavy rain pour, drainage, roads, access, recreational park]]

Vice Chairman Cruz his concern was the area located at the top left corner.

Ike Santos plans have been changed several times because of input from the various government agencies.

Marvin Aguilar for the record, was the changes as a result from your consultation with EPA.

Ike Santos yes.

Chairman Arroyo will approval be needed from the Army Corps of Engineer or only from EPA.

Ike Santos will approach the Army Corps of Engineers and present them with this plan; but, EPA has given their approval on the proposed plan to this point.

Marvin Aguilar Army Corps of Engineer engage in development when it involves of waters of the U.S. This creek is wet when it rains and dry when it does not rain.

Ike Santos this application will have to return for a final subdivision. Mr. Santos states that he will work with the Army Corps of Engineer, and will comply with their recommendation.

Vice Chairman Cruz reiterates that his concerns are on the lots where the creek runs through.

Jae Kim there is still room in the proposed area, and will make it a utility easement. [Unable to decipher Mr. Kim's comments.]

[Discussion ensues on the creek runoff]

Chairman Arroyo will there be a homeowners' association.

Ike Santos they are still in planning stage, and was unsure about a homeowners' association at this time.

Commissioner Oh assuming that the 4-foot diameter, head-wall, end-wall has been coordinated with EPA.

Ike Santos yes.

Commissioner Oh will this be a gated community.

Ike Santos it will not be a gated community.

Commissioner Vy does the pipe have to be winding.

Ike Santos that is the natural flow.

Chairman Arroyo there being no additional question of the applicant, Chairman Arroyo opened the floor for public comments.

Public Comments [seeing none, Chairman Arroyo closed the public comment period]

Chairman Arroyo anything else before a decision is made. Any questions or comments. [None]

Marvin Aguilar based on the conversation/dialogue established today, additional conditions may also be recommended. An additional condition would be that this tentative subdivision plan is only for infrastructure, and should not include the placement of the homes as depicted in the plan or revised plan.

Commissioner Bathan can the lots be subdivided.

Marvin Aguilar properties can be subdivided. The revision shows that they've taken lots and dedicated certain lots for the ponding basin.

Chairman Arroyo the additional condition is that the Commission is only approving for infrastructure, and should not be concerned with the footprint of any structures on the lots, and that they should go through the process and discover that structures cannot be built on certain lots then that would be part of the conditions.

Commissioner Bathan if any structures within the lot has setback issues, they will need to request for setback variances.

Ike Santos once the sidewalks, streets and all infrastructure has been put in, the next phase will be the final approval of the house lots with boundaries. Mr. Santos added that he had no objection to the Chief Planner's additional condition.

[Discussion ensues]

Chairman Arroyo there were no additional questions and/or comments noted, Chairman Arroyo was ready to entertain a motion.

Commissioner Oh other than the conditions as stated in the staff report there was an additional condition made by staff.

Marvin Aguilar this tentative subdivision plan is only for infrastructure, and provide documentation of an Army Corps of Engineers' determination of federal requirements.

Commissioner Oh I move to approve the request for a Tentative Subdivision from the applicant, Jupiter Juno Co., Ltd. represented by Ignacio Santos for 31-single family dwelling units with full improvements on Lot 5-R4, in the municipality of Agat, in an "R-2" (Multi Family Dwelling) zone under Application No. 2017-44, subject to the following conditions:

a) Applicant must work with Department of Public Works to provide adequate road widths to facilitate safe and efficient egress/ingress to and from the subdivision. Such coordination must include input from the Guam Chief Planner;
b) Applicant shall provide adequate full improvement infrastructure to address intended residential use. This shall be vetted and approved by pertinent government entities and as required pursuant to Title 21GCA, Chapter 62, section 62401 at the time of approval of this request and Title 21GCA Chapter 62, section 62402 at the time the applicant requests for approval of a final subdivision;
c) Plans prepared for final subdivision approval shall contain elements of surface water runoff containment as recommended by BSP. The applicant and/or his agent responsible for site development must coordinate and consult with BSP on designs to achieve surface and storm water containment and the removal and/or discharge of such material with means to insure water quality thresholds are achieved prior to discharge. The applicant must also work with Guam EPA with respect to insuring said techniques or methodology for

surface water runoff containment and water quality protection standards remain consistent with applicable regulatory requirements;

d) This tentative subdivision plan shall be reviewed and approved by the Survey Division of the Department of Land Management within a timeline appropriate to allow for due diligence review pursuant to Title 21GCA, Chapter 60, Articles 5 – 8 prior to submitting a request for approval for a final subdivision plan,
e) If approved, the requested tentative subdivision plan shall be for one year pursuant to Title 21GCA Chapter 60, section 62205, commencing on the date of approval. Within a reasonable time, the applicant may request for an extension of the one-year timeline prior to the determined to the one-year expiration date;
f) Applicant shall provide documentation from the Army Corps of Engineer that a permit is not required prior to request of a final subdivision; and,
g) This application shall only be infrastructure.

Commissioner Vy seconds the motion.

Chairman Arroyo motion is made by Commission Oh, seconded by Commissioner Vy. Discussion on the motion. [None noted] All in favor say "aye" [Chairman Arroyo, Vice Chairman Cruz, Commissioners Oh, Vy and Bathan], all opposed say "nay."

Motion passed; 5 ayes, 0 nay.

V. Administrative and Miscellaneous Matters

Chairman Arroyo is there any other business to discuss before the Commission adjourns.

Michael Borja advised the Commissioners that he spoke with Legal Counsel on how to handle the approval of the hybrid commission minutes from the January 25, 2018 meeting, and invite those specific commission of Mayors to show up and take a vote on the minutes because they do have to be recorded. Lastly, Mr. Borja introduced Ms. Grace Vergara, newly hired Planner for the Planning Division.

Marvin Aguilar has been in discussion with Mr. Toft the issue that was brought up regarding public notification of certain applications particularly with Mark Zhao. Mr. Aguilar shared with Mr. Toft a court case between Younex/Sablan case where the Court had determined that a notification of a variance is different from that of a conditional use or a zone change. Such is the case in this situation where Mr. Klitzkie had argued.

Nick Toft that application was for a zone change and will require the 500-foot radius notification of landowners; but, variances does not. If it's a variance notification is not required for the 500-foot radius landowners.

Marvin Aguilar based on the court decision the department does not have to notify landowners within the 500-foot radius; the billboard sign is sufficient, but we have continued to do so.

Michael Borja what does this mean for the application in Yigo.

Nick Toft Yigo will still have to because it is a zone change, YPao Road would not.

Chairman Arroyo has Mr. Yang been notified on this latest information.

Marvin Aguilar only communication with Mr. Yang's consultant, Dan Swavely.

Commissioner Oh the whole process will not have start from the beginning, just redo the public hearing.

Celine Cruz Mr. Klitzkie also brought up the issue of ownership; can an individual apply on behalf of a company, and there was no documentation within the application to explain all of that. What was discovered was that in the original submission of the application under the preliminary review it had all of those documents. But, when it went back to the consultant, and they made copies to include all of the other information that we have asked of them, these documents were not copied. Mr. Swavely has been informed that the process has to begin again starting with the ARC process.

Michael Borja Commissioners were informed that at 6:00 p.m. at the Guam Legislature is the public hearing for the rezoning of property that GPA is trying to acquire for the new power plant in Dededo. GPA decided to go through zone change through the Legislature rather than going through Land Management. Land Management's testimony will be that we prefer they be rezoned as a public facility; the Mayor's Council and the Dededo MPC have all concurred on "M-1" zoning.

[Discussion ensues]

Chairman Arroyo inquired on the status of the Pago Bay case.

Nick Toft the hearing today was continued to an indefinite date.

Commissioner Bathan is the applicant still obligated to report every six months to the Commission.

Marvin Aguilar yes; last reporting date was for November 2017.

[Discussion ensues on Pago Bay Resort status report; discussion on issuance of an Order to Show Cause; demolition bond issue.]

Chairman Arroyo commented that he received a letter from Don Sadhwani in reference to the industrial park subdivision that the Commission had previously approved. The one-year period had expired in September and he is requesting if the Commission would consider granting a one-year extension. Mr. Sadhwani's reason for not being able to request the extension is that he was off-island for medical treatment.

[Discussion ensues]

VI. Adjournment

Vice Chairman Cruz makes a motion to adjourn, seconded by **Commissioner Oh**; with all in favor.

The regular meeting of the Guam Land Use Commission for Thursday, February 8, 2018 was adjourned at 5:10 p.m.

Approved by:

Date approved:

2/22/2018

John Z. Arroyo, Chairman
Guam Land Use Commission

Transcribed by:

M. Cristina Gutierrez, Recording Secretary
Planning Division

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 – Corrected

Regular Meeting

Thursday, February 8, 2018 @ 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 February 1st and February 6th, 2018]

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

II. Approval of Minutes

- GLUC Regular Meeting of Thursday, January 25, 2018

III. Old or Unfinished Business

Zone Change

A. Application No. 2017-12, Applicants, Rosalina E. Werkkunen and Leonora E. McGeough represented by Harry D. Gutierrez; Zone Change request from "A" (Rural) to "C" (Commercial) zone, on Lots 1-3-R1 and 1-2, Tract 1141, in the Municipality of Dededo. Case Planner: Penmer Gulac **[Continuation – GLUC Hearing 11/28/2017]**

IV. New Business

PDD Amendment

B. Application No. 2017-26, Applicant, Yong Ja Oh represented by FC Benavente, Planners; request to amend a previously approved PDD (Planned District Development) to allow commercial development, on Lot 27NEW, Block 2, Tract 240, in the Municipality of Dededo. Case Planner: Penmer Gulac

Zone Variance

C. Application No. 2017-06 Applicants, Virgilio and Susan La Rosa; Zone Variance for Use for a proposed mini-canteen/eatery and catering services with a portion of an existing residential structure, Lot 4, Block 15, in an "R-1" (Single Family Dwelling) zone, in the Municipality of Dededo.
Case Planner: Penmer Gulac

Tentative Subdivision

D. Application No. 2017-44, Applicant Jupiter Juno Co., Ltd represented by Ignacio F. Santos; request for a Tentative Subdivision for thirty-one (31) single-family dwelling units with full improvements, Lot 5-R4, in the Municipality of Agat, in an "R-2" (Multi Family Dwelling) zone, under Application No. 2017-44.
Case Planner: Celine Cruz

V. Administrative & Miscellaneous Matters

Conditional Use Renewal

E. Application No. 2000-12B, Applicant, Reliable Builders, Inc. represented by Daniel D. Swavely; requests renewal of a previously approved Conditional Use permit for its temporary workforce housing facility, on Lot 5160-6-3 (Harmon), in the Municipality of Tamuning. Case Planner: Frank Taitano

Technical Amendment

F. Applicant, Leo Palace Resort represented by Daniel D. Swavely; a request for technical amendment to the Leo Palace Resort's Master Plan to accommodate the continued operation and upgrade of the JAXA Guam Downrange Tracking Station by SKY Properties Corporation, on a portion Tract 2511, in the Municipality of Yona.
Case Planner: Frank Taitano

VI. Adjournment

ATTACHMENT A

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

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

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

Website:
http://land.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

January 31, 2018

MEMORANDUM

TO: Chairman and Commissioners, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: **Supplemental Staff Report – Continuation for review** , Ref, Application No. 2017-12, Zone Change, Lots 3-1-R1 & 1-2, Tract 1141, NCS, Dededo; **GLUC Meeting of February 8, 2018**

1. **For Commission's review of above said application; reference revision of required Agricultural Impact Assessment (AIS) to support the zone change application; Note: Commission's last review of December 14, 2017; and**
2. **Planning Division has received the revised AIS and is acceptable for further consideration as an attachment for review by the Commission.**
3. **Recommendation: Planning further Recommends Approval**

Marvin Q. Aguilar
Guam Chief Planner

Case/Project Planner: Penmer C. Gulac, Planner IV
Attachments:

Dipattamenton 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

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 "Agricultural" to a "Commercial" for application 2017-12 on Lots 1-3-R1 Tract 1141(Workkunen) & 1-2 Tract 1141(McGeough) Located in Dededo. (Rosalina E. Werkkunen & Lenora E. McGeough c/o Harry D. Gutierrez).**

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. 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 two, **Lots 1-3-R1 Tract 1141(Workkunen) & 1-2 Tract 1141(McGeough)** are located in an area that has been used in the past for various farming and ranching activities. However, currently no such "Agricultural" activity has been identified for the 2 lots with only sparse and subsistence small scale gardening occurring on surrounding lots. Therefore based on the preliminary inspection no adverse impact to any agricultural activity and to native habitats where observed 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. Firstly, should the proposed zone change be approved and the project moves into any proposed 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.

- As rapid development occurs in the most heavily populated area of the island the destruction and removal of native tree species increases the potential for pollution and the loss of **Guam's Northern Aquifer** the primary source of drinking water that supplies the island. As such our agency requires that a comprehensive landscaping plan address this deficiency in development of the northern part of the island and as it relates to this zone change and any proposed development of the sites. **Agriculture** recommends that the lots designated for build will have elements of a green zone dedicated to it, as part of the overall landscaping plan. If this includes parking and green zones not identified in the application the use of native trees that originate in this area is highly recommended as they are suitable and will adapt readily to the existing soils. Simply re-planting of native trees in a dedicated section of the lot(s) or allowing the existing fauna to remain as is, is vital in maintaining the aquifer and the surrounding habitat to allow for a healthy and vibrant eco-system. The root system of these trees helps to prevent erosion and assists in filtering out synthetic contaminants and other manmade chemicals that would otherwise make its way into the aquifer and polluting it. The **Department of Agriculture** has several programs and personnel that can assist you in developing a plan to address this issue.

Please contact our **Agricultural Development Services & Forestry** divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community. It is vital that all land developers take a proactive step in preventing and causing this loss. To fully benefit and see these eco-friendly practices being used visit our **Department of Agriculture Organic and Environmental Demonstration Farm.** The demonstration farm displays various planting techniques that will aid in the incorporation of flora back into the landscape to ease and possibly eliminate further damage to the environment by erosion and leeching. The planting of native trees will add to the aesthetic appeal of the development as it uses the trees that were once abundant in this part of NCS Dededo. The trees will also serve to provide shading for its residents, windbreak capabilities during heavy weather, erosion control, filtration of runoff and a more nature driven development that takes into account Guam's vital natural resources.

For questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN
Director

ATTACHMENT B

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:
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dlmdir@land.guam.gov

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671-649-LAND (5263)

Facsimile:
671-649-5383

January 31, 2018

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report - Application No. 2017-26
Amendment Request to a previously-approved Planned Unit Development (PUD) on Tract 240; in order to allow commercial development on Lot 27New, Block 2, Tract 240, Dededo.

1. PURPOSE:

A. Application Summary: The applicant, Yong Ja Oh, represented by F.C. Benavente, Planners is requesting approval amend a previously-approved Planned Unit Development (PUD) on Tract 240 to allow commercial development on Lot 27New, Block 2, Tract 240, Municipality of Dededo.

B. Legal Authority: Title 21, Guam Code Annotated, Chapter 61, Title 21, Guam Code Annotated, Chapter 61 Article 6, Part 3, (Changes of Zones), Sections 61630 through 61638 Zoning Law.

2. FACTS:

A. Location: The lot is located on northern corner of Route No. 3 and Y-Sengsong Road and across the old (FAA Housing- Federal Reservation). The lot is approximately 300 feet west of Astumbo Fire Station/Astumbo Community Center **(See ATACHMENT 1).**

B. Present Zoning: **"P.U.D."** (Planned Unit Development) of GHURA Subdivision on Tract 240.

C. **Lot Area: 7,689** Square Meters or 82,763 Square Feet or 1.89 Acres

D. **Field Description:** The proposed development site contains 3 single family homes and will be demolished for proposed commercial development. This lot was a consolidation of many lots from owners' acquisitions over the years. Some of the lots were rezoned to commercial by the commission in recent years. The topography slopes gradually from NCS Rd (Route No. 3) and Y-seng-song Rd (Route No. 28), where the highest elevation point at Y-sengsong Road and the lowest point is at the northern borders. We note that former lots 24, 25 & 26, Block 2, Tract 240 were rezoned to "C" by the GLUC for a similar development and additional lots on Block 2 to create a new consolidated lot known as Lot 27New, Block 2, Tract 240. There is an active public sewer main located on the property. There are residential homes abutting the lot on the northeaster border. All utility infrastructures are within 100-200 feet of the subject lot.

E. **Masterplan:** Residential & Commercial (Mixed Uses)

F. **Community Design Plan:** P.U.D. (Planned Unit Development)

G. **Previous Commission Action** (see Attached Notice of Actions with application)

3. **APPLICATION CHRONOLOGICAL FACTS:**

A. **Date Heard By ARC:** June 1, 2017

B. **Public Hearing Results:** **(See Attachment)**

4. **STAFF ANALYSIS:** A Zone Change amendment must address **Public Necessity, Public Convenience and General Welfare** criteria. Our analysis is as follows:

Public Necessity

This is demonstrated in responding to demands for additional convenience services by providing for consumer needs nearby. Additional services is provided to commuting consumers in need of specialty services not yet proved in the Astumbo area of Dededo. The location is significant at the corner/intersection of 2 major thoroughfares; area is developing into more commercial activities, was in response to the initial military build-up assumptions and to develop commercial activities along

the major thoroughfare (Route No. 3). There will be expected population growth in northern Guam and support activities for the military build-up. The proposed facilities and uses on the site will provide necessities and special services for the needs of the community with more retail, office spaces and special commercial services in the coming years and beyond. There will be greater demand for all goods and services on the island that will serve this area and the island community;

Public Convenience

The proposed commercial activity will enhance the site, for convenience of retail and offices and special services, such as a law office, medical/dental clinic, barber shop and beauty salons, restaurant, laundry-mat, etc., other proposed uses for public needs of goods and services. The proposed uses on the property would be consistent with the current land uses near Dos Amantes, Astumbo, and nearby area within 500-1,000, to 2,000 feet in the NCS/UKUDO area. The location is central and convenient to a large population, and is very near for consumers not travel far, and will significantly reduce expenses on energy, fuel, time to commute and shop, thus reducing traffic at other areas of the community;

General Welfare

The general welfare of the community is elevated with a new commercial facility to provide much needed services, goods, at this location. The site will be fenced, lighted, landscaped to buffer and protect, minimize impacts to the neighbors and the immediate surroundings and properties by being consistent for commercial activities that is on-going at the present time. The site will be designed with adequate parking and safe traffic circulation pattern to and from the site. The owners//applicant will ensure that all permitting requirements and conditions of the land use commission and all government are adhered to as well as to minimizing impacts to the immediate surroundings and to the general public and specially our environment and the water lens below (part of the Northern Recharge Area). Development on the sites will provide employment of local residents and contribute positively to improving the island's growing economy.

5. RECOMMENDATION:

In support of non-residential development along major routes and roads, we find this request desirable with respect to encouraging the protection of the public's health, safety, general welfare, and convenience. With no objections from Application Review Committee (ARC) and expressed majority support of those attending the public hearing, with a one opposing the application. As such, it is the position of DLM planning Staff that the subject lot is best suited for commercial type uses and find it fitting to **Recommend Approval**.

MARVIN Q. AGUILAR

Case Planner: Penmer Gulac

Attachment: 1

Public Hearing Results of :

November 14, 2017; GLUC Application No. 2017-26

Public Hearing Called to Order at 6:20 pm; A total of 12 persons were in attendance. Mayor Savares, neighbors and abutting lotowers and consultant and Planning Staff Case Planner.

The Case Planner presented the proposed project and read the positions statements of agencies. Mr. Sana highlighted details of the application: discussed the time frame of the application process, construction and completion time and other pertinent information on the proposed development as well as infrastructure requirements; access to the site and area of development near Route No. 3 and Ysengsong Rd..

Public comments and concerns that were noted are as follows:

Mr. Greg Pangelinan, (property owner and neighbor):

Question addressed to Case Planner: Is the Government of Guam addressing any improvements to public sewer connections in the area since the lots will be developed for commercial uses, offices, etc.., Mr. Pangelinan stated he supports the application as it will be convenient and fenced and lighted.

Response (from Case Planner):

GWA has submitted its position and comments that there is active public sewer along on the subject lot. Applicant must work with GWA in addressing any requirements for the proposed development on the site, as noted on their position statement.

Ms. Diane Ignlesias (Neighbor) : Stated she opposes another commercial /retail activity too close to other stores in the area.

Ms. Carmen Kasperbauer (a resident in the area): She wants to ensure that the owners/ operator of the activity monitors the site and no loitering and drinking of alcohol on site and suggest the developer will put a beauty shop, clinic, law office so residents do not need to travel to Tamuning for special services.

Mr. Oh / Owner /Developer:

Yes, we will consideration it in the our plans, all shops the public needs to better serve the community

Mr. Kiko of from Mr. Oh's Operations office: Yes, those are good suggestions to help us finalize the uses in the commercial complex.

Mayor Melissa Savaress:

Informed those in attendance that the project is co-located near residences and that the commercial activities will be fenced and landscape the development site. She further started she will be having a meeting with her MPC on the application and provide an MPC Resolution.

There were no major concerns, the majority had favorable comments, there was 1 person objecting to the application. The hearing was adjourned at 7:30 p.m.

Penmer Gulac
Project Planner

ATTACHMENT 2

Public hearing on new "convenience store "



MB 11/15

Dee Iglesias <veecubed@yahoo.com>

LAND MGT DIRECTOR <LANDMGTDIRECTOR@land.guam.gov>

No! No! No!

I just received a very distressing letter from Dept of Land Management/Land Planning Division , that since I'm a property owner within 500' of the proposed development of yet another "convenience store" , they are apprising me of a public hearing ,14Nov2017/6 pm/Dededo Senior Center , and inviting me to participate in the review process.

I strongly oppose having yet another "convenience store" in my immediate neighborhood. We have more than enough of them already. NCS,White Park,UR, La Familia Markets and Shell/Foody's, etc. Even Park Market has a commercial building just yards away from them that is still under construction.

This is hitting way too close to home. We want a safe neighborhood and having another "convenience store" would be counter-productive to this. I'm sure that studies would show an increased crime- rate in re-zoned areas, particularly stores that sell alcohol . There is also the problem of increased traffic, incidences of store robberies, theft, home invasion , public intoxication, violence -domestic and otherwise, etc. We already have to contend with Astumbo's ongoing problems with stray dogs and illegal trash burning and we do not need nor want to add to those problems that come with re-zoning . We deserve , strive for and want to maintain a certain quality of life without jeopardizing it consciously by allowing this development to come to pass. We already have the challenges of a very diverse community with a lot of elderly , with residents having an average income of low to middle, and still others, on public assistance.

I am very sure that there are many other people living here in this neighborhood who feel the way I do about this. I truly believe that rezoning our once residential area has outlived its usefulness and has become more of a detriment. Lesson learned.

Sincerely ,
Diane Iglesias

Sent from my iPhone

DEDEDO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF DEDED

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
FEB 13 2018
CLTC/GALC/GLUC

RESOLUTION NO. 2017-10

Introduced by:
Melissa B. Savares, Chairperson
Andrew Peter A. Benavente, Vice Chairperson
MEMBERS:
Acda, Romy
Artero, Pascual V.
Chan, Jose-Arthur Jr.
Cruz, Tara B.
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie
Pangelinan, Edith
San Nicolas, Joseph
Santos, Felix
Tainatongo, Carmen
Wusstig, Ernie

Relative to the Dededo Municipal Planning Council's (DMPC) support to the amendment for the previously approved Planned District Development (PDD) to allow for a development of a convenience shopping store with storage and accessory uses on Lot 27NEW, Block 2, Tract 240, in the Municipality of Dededo.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

WHEREAS, on Tuesday, November 14, 2107, a public hearing was held at the Dededo Senior Citizen Center with immediate neighbors present, with intense discussions on the type of commercial businesses that will occupy this commercial building; and

WHEREAS, on Wednesday, November 15, 2017, during a DMPC meeting, members reviewed and discussed the amendment to develop a convenient shopping store with storage and accessory use by owners; and

WHEREAS, members acknowledged that there are two school bus stops, a Senior Citizen Center and a church within 500 feet of this commercial development; and

WHEREAS, all types of adult entertainment or related businesses must be prohibited from operating in this commercial convenience shopping store on the above lot; and

BE IT RESOLVED, members motioned to approve and support Application No. 2017-26 adhering to restrictions, and therefore be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works, Department of Revenue & Taxation and Department of Public Health & Social Services.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 15th DAY OF November 2017

MELISSA B. SAVARES, Mayor of Dededo

YVONNE S. ACDA, Secretary DMPC

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

January 31, 2018

MEMORANDUM

TO: **Guam Land Use Commission (GLUC) Members**

FROM: **Chairman, Application Review Committee (ARC)**

SUBJECT: **Summary of Position Statements by ARC**
Application No. 2017-26

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

1. **DEPARTMENT OF LAND MANAGEMENT (DLM):**

   Recommends APPROVAL

2. **DEPARTMENT OF PUBLIC WORKS (DPW):**
   No Objections, with permitting requirements noted. (See Attached)

3. **GUAM WATERWORKS AUTHORITY (GWA):**
   No Objections, with comments, recommendations and permitting requirements noted. (See Attached)

4. **GUAM POWER AUTHORITY (GPA)**
   No Objections, with permitting requirements noted. (See Attached)

2. **BUREAU OF STATISTICS AND PLANS (BSP)**

   The Bureau has comments with recommendations, with no objection (See Attached

3. **DEPARTMENT OF PARK AND RECREATION/HISTORICAL PRESERVATION OFFICE (DPR/HPO):**
   DPR/HPO have determined that there is little likelihood of any significant presence of historical properties within the subject lot. They have no objections to approving the application. (See Attached)

6. **ENVIROMENTAL PROTECTION AGENCY (GEPA):**
No Position Statement Received as of Staff Report Date.

7. **DEPARTMENT OF AGRICULTURE (DoAG):**

Agricultural Impact Assessment is not required

Comments – Ex Officio:

1. **GUAM FIRE DEPARTMENT (GFD):**
No Position Statement Received as of Staff Report Date

2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):**
NO OBJECTIONS.

3. **DEPARTMENT OF EDUCATION (DOE):**
Has not submitted a Position Statement as of Staff Report date.

4. **DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPHSS):**
Has not submitted a Position Statement as of Staff Report date.

Marvin Q. Aguilar
Guam Chief Planner

Case Planner: Penmer Gulac
ATTACHMENTS: Position Statements as noted

GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN

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

May 23, 2017

RECEIVED
JUN 02 2017
Time: 1:25

MEMORANDUM

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

From: General Manager

Subject: Lot 27NEW, Block 2, Tract 240, Municipality of Dededo, (Yong JA OH); Zone Change Application from "PUD" (Plan Unit Development) to "C" (Commercial) for a convenience store, storage and accessory uses building. **Application No. 2017-26**

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

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   - GPA reserves its easement rights established under document numbers **299566, 495199, 751716 and 615878.**

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.

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Yong JA OH
Location: Lot 27NEW, Block 2, Tract 240, Dededo
Type of Application: Zone Change
GLUC GSPC Application No. 2017-26
Brief Project Description:
From "PUD" to "C" for convenience store, storage and accessory uses building.

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

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

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:
   Yes ☒ No ☐

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

5/31/17
Date

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

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Carl V. Dominguez
Director
Manuel Q. Cruz
Deputy Director

NOV 0 8 2017

RECEIVED
NOV 07 2017
GLUC

MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2017-26; **LOCATION:** Tract 240, Block 2, Lot 27NEW in Dededo; **APPLICANT:** Yong Ja Oh represented by F.C. Benavente, Planners; **PROPOSED USE:** Zone Change from "PUD" Planned Unit Development to "C" Commercial Zone in order to provide a store

Håfa Adai! The applicant, Yong Ja Oh, represented by F.C. Benavente, Planners is requesting for a zone change from "PUD" Planned Unit Development to "C" Commercial Zone for the construction and operation of a neighborhood retail store, office and storage facility and accessory uses on Tract 240, Block 2, Lot 27NEW in the municipality of Dededo.

The zigsaw shaped size of the properties that were consolidated equates to a total of 7,689 square meters or 82,764 square feet which is 1.90 acres total. The adjacent surrounding properties are predominantly single family dwellings and are fronted by Route 3 highway.

The Bureau of Statistics and Plans (Bureau) has completed its review of the application to rezone Tract 240, Block 2, Lot 27NEW from "PUD" Planned Unit Development Zone to "C" Commercial zone use 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 as "Mixed Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (d) Village Center:

> *"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.

The Bureau finds that the proposed project is in line with the NCGLUP's Future Land Use Map designations.

Water Source Protection. Managing stormwater is a key element in the protection of Guam's water resources. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads. The properties terrain is predominantly leveled and the change from a natural environment with structures incorporated to a hardscape environment will increases runoff volume created during normal rains and storms, as well as waterway velocities, erosion, and flooding. The application lacks a drainage plan or methods to address stormwater runoff. This needs to be addressed and managed properly.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to surface receiving water bodies within the project site. The Bureau recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

1. Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.

2. Where feasible, schedule construction during dry season.

3. Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

The applicant should refer to the CNMI and Guam Stormwater Management Manual, October 2006, the Guam Erosion & Sediment Control Field Guide available at www.bsp.guam.gov or at the Guam Environmental Protection Agency (GEPA) for detailed construction stormwater treatment criteria and standards, bio-retention areas, and rain garden specifications.

Low Impact Development (LID) Practices. 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 between the years 2005 and 2011, the impervious surface area increased by more than 5.17% 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 decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

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 while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicant is advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant may also seek guidance from Guam EPA regarding their Pesticide Control Program.

Considering the growing concerns of flooding due to increased impervious surface, the applicant is highly encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, **the Bureau recommends approval to the zone change request from "PUD" Planned Unit Development zone to the "C" Commercial zone**. The Bureau finds that the proposed commercial activity is compatible with its surrounding uses. Accordingly, the applicant is required to prevent contaminants by controlling erosion during construction and managing stormwater runoff on site. Subsequently, if this application is approved, the Bureau requires the applicant to comply with 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 public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

CARL V. DOMINGUEZ

cc: GEPA
DPW
GWA
DPR
GPA

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

June 27, 2017

MEMORANDUM

RECEIVED
JUN 30 2017
Department of Land Management
Time

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Yong Ja

APPLICATION: 2017-26

SUBJECT: Rezone from an existing "PUD" to allow Commercial ("C") on Lot 27 NEW, Block 2, Tract 240, Dededo

Buenas yan Hafa Adai!

The applicant is requesting to rezone subject property from an existing "PUD" to"C" with the intent to construct a convenience shopping store with storage including parking area. The total area is 1.89 acre or 7,869 square meters.

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

- provide a conceptual plan and show legend defining all areas included;
- 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) 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; and
- road (entrance, exit, sidewalks and pedestrian) must be wide enough for public access and incorporate in the conceptual plan.

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

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

Eddie B. Calvo
Governor

Ray Tenorio
Lt. Governor

William N. Reyes
Acting Director

In reply refer to:
RC2017-0667
cr: RC2010-7234

RECEIVED
JUN 28 2017
Department of Land Management
Time 3:40 Init

June 23, 2017

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on GLUC Application No. 2017-26: Application to Amend an Existing "PUD" to Allow Commercial Uses on Lot 27NEW, Block 2, Tract 240, (As-Tumbo Subdivision), Dededo, Guam

We have reviewed the subject application submitted by FC Benavente, Planners, on behalf of the applicant, owner, and developer, Oh Yong Ja. The applicant is seeking approval for a zone change, from "PUD" to "C," to allow commercial uses on Lot 27NEW. Lot 27NEW is the consolidation of Lots 13, 14, 16, 27, and Lot 26NEW. Previously a portion of the As-Tumbo GHURA Housing Subdivision, was purchased by the applicant.

The subject lot, comprising a total of 7,869 square meters in area, is located at the intersection of Route 3 and I-Sengsong Road adjacent to the As-Tumbo fire station and recreation areas. The area had been previously cleared during the development of the housing subdivision and there is little likelihood of any significant presence of historic properties within the lot. Taking this into account, we have no objections to the approval of subject application.

However, should any other requirements arise as a result of changes to the proposed development, including Federal involvement, additional reviews and approval will be required by our department.

If you have any questions with regards to our position, please contact our office.

William N. Reyes
Acting

Cc: FC Benavente, Planners
felouben@gmail.com

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

RECEIVED
JUL 31 2017
Department of Land Management
Time 1035 Intl

MB 7/31

MEMORANDUM

July 18, 2017

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Zone Change Application No. 2017-26 for Lot 27New, Block 2, Tract 240 in the Municipality of Dededo

APPLICANT(S): Yong Ja Oh

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "PUD" (Planned Unit Development) to "C" (Commercial) zone for the proposed development of a neighborhood convenience shopping store in the Municipality of Dededo.

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

1. There is an active GWA public sewer main located on the subject lot. The attached Department of Land Management instrument number #299566 identifies an easement reservation that was not included in the submitted 2015 property map.

   Future construction should not occur over public utility infrastructure. Any proposed changes to the existing infrastructure shall: (a) be coordinated with GWA; (b) ensure continuity of utility service for customers near, upstream, or downstream of construction, both during and after construction; (c) establish new

Paolan 7/27/17

utility rights of way/easements, as appropriate; and (d) be at the developer's expense.

Access to public utility infrastructure should not be obstructed or restricted before, during, or after construction.

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

3. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months 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.

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

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

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

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

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

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.

ATTACHMENT C

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

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:
ilmdir@land.guam.gov

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

January 24, 2018

Memorandum

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: Staff Report - Application No. 2017-06,
Zone Variance for Lot No. 4, Block 15, Municipality of Dededo;
GLUC Meeting of February 8, 2018

1. PURPOSE:

a. **Application Summary:** The applicants, Virgilio and Susan La Rosa, are requesting for a Zone Variance approval for (Use) and operate a mini-canteen/eatery and catering services within a portion of their residence on Lot 4, Block 15, Dededo Village, Municipality of Dededo.

b. **Legal Authority:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law) Sections 61616 to 61624 (Variances).

2. FACTS:

a. **Location:** The subject site is located at the corner of Redondo Luchan and Iglesias Circle, approximately 100 feet south of the Santa Barbara school and 200 feet east of Santa Barbara Church in Dededo.

b. **Lot Area:** Lot 4, Block 15, is at 682.84 Square Meters or 7,350 Square Feet

c. **Present Zoning:** "R-1" (Single Family Dwelling) Zone

d. **Field Description**: Presently a single family dwelling residence that they occupy and also have a current home based catering service attached to their residence.



e. **Masterplan:** Residential – Commercial (Mixed- Uses)

f. **Community Design Plan:** Residential – Commercial

g. **Previous Commission Action:** None

3. APPLICATION CHRONOLOGICAL FACTS:

a. **Date Application Accepted:** December 5, 2016

A. **Date Heard By ARC:** January 19, 2017

B. **Public Hearing Results:** January 9, 2018
(See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

As proposed, the zone variance request for use and operate a mini-canteen/eatery and catering services within a portion of their residence on Lot 4, Block 15, Dededo Village, Municipality of Dededo.

Pursuant to Section 61617 (Variance Requirements) of Chapter 61 (Zoning Law), 21 GCA, variances may be granted by the Commission, provided the applicant can justify practical difficulties or unnecessary hardship inconsistent with the general purpose and intent of the law, that there are exceptional circumstances or conditions applicable to the property or to the intended use that do not apply generally to other properties in the same zone, that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, that the granting of the variance will not be contrary to the objectives of any part of the Guam Master Plan and that the proposed building will substantially enhance the recreational, aesthetic or commercial value of the beach area upon which the building is to be constructed, and that such building will not interfere with or adversely affect the surrounding property owner's or the public right to untrammeled use of the beach and it's natural beauty.

In response to;

A. THAT THERE ARE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIPS INCONSISTENT WITH THE GENERAL PURPOSE AND INTENT OF THE LAW.

The location is within residence and the same block of where commercial/retail establishment and is abutting a 6-unit multi-family complex, and to deny this application will result in practical difficulties for our family to pursue a mini – canteen, no dine-in (take –out only) eatery, food catering service to nearby neighbors, private schools, prospective clients and with established customer base, having been in the food/restaurant operation for many years. The family has been in food service and catering for over twenty years and due to rising cost of rent and operation expenses in a mall complex, family members have decided to down size operation and minimize costs and now relocate to our residence. They have children still attending school, one daughter of legal age to help with the business operation. The site is ideal for a small business within our property to continue serving our loyal customers and support the family and financial obligations and maintain business operations day to day. They will be able to hire local residents and pay residential and business taxes as well. This request for use variance is consistent of the general purpose and intent of the law.

B. THAT THERE ARE EXCEPTIONAL CIRCUMSTANCES OR CONDITIONS APPLICABLE TO THE PROPERTY OR THE INTENDED USE THAT DO NOT APPLY GENERALLY TO OTHER PROPERTIES IN THE SAME ZONE.

The intended variance allows for reasonable use of the property while complying in part with the existing zoning within R1 (residential zone) The location is the most ideal location for the family to pursue a mini – canteen, no dine-in (take-out only) /eatery, food catering service to nearby neighbors, private schools, construction companies and prospective clients and with an established customer base in Dededo and in other areas of the community. Having been a family run business in the food/restaurant operation, they have established good reputation and goodwill to our clients. The subject property is adequate to operate a small family run business to serve the community's needs. Commercial space rentals and leases have increased over the years and the family cannot afford associated costs and provide livelihood, as well as provide for family's needs. The location is accessible and will not create traffic issues in this area or neighborhood. Although the property is under ¼ acre, we can still operate the proposed use a smaller scale to serve the community. Many of their clients orders will be for take- out orders and pick up, no dine –in and catering services and parking is provided within the premises to include parking for persons with disability. There will be no alcohol or tobacco sold in the establishment. These circumstances and proposed uses as stated do not apply to other properties in the same area in the same zone.

C. THAT THE GRANT OF VARIANCE WILL NOT BE MATERIALLY DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO THE PROPERTY OR IMPROVEMENTS IN THE ZONE OR NEIGHBORHOOD IN WHICH THE PROPERTY IS LOCATED.

The granting of the requested use variance will not be materially detrimental to the public welfare or improvement in the neighborhood. All activities will be within the property and will not cause hardship, or cause traffic, as the operation will be small scale, all parking requirements and all safety requirements will be met as well all other requirements such as permits for in-house improvements. All solid waste and public health sanitary requirements will be adhered to and some landscaping will be maintained within the lot and blend in the neighborhood setting. This further protects the neighbors, and will not be materially detrimental to the public welfare in the zone where the project is located.

D. THAT THE GRANT OF SUCH VARIANCE WILL NOT BE CONTRARY TO THE OBJECTIVES OF ANY PART OF THE MASTER PLAN ADOPTED BY THE COMMISSION OR LEGISLATURE.

The granting of the variance does not drastically change the area and will not be contrary to the existing uses as it is a small operation within the neighborhood. This site and location places the subject lot in an area near other single-family residential units and commercial activities nearby and will not have significant impact to the infrastructure or neighborhood. Therefore the granting the variance will not be contrary to the objectives of any part of the Master Plan of Dededo .

E. THAT AS TO VARIANCES FROM THE RESTRICTIONS OF §61504 OF THIS CHAPTER, THE PROPOSED BUILDING WILL SUBSTANTIALLY ENHANCE THE RECREATIONAL, AESTHETIC OR COMMERCIAL VALUE OF THE BEACH ARE UPON WHICH THE BUILDING IS TO BE CONSTRUCTED, AND THAT SUCH BUILDING WILL NOT INTERFERE WITH OR ADVERSELY AFFECT THE SURROUNDING PROPERTY OWNERS' OR THE PUBLICS' RIGHT OF AN UNTRAMMELED USE OF THE BEACH AND ITS NATURAL BEAUTY.

This criteria is **"NOT APPLICABLE"** The subject property is not located near or on any public beach area whereby it will affect, hinder, obstruct the ocean beach access for both private residents or the public at large.

In addition, the result of the public hearing shows support from the Vice Mayor and those in attendance, and per conversation with Mayor Savares, she will submit a revised MPC resolution with conditions that this family home business will be for take -out of food only, no dining in, as well as continuation of the family's existing catering services. Submitted ARC position statements are with no objection and therefore, conclude that their request is in proper form and context to be considered favorably by the Guam Land Use Commission.

5. RECOMMENDATION: Recommend Approval with Conditions as follows:

A. The Applicant shall adhere to all the ARC conditions and requirements as stipulated in their Official Position Statement; and

B. That the Applicant shall ensure that no alcohol or tobacco products will be sold within the premises, pursuant to Alcohol Beverage and Tobacco Act Rules and Regulations of the Government of Guam; and

C. That the requested use will be for a mini-canteen (within a portion of the house) for take-out of food and no dine-in at the premises, as well as the continuation of existing food catering service (see Attachment B - revised site/floor plan)

D. Any improvements to the building, shall require a building permit and copies of completion certification (Occupancy Permit) shall be submitted to the Guam Chief Planner.

Marvin Q. Aguilar

CASE PLANNER: Penmer C. Gulac

Attachments: ARC Memo to GLUC Members

ATTACHMENT (PUBLIC HEARING MINUTES OF JANUARY 9, 2018) ; CASE NO. 2017-06

The required public hearing was held at the Dededo Senior Citizen Center/ Mayor's Office on January 9, 2018, at 6:35 P.M. Present were, the Case Planner, Vice Mayor Frank Benavente, Mr. La Rosa and his daughter, some neighbors and lotowners. A total of 11 persons were in attendance.

The Case Planner presented the proposed project and read the positions statements from various agencies and departments. Mr. La Rosa informed the public, that it's a small family business, together with food catering service that already exist in their home. There will be take-out of food only and no alcohol or tobacco will be sold on site and they will comply with all Government of Guam Regulations and continue to pay their business and residential taxes.

Public comments and concerns that were noted are as follows:

Mr. Joseph San Agustin, (Neighbor and owner of retail store nearby Lot 6, Block 15, LamLam Store)

He expressed full support of the proposed use and intent of the Larosa Family.

Mr. Robert Onedera (Co-Owner of Onedera Store, Lot 12, Block 18 (Commercial Zone):

Mr. Onedera stated that the owners will adhere and improve their operations in addition to catering and be good neighbors keeping the area clean. He stated he had already ordered food from the Larosa's and was very satisfied and good and with lots of potential with take our orders. He mentioned of the Larosa's shopping necessities at his store as well. I will be convenient for the neighborhood and others nearby, no need to cross Marine Drive. There may have some traffic issues on Sundays or school days, but good for neighborhood, keep it a small scale business.

Mrs. Rosa Santos Clark, a neighbor, concerned of smoke from the cooking, bar-b-que, may affect the neighborhood, as some residents are old and have respiratory illnesses. May increase traffic, but support the application.

Planner's Response: All cooking will be within the structure and parking will be adequate for take-out orders only, parking for 1 employee and family, total 11 spaces parking are provided on site with 1 ADA , meet zoning, parking requirements. All services will be for take-out only, and no dine-in or sit down.

All infrastructure are in place, public health has cleared the existing catering services and approved their home based operation.

Vice Mayor Benavente (Comments):

He stated the MPC will further review the application, and still support the application as noted on our last MPC Resolution No. 2016-08, its good for the community and we will be revising the resolution with conditions noted that no sit down dining-in on the premises.

Mr Alan and Helen Tseng, Neighbors: The stated that the fully support the application and intent of the La Rosa family and maintain a small business to benefit the community of Dededo.

Planning Staff Summary of Public Hearing:

After discussion on proposed variance and information given by staff, we note that there were no objections or major concerns at the hearing. That the majority of those in attendance provided support for the lot owner to be proactive and suggest to keeping the site clean and in good order and comply to all government regulations so that their business will have positive impacts for the neighborhood and other small businesses in the area with mixed uses of residential and commercial activities.

Again, there were no objections on the proposed variance during the hearing. Planning Staff reminded the Vice Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

There hearing was adjourned at 7:15 p.m.

Penmer Gulac, Project Planner

RECEIVED
MB2/10 FEB 10 2017
Department of Land Management
Time 8:52 Int

DEDEDO MUNICIPAL PLANNING COUNCIL
MUNICIPALITY OF DEDED

RESOLUTION NO. 2016-08

Introduced by:
Melissa B. Savares, Chairperson
Andrew Peter A. Benavente, Vice Chairperson
MEMBERS:

Acda, Romy
Artero, Pascual V.
Chan, Jose-Arthur Jr.
Cruz, Elizia
Espinosa, Laura
Gines, Bernardo
Mafnas, Frank
Makepeace, Annie
Pangelinan, Edith
San Nicolas, Jospeh
Taimatengo, Carmen
Wussig, Ernie

Rec'd 2/9/17 Planning Div

Relative to the Dededo Municipal Planning Council's (DMPC) support for the zone variance (Use) Lot 4, Block 15 at the corner of Redondo Luchan and Iglesia Circle as a Mini-Canteen and Catering Service, in the Municipality of Dededo.

BE IT RESOLVED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL:

WHEREAS, on Tuesday, December 13, 2016, during a DMPC meeting, members reviewed and discussed the zone variance application for owner, Virgilio R. & Susan M. La Rosa, to use the existing structure on the above lot to operate a Mini-Canteen and Catering Service; and

WHEREAS, members acknowledge that there are adequate utilities (power, water, sewer, telephone and cable) within the property; and

WHEREAS, there is a single-family dwelling on the lot, which is 7,350.03 square feet and is located at the corner of Redondo Luchan and Iglesia Circle; and

WHEREAS, a motion was made and seconded to approve this zone variance request to operate the Mini-Canteen and Catering Service on the above lot; and

BE IT RESOLVED, that members of the DMPC voted to support this zone variance application; and therefore, be it

FURTHER RESOLVED, that the Chairperson of the Dededo Municipal Planning Council certify to and the secretary attest the adoption hereof and that copies of the same be therefore transmitted to the Department of Land Management, Department of Public Works and the Department of Agriculture.

DULY RECORDED AND REGULARLY ADOPTED BY THE DEDEDO MUNICIPAL PLANNING COUNCIL ON THIS 13th DAY OF December 2016.

MELISSA B. SAVARES, Mayor of Dededo

YVONNE S. ACDA, Secretary DMPC

January 15, 2018

To: Mr Michael JB Borja
Director of DLM
Attention: Land Planning Division
P.O. Box 2950 Hagatna, Guam 96932

1.29.18

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 30 2018
CLTC/GALC/GLUC

1/30

RE: Comment to Zone Variance Application for Lot 4 Block 15, Dededo, Guam

Dear Mr Borja,

I am writing to you to express 100% my support for Mr La Rosa desire to open a Mini-canteen/ eatery& catering service.

He wants to operate the small business out of his home which i feel is complimentary to the businesses, entities, and residences within the Iglesias Circle and the immediate surrounding areas. Having a small eatery will make it extremely convenient for me and my family to get a decent meal without having to drive across Marine Drive or to Ysengsong Rd area. I am sure there will be a lot of people in the neighbourhood who would appreciate the convenience of walking to the eatery to pick up some good food.

I understand there is Onadera store nearby that sells groceries and some ready made food. However, the ready made foods are from outside vendors that deliver in the mornings like sandwiches, empenada, donuts, tamales, and soups. The food is nice and fresh in the morning. But by the afternoon and early evenings there is not much of selection left, if any.

Mr La Rosa eatery will definitely provide a great complimentary service to the grocery store and ice cream shop nearby. With the church and school in walking distance, the Eatery will make it extremely convenient for the people and students to fill the hungry stomachs after the services or after school.

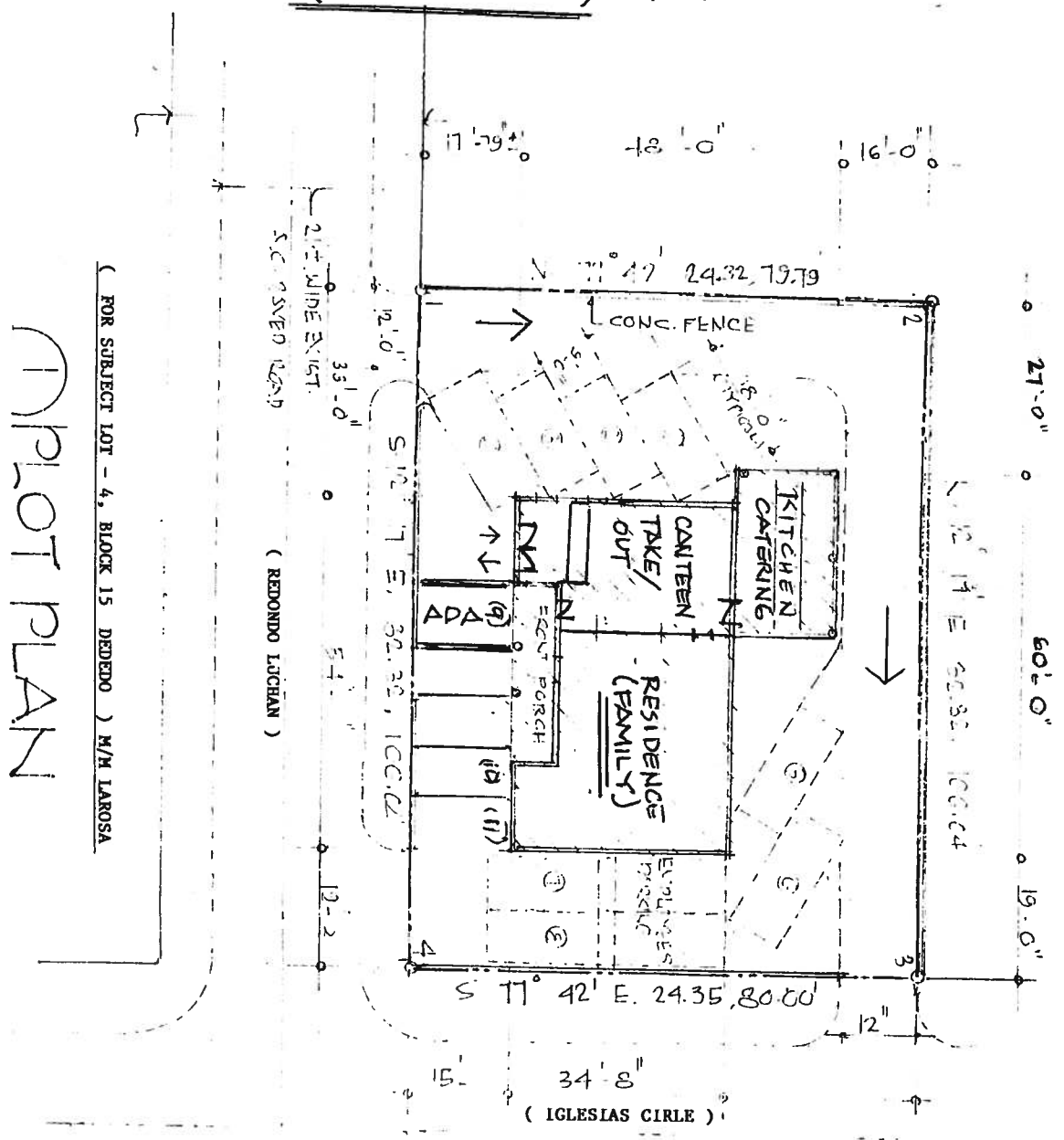
Again, Thank you for the opportunity to express my full support for Mr La Rosa Eatery.

Sincerely,

Alan and Helen Tseng

390 Iglesias circle, Dededo and
133 Buena Vista Ave. Dededo

NEW PLOT PLAN
(REVISED) 12/15/17



PLOT PLAN

ATTACHMENT-B

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383



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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

January 24, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-06 (Zone Variance - 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):

1. Recommends approval subject to the ARC Position Statement and the permitting agencies requirements;
2. No liquor or tobacco sales in the premises.

DEPARTMENT OF PUBLIC WORKS (DPW):

DPW has reviewed the application and recommends approval with permitting requirements and recommendations on submissions of building plans for agency review.

GUAM POWER AUTHORITY (GPA):

GPA has reviewed the application and provides statement of general requirements:

General Comments:

GPA has no objection to the request subject to the conditions cited, (see attached) statement.

GUAM WATERWORKS AUTHORITY (GWA):

GWA submitted a position statement to the above zone change request with general comments and agency permitting requirements, related to availability of water and sewer infrastructures to serve the above subject lot (see attached) .

DEPARTMENT OF PARKS AND RECREATION (DPR):
DPR has reviewed the application and states that they have no historic preservation concerns for proposed use and have no objections (see attached).

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau has completed its review of the application and recommends approval, and provides comments and recommendations (see attached).

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

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

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

DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date.

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

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

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

Marvin Q. Aguilar

Attachments: ARC Position statements
CC: Executive Secretary, GLUC

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

March 8, 2017

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director

APPLICANT: Virgilio R. & Susan La Rosa

APPLICATION: 2017- 06

SUBJECT: Zone "R-1" Dwelling conversion for Mini Canteen/ Eatery & Catering Service Lot 4, block 15, Dededo

Buenas yan Hafa Adai!

The applicant are requesting to convert an existing single family dwelling into a mini canteen/ eatery and catering service within a portion of an existing residential structure in an "R-1"zone. The lot contain a total area of 682.84 square meters (7,350.3 square feet) and is within the Municipality of Dededo.

The Department of Public Works (DPW) has completed its review of subject application and has no objection to the request provided a copy of the approved plans or an occupancy permit signed by the building official is required to be submitted to DPW - Division of Capital Improvement Project.

✓ DPW recommends approval, of the conversion request, subject to the comments reviewed by the Application Review Committee (ARC).

If you have any questions, please contact John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646- 3189 or 646-3224.

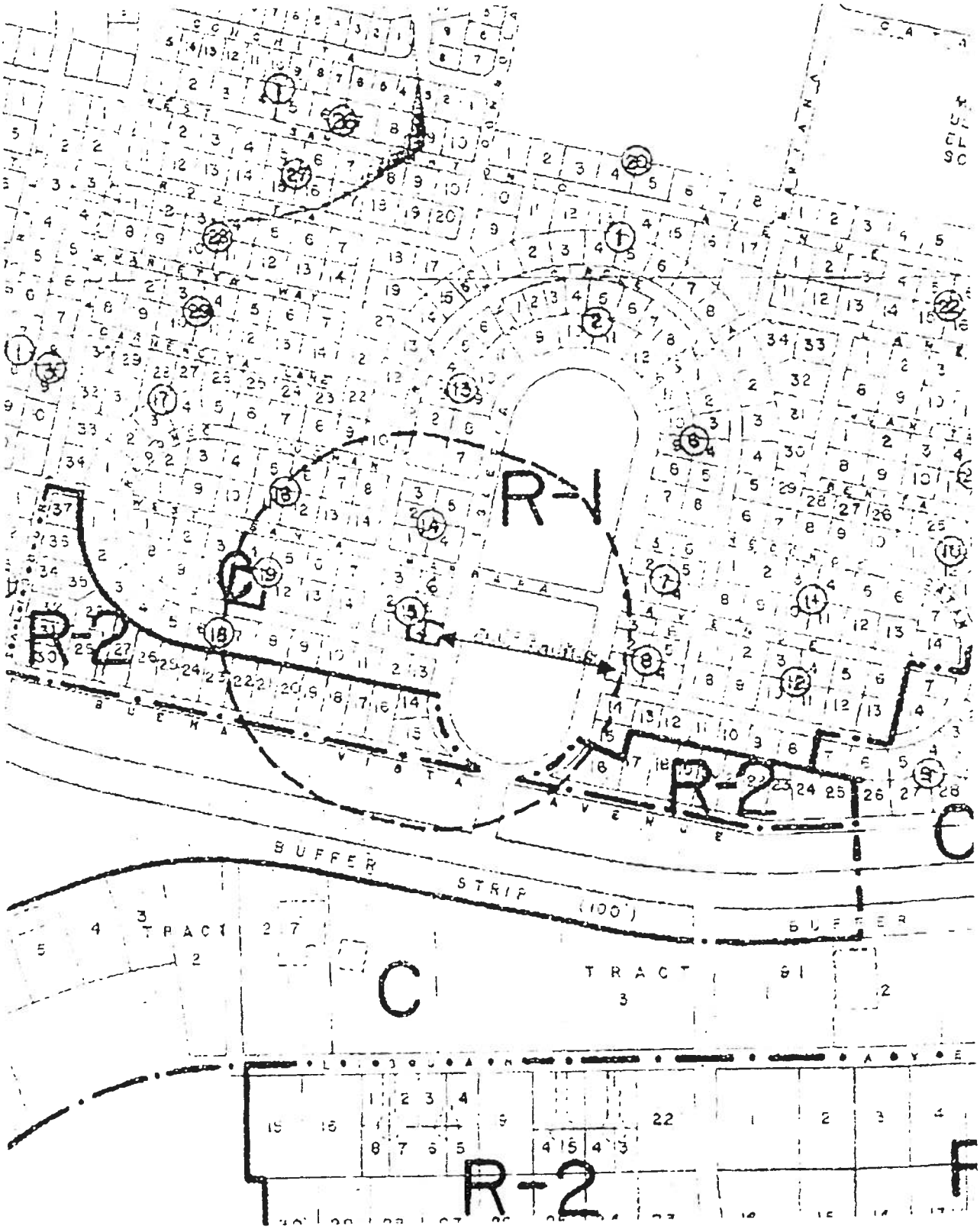
Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

P Gulac 3/16/17 Pick Up

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

Doc. No. 34GL-18-1620.



500' PROPERTY OWNERS

Lot 4, Block 15, Dedeaux Village

GUAM POWER AUTHORITY

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

RECEIVED
JAN 25 2017
Department of Land Management
Time 1:25 In

January 18, 2017

MB 1/26

MEMORANDUM

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

From: General Manager

Subject: Lot 4, Block 15, Municipality of Dededo, (Virgilio R. & Susan M. La Rosa); Zone Variance (Use) Application on an existing residential for a canteen, eatery and catering service. **Application No. 2017-06**

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

06

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Virgilio R. & Susan M. La Rosa.
Location: Lot 4, Block 15, Dededo
Type of Application: Zone Variance (Use)
GLUC GSPC Application No. 2017-06
Brief Project Description:
An existing residential for a canteen, eatery and catering service.

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

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

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:
   Yes ☒ No ☐

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

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

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

JOHN M. BENAVENTE, P.E.
General Manager

1/24/17
Date

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

ASG/arp

Eddie Baza Calvo
Governor of Guam

Ray Tenorio
Lieutenant Governor

BUREAU OF STATISTICS & PLANS

SAGAN PLANU SIHA YAN EMFOTMASION

Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932
Tel: (671) 472-4201/3
Fax: (671) 477-1812

Manuel Q. Cruz
Deputy Director

FEB 2 7 2017

RECEIVED
FEB 2 8 2017

MB3/1

MEMORANDUM

TO: Chairman, Guam Land Use Commission

VIA: Executive Secretary, Department of Land Management

FROM: Deputy Director, Bureau of Statistics and Plans

SUBJECT: DLM **Application No.** 2017-06; **Location:** Lot 4 Block 15 Dededo Village, Dededo; **Applicant(s):** Mr. Virgilio R. & Ms. Susan M. La Rosa; **Proposed Use:** Zone Variance (Use) in an "R-1" (Single Family Dwelling) Zone

Håfa Adai! The applicant(s), Virgilio R. & Susan M. La Rosa, are requesting for a zone variance for use in an R1 Single Family Dwelling Zone on Lot 4 Block 15 within the Municipality of Dededo. The street address is #255 Redondo Luchan and Iglesias Circle Dededo. The applicant(s) is proposing a mini-canteen/eatery and catering service in an existing residential home.

The existing residential location can be found within the Dededo village across from the Santa Barbara School and is 867.29 square meters or 7,350.03 square feet. The make-up of the surrounding location is a mixture of apartments, a retail store, and the Santa Barbara Elementary Catholic School directly across from the residence.

The activities surrounding the proposed location is a mixture of single family dwelling residential homes, multi-family dwelling units (apartments), a recreational park, a library, a Catholic church and the Santa Barbara Catholic school immediately across the applicants' property. Also, less than two miles away there are other mixed uses such as the Compadres Mall, Cost U Less, the Harmon Sports Complex/park, an elementary public school, and a medical clinic accessible by the Route 1 area.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The Bureau finds that the proposed project is within the mixed use category according to the North and Central Guam Land Use Plan (NCGLUP) Future Land Use Map

designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as "Mixed Use" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b).

> ***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. 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.*

The Bureau has determined that the applicant(s) is in line with the surrounding mixed uses found within the Dededo village and recommends that all conditions be addressed by the Agencies/Departments on the Board of the Application Review Committee (ARC).

Title 11 of the Guam Code Annotated Chapter 3 Alcohol Beverage Control, Subsection 3306. States in part, " .....the Board shall not issue an on-sale license for premises located within a distance of five hundred (500) feet from any church, hospital, or public or private school of general education where persons under the age of eighteen (18) are taught,....."

The Bureau acknowledges that the proposed activity is in line with providing food and beverage items customarily found within restaurant type of activities similar to this. The limitation is that the school across the street is affected by this requirement as it is well within the 500 foot distance; therefore, the Bureau advises Virgilio R. & Susan M. La Rosa that no alcohol can be sold for consumption within the applicant's premises.

Aquifer Protection. The subject property is not in the boundary of the Ground Water Protection Zone of the Northern Guam Lens Aquifer (NGLA) so any groundwater contamination is not impacted directly. The aquifer is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA a sole source aquifer for Guam's drinking water. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply.

It is with the above in mind that the Bureau remind the land owner that the proposed activities not be deviated upon without ARC and TLUC approval prior to any changes occurring.

Erosion Control. The alteration from vegetated areas to impervious surfaces such as buildings, driveways, 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 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.bsp3.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 between the years 2005 and 2011, the impervious surface area increased by more than 5.17 % 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 decreased water quality and in order to minimize negative impacts best management practices should be incorporated.

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 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.bsp3.guam.gov.

Historical and Archaeological Resources. The Bureau recommends that the applicant provide 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.

In light of the points presented above, the Bureau finds that although the subject lot is located in a residential zone, we find that the proposed commercial activity is compatible with its surrounding uses and with the NCGLUP. It is with all this in mind that the Bureau of Statistics and Plans recommends approval to the proposal as presented. Moreover, if this application is approved, the applicant must be required to comply with established laws and the recommendations stipulated above.

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

MANUEL Q. CRUZ

cc: GEPA
DPR
DPW
GWA
GPA

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:
RC2017-0084

March 7, 2017

To: Executive Secretary, Guam Land Use Commission

MB 3/15 MAR 15 2017

From: Director, Department of Parks and Recreation

9:05 AM

Subject: DPR Position Statement on DLM Case No. 2017-06: Zone Variance for Use, Lot 4, Block 15, Iglesia Circle, Dededo, Guam

We reviewed subject application submitted by Virgilio R. and Susan M. Larosa, applicants and owner of subject lot and residential home. The applicants are requesting approval of their Zone Variance for Use to operate within a R-1 Zone, a mini-canteen, eatery, and catering services, within their residential home, located at the corner lot of Redondo Luchan and Iglesia Circle in Dededo.

Based on our review, we have no historic preservation concerns with the proposed mixed residential and commercial use and have no objection with the subject application.

If you have any questions with regards to our position, please contact our office.

Robert S. Lizama
Director

GUAM WATERWORKS AUTHORITY

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

MEMORANDUM

March 16, 2017

TO: Director, Department of Land Management

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

SUBJECT: Position Statement on Application 2017-06 for a Zone Use Variance for Lot 4, Block 15 in a "R-1" Zone in the Municipality of Dededo

APPLICANT(S): Virgilio and Susan La Rosa

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone use variance for a proposed mini-canteen/eatery and catering service within a portion of an existing residential structure.

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

Given the information provided in the application, GWA supports the proposed zone use variance request with the conditions listed below. The conditions shall be met after approval of the zone variance and prior to the start of food service operations.

(1) If the existing water meter will service both the residence and the food service facility, then the applicant shall change the GWA account from residential to commercial. Note that water and sewer rates will change. If a new water meter will be installed to serve the food service facility, then the new meter will be registered under a commercial account.

(2) The applicant shall install a GWA-approved backflow prevention device. Failure of the applicant to comply with backflow prevention requirements may be subject to discontinuance of water and/or sewer service, per Guam Administrative Rules and Regulations Title 28 Chapter 2 Article 1 §2114.

3/20/17

(3) The applicant shall install a GWA-approved grease trap. Failure of the applicant to comply with grease trap requirements may result in discontinuance of sewer service and additional charges, per Guam Administrative Rules and Regulations Title 28 Chapter 2 Article 1 §2120. Failure may also result in referral to Guam EPA.

For additional information, including backflow preventer and grease trap requirements, contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.

ATTACHMENT D

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

January 31, 2018

MEMORANDUM

TO: Chairman, Guam Land Use Commission

FROM: Guam Chief Planner

SUBJECT: Staff Report – Application 2017-44
Request for a Tentative Subdivision Plan
Lot 5-R4, Tract 31002 in the Municipality of Agat
(Jupiter Juno Co. Ltd. c/o Ignacio Santos)

1. PURPOSE:

a. **Application Summary:** The applicant, Jupiter Juno Co., Ltd., represented by Ignacio Santos is requesting approval of a Tentative Subdivision to create a subdivision consisting of Thirty (30) Single Family residential lots, Two (2) ponding basin lots, and One (1) playground/park lot for a total of Thirty-Three (33) lots on Lot 5-R4, Tract 31002 in the Municipality of Agat.

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. FACTS:

a. **Location**: Lot 5-R4, Tract 31002 is located within the municipal district of Agat. The proposed project is accessible from Umang Road Via Route 2. Public egress and ingress to the subject lot occurs through a fifty-feet (50'-0") wide public access and utility easement (Umang Street).



b. **Lot Area**: 5.93 Acres or 24,033 Square Meters or 258,689 Square Feet.

c. **Present Zoning**: "R-2" (Multi Family Dwelling) Zone.

d. **Field Description**: The property is currently vacant with savanna grassland overlay. The property exhibits slopes that are generally long and planar. A creek runs through its northern portion of the property.

e. **Masterplan**: Conservation

f. Community Design Plan: Open Space

g. Previous Commission Action: In August 1987, the Territorial Planning Commission re-zoned the Basic Lot 264 from "A" to "R-2" zone.

3. APPLICATION CHORNOLOGICAL FACTS:

a. Date Application Accepted: August 15, 2017

b. Date Heard by ARC: September 7, 2017

c. Public Hearing Results: Not required.

4. STAFF ANALYSIS:

The applicant's intent is to create a subdivision consisting of:

a. Thirty (30) single family residential lots ranging in size from 5,025 square feet to 7,711 square feet, one a recreation/park area:

b. Two (2) ponding basins at 9,778 square feet and 3,321 square feet. A runoff drainage system, to include the ponding basins is also to be developed to address all on site runoff and all common areas to include the recreation area/park is to be developed and landscaped appropriately for recreational use.; and

c. A proposed forty (40) feet wide public access and utility easement, complete with paved roads, sidewalks, curbs and gutters, storm drainages, streetlights, fire hydrants, power, water and services for telephone and cable TV. All utility infrastructure servicing the lots will be located underground within the subdivision.

The applicant in its efforts to address issues of public health, safety and general welfare has been coordinating with the various government entities

to ensure compliance of requirements are adhered to with respect to addressing and accommodating adequate connection to public infrastructure such as public sewer system, public water system and required number of fire hydrants. The applicant further asserts coordination with appropriate agencies to secure full improvement design(s) of the proposed Rights-of-Way to accommodate traffic movement, safe access for emergency vehicle travel, sidewalks, utilities, streetlights and approved entrance/exits to and from the subdivision, and adequate storm water system leading to two bio-retention ponds. In addition, the applicant is to provide landscaping within the residential and open/playground areas.

5. RECOMMENDATION:

Based on the submitted application and supporting information, the applicant's continuing efforts to work with the various government entities, and the responses from members of the ARC, we recommend **APPROVAL** upon the condition that the applicant take into account and adhere to the ARC conditions and requirements as stipulated on their official Position Statements, specifically addressing:

a. The applicant must work with the Department of Public Works to provide adequate road widths to facilitate safe and efficient ingress/egress *to and from* the subdivision. Such coordination must include input from the Guam Chief Planner;

b. The applicant shall provide adequate full improvement infrastructure to address intended residential use. This shall be vetted and approved by pertinent government entities and as required pursuant to Title 21GCA, Chapter 62, Section 62401 at the time of approval of this request and Title 21GCA, Chapter 62, Section 62402 at the time the applicant requests for approval of a final subdivision;

c. Plans prepared for final subdivision approval shall contain elements of surface water runoff containment as recommended by the Bureau of Statistics & Plans. The applicant and/or his agent responsible for site development must coordinate and consult with BSP on designs to achieve surface and storm water containment and the removal and/or discharge of such material with means to insure water quality thresholds are achieved prior to discharge. The applicant must also work with the Guam Environmental Protection Agency with respect to insuring said techniques or methodology for surface water runoff containment and water quality

Environmental Protection Agency with respect to insuring said techniques or methodology for surface water runoff containment and water quality protection standards remain consistent with applicable regulatory requirements; and

d. This tentative subdivision plan shall be reviewed and approved by the Survey Division of the Department of Land Management within a time line appropriate to allow for due diligence review pursuant to Title 21GCA Chapter 60, Articles 5 through 8 prior to submitting a request for approval for a final subdivision plan.

e. If approved, the requested Tentative Subdivision Plan shall be for one (1) year pursuant to Title 21GCA Chapter 60, §62205, commencing on the date of approval. Within a reasonable time, the applicant may request for an extension of the one (1) year timeline *prior* to the determined one-year expiration date.

MARVIN Q. AGUILAR

Case Planner: Celine Cruz

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

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

Website:
http://dlm.guam.gov

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

Telephone:
671-649-LAND (5263)

Facsimile:
671-649-5383

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

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

MICHAEL J.B. BORJA
Director

DAVID V. CAMACHO
Deputy Director

January 30, 2018

MEMORANDUM

TO: Guam Land Use Commission (GLUC) Members

FROM: Chairman, Application Review Committee (ARC)

SUBJECT: Summary of Positions Submitted by ARC

RE: Application No. 2017-44 (Tentative Subdivision)

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

A. Comments and Recommendations Concerning GPA requirements:

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

   a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
   b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
   c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
   d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
   e. Provide scheduling and magnitude of project power demand requirements for new loads;

f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
e. GPA reserves its easement rights established under document numbers 257393, 643515 and map 200FY2013.

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

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

BUREAU OF STATISTICS AND PLANS (BSP):
The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations.

Erosion Control. The Bureau is concerned that the proposed construction of thirty (30) single family homes will trigger adverse effects in the watershed if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's watersheds in accordance with the CNMI and Guam Stormwater Management Manual.

   The Bureau requires the applicant to incorporate bio-retention features to the paved roads and modify the road slope plan so the islands serve as a feature to help manage storm-water. Additional BMPs may be found in the manual in the Bureau's website www.bsp.guam.gov under the Guam Coastal Management Program.

2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.

3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the Northern Guam Lens Aquifer (NGLA) is protected through compliance with 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. 17-97, and the Guam Water Resource Development & Operating Regulations.

   Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site. The Bureau recommends that Mr. Jupiter Juno Inc. prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following, but are not limited to:

   1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
   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.

   Detailed information and other BMPs are listed in the CNMI and Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide that can be obtained from the Bureau's website www.bsp.guam.gov, under Guam Coastal Management Program.

Low Impact Development (LID) and Stormwater Management. The project site also lies within the Agat Bay 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 0.01 to 0.03 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 Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

The LID approach works with nature to manage storm water as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats storm water as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant must be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp.guam.gov under the Guam Coastal Management Program, and the LID practices should also comply with the Guam Erosion & Sediment Control Regulations, 22GAR - GEPA Division II - Water Control Chapter 10, available at Guam Environmental Protection Agency (GEPA).

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicants are advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant should also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In conclusion, the Bureau recommends **Approval with conditions** and finds that construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant Jupiter Juno to comply with the above conditions if this application is approved.

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 public health, safety, and to promote the public welfare and convenience. We also encourage the applicant Jupiter Juno Mu to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

DEPARTMENT OF PARKS AND RECREATION (DPR):

We have been in consultation with the applicant regarding future development in subject lot, as well as, within the three other lots adjoining Lot 5-R4 that the applicant also own. There is already an approved Archaeological Monitoring and Discovery Plan (AMDP) that addresses the archaeological requirements of the proposed subdivision and the three lots.

The applicant is also required to address the recreational requirements for the subdivision that must be reviewed and approved by the Department of Parks and Recreation.

The applicant must coordinate with the project consultant archaeologist before any ground disturbing activity is allowed to proceed. The subject development must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to additional development requirements as well as changes in the Scope of Work of the AMDP. Therefore, we have no objection to the approval of subject application.

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for the proposed construction of thirty-one (31) single-family dwelling units with full improvements, in an "R2" (Multi-Family Dwelling) zone.

This memorandum shall serve as GWA's position statement to the above zone tentative subdivision application 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 tentative subdivision 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 and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to 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. Offsite utility available capacity may not be sufficient to serve the proposed development. The water system capacity is a concern, given the proposed project's density and elevation.

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

Any infrastructure improvements will be at the expense of the applicant, including any required land acquisition to construct utility 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. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

5. A construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.

6. GWA water meters must be installed in a public right of way or easement. If there is no public right of way or easement within the subdivision, then a master water meter shall be installed on the public right of way or easement near the entrance to the subdivision. All water and sewer utilities downstream of the master meter shall be the developer's responsibility to maintain and operate.

   If there will be a public right of way or easement through the subdivision and the developer intends to request that GWA assume ownership of the subdivision's water and sewer utilities, then GWA must have 24-hour access to utility rights of way/easements. GWA must approve the access method to the subdivision, the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM.

7. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

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

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

10. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system.

11. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.

12. Only wastewater shall be discharged to the sanitary sewer system. Storm water, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

13. 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 (October 12, 2017) of this response.

DEPARTMENT OF PUBLIC WORKS (DPW):

Attached herewith are the requirements and conditions provided from the Department of Public Works, (DPW).

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application, a complete set of design drawings must be submitted with all the engineering disciplines that are needed in the project and must comply with the applicable rules and regulations. Design drawings must also conform to the latest building code requirements prior to issuance of building permit. The Department of Public Works, (DPW) is providing these conditions to be in place as part of the requirements on the subject application 2017-44.

1. STORM WATER DISPOSAL
   Show storm drainage disposal with details in the final drawings and to be supported by calculations. No run off in the surrounding properties or the streets.
2. TRAFFIC GENERATIONS
   A traffic impact analysis/ study must be coordinated with DPW, Division of Highways (traffic management control section).
3. PARKING REQUIREMENTS
   Show parking lay out and detail of parking stalls (compact, standard and accessible stalls), and must meet the American Disability Act (ADA) requirements.
4. ACCESS ROAD
   The entrance/ exit, sidewalks and pedestrian must be wide enough for public access and shall he in conformance to the Guam Highway Master Plan. Must be coordinated with DPW, Division of Highways, (rights of way section).
5. STREETLIGHTS
   The developer shall be responsible for the streetlights and must be coordinated with DPW, Division of Highways (traffic management control section).
6. FLOOD ZONE
   The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meet the current Federal Emergency Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.
7. PARKS AND PLAYGROUNDS
   The construction of parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment.

8. SOLID WASTE
   Provide solid waste composition
9. TRANSPORTATION
   To coordinate with DPW, Bus Operations Divisions for the bus shelter designated location, and must not hinder the (entry exit) public access to the housing area.
10. OTHERS
    Comply with all the Geotechnical requirements related to site preparations.
    Ecological planning is needed to ensure the conservation of its resources.
    All structure, including accessory, structures, shall not cover more than 30% of the area.

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

DEPARTMENT OF AGRICULTURE (DoAg):
Has not submitted Position Statement as of Staff Report date

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

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

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

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

Marvin Q. Aguilar

Attachments: ARC Position statements
Cc: Executive Secretary GLUC

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

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DEC 05 2017
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MEMORANDUM

To: Chairman, Guam Land Use Planning

Via: Executive Secretary, Department of Land Management

From: Director, Bureau of Statistics and Plans

Subject: **APPLICATION NO.** 2017-44; **LOCATION:** Tract 31002 Lot No. 5-R4, Agat; **APPLICANT:** Jupiter Juno; **PROPOSED USE:** Tentative Subdivision for Construction of thirty (30) single family dwelling units

Håfa Adai! The applicant, Jupiter Juno Inc., represented by Ignacio F. Santos is requesting for a tentative subdivision for the proposed construction of thirty (30) single family dwellings on Tract 31002 Lot 5-R4 in an R2 multi-family dwelling zone in the municipality of Agat. The proposed project is also comprised of a recreational park area, ponding basin, and the required curb and sidewalks.

The property is zoned R2 Multi-Family Dwelling and is approximately 24,033 square meters or 258,689 feet or nearly 6.5 acres in size. The undeveloped property is located in Umang street just off Route 2 in Agat. Surrounding land uses are primarily single residential homes.

The Bureau of Statistics and Plans (Bureau) has completed its review of the subject application and provides the following comments and recommendations:

Erosion Control. The Bureau is concerned that the proposed construction of thirty (30) single family homes will trigger adverse effects in the watershed if measures are not in place to control erosion and sedimentation during and after construction of the project. Controlling sedimentation from construction sites is a priority with regards to stormwater controls and impacts to receiving water bodies within the project site. Moreover, the proposed project increases impervious surfaces in the form of roads, rooftops, driveways, sidewalks, and parking lots. These surfaces greatly increase runoff volume accelerating erosion and carrying pollutants into the aquifer.

The Bureau recommends that the applicant:

1. Implement best management practices (BMPs) to manage stormwater runoff on site, prevent runoff from flooding surrounding neighbors, and avoid contaminating Guam's watersheds in accordance with the CNMI and Guam Stormwater Management Manual.

The Bureau requires the applicant to incorporate bio-retention features to the paved roads and modify the road slope plan so the islands serve as a feature to help manage storm-water. Additional BMPs may be found in the manual in the Bureau's website www.bsp.guam.gov under the Guam Coastal Management Program.

2. Consult with Guam EPA for an aquifer protection review pursuant to the "Federal Safe Drinking Water Act," §1424 and Guam Safe Drinking Water Act," 10 GCA Chapter 53.
3. Coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the Northern Guam Lens Aquifer (NGLA) is protected through compliance with 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. 17-97, and the Guam Water Resource Development & Operating Regulations.

Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site. The Bureau recommends that Mr. Jupiter Juno Inc. prevent adverse impacts from construction site runoff by employing BMPs. These BMPs include the following, but are not limited to:

1. Install perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves a construction site.
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.

Detailed information and other BMPs are listed in the CNMI and Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide that can be obtained from the Bureau's website www.bsp.guam.gov under Guam Coastal Management Program.

Low Impact Development (LID) and Stormwater Management. The project site also lies within the Agat Bay 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 0.01 to 0.03 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 Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if BMPs are not in place to manage runoff on the property.

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 while

minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant must be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp.guam.gov under the Guam Coastal Management Program, and the LID practices should also comply with the Guam Erosion & Sediment Control Regulations, 22GAR - GEPA Division II – Water Control Chapter 10. available at Guam Environmental Protection Agency (GEPA).

Native Flora. Protection from invasive species is critical to preserving Guam's native plant and animal species. Therefore, the applicants are advised to avoid the use of invasive plants in their landscape plan. The use of native plants requires little to no fertilizer for growth. The Bureau encourages consultation with the Department of Agriculture's Division of Forestry and Soil Resources on using native plants and organic fertilizers to avoid additional contaminants from entering the aquifer. The applicant should also seek guidance from Guam EPA regarding their Pesticide Control Program.

Historic Preservation. The applicant must obtain concurrence from the Department of Parks and Recreation, Historic Preservation Division that the proposed development does not affect historic properties.

In conclusion, the Bureau recommends **Approval with conditions** and finds that ✓ construction activities and impervious surfaces from the proposed project can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater runoff on site. Therefore, the Bureau advises the applicant Jupiter Juno to comply with the above conditions if this application is approved.

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 public health, safety, and to promote the public welfare and convenience. We also encourage the applicant Jupiter Juno Mu to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

MANUEL Q. CRUZ
ACTING

cc: GEPA
DPW
GWA
DPR
GPA

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
JAN 05 2018
330
OLTC/GALC/GHC

In reply refer to:
RC2017-0097

MB 4/5

December 20, 2017

To: Executive Secretary, Guam Land Use Commission

From: Director, Department of Parks and Recreation

Subject: DPR Position Statement on DLM Application No. 2017-44:
Application for Tentative Subdivision for Lot No. 5-R4, Agat, Guam

We reviewed subject application submitted by Ignacio F. Santos, Land-Use Planner and authorized representative, on behalf of Jupitor Juno Co. Ltd., the applicant and owner of subject lot. The applicant is petitioning Guam Land Use Commission's approval to construct a thirty (30) single-family subdivision at the Umang area located within the Municipality of Agat.

We have been in consultation with the applicant regarding future development in subject lot, as well as, within the three other lots adjoining Lot 5-R4 that the applicant also own. There is already an approved Archaeological Monitoring and Discovery Plan (AMDP) that addresses the archaeological requirements of the proposed subdivision and the three lots.

The applicant is also required to address the recreational requirements for the subdivision that must be reviewed and approved by the Department of Parks and Recreation.

The applicant must coordinate with the project consultant archaeologist before any ground disturbing activity is allowed to proceed. The subject development must go through the proper DPW permitting process for reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to additional development requirements as well as changes in the Scope of Work of the AMDP. Therefore, we have no objection to the approval of subject application.

If you have any questions with regards to our position, please contact our office.

Sincerely,

William N. Reyes
Director

Cc: Ignacio F. Santos, Land-Use Planner-Authorized Representative-Ifsplanner77@gmail.com
David G. DeFant, SEARCH Inc- david.defant@searchinc.com
Jay Kim, Duly Authorized Representative-gemma@basecorpguam.com

The Honorable
EDDIE BAZA CALVO
Governor

The Honorable
RAY TENORIO
Lt. Governor

public works
DIPATTAMENTON CHE'CHO' PUBLEKO

GLENN LEON GUERRERO
Director
ARLEEN U. PIERCE
Acting Deputy Director

MB 10/26

RECEIVED
1225 PM

MEMORANDUM

TO: Director, Department of Land Management

FROM: Director, Department of Public Works

SUBJECT: Applicant: Jupiter Juno Co. Ltd.
Application: Position Statement No. 2017-44
Tentative Subdivision in an ("R-2") Zone
Lot 5-R4, Agat, Guam

Buenas yan Hafa Adai! Applicant is proposing to construct a residential subdivision consisting of thirty (30) single family dwelling units. Access easements within the subdivision area will be 40 feet. The on site improvements of the subdivision consists of paved roads, sidewalks, curbs, gutters, storm drainage, streetlight, fire hydrants, power, water, services for telephone and cable TV. All utilities servicing the lots will be located underground. The property is currently zoned "R-2" (Multi-Family Dwelling) with a total land area of 24,033 square meters (258,689) sq. feet.

Attached herewith are the requirements and conditions provided from the Department of Public Works, (DPW).

DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that prior to building permit application, a complete set of design drawings must be submitted with all the engineering disciplines that are needed in the project and must comply with the applicable rules and regulations. Design drawings must also conform to the latest building code requirements prior to issuance of building permit.

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

GLENN LEON GUERRERO

LIbanez/MRWilson

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

Doc. No. 34GL-18-1620.

Oct 10 26-1

The Department of Public Works, (DPW) is providing these conditions to be in place as part of the requirements on the subject application 2017-44.

1. STORM WATER DISPOSAL
   Show storm drainage disposal with details in the final drawings and to be supported by calculations. No run off in the surrounding properties or the streets.

2. TRAFFIC GENERATIONS
   A traffic impact analysis study must be coordinated with DPW, Division of Highways (traffic management control section).

3. PARKING REQUIREMENTS
   Show parking lay out and detail of parking stalls (compact, standard and accessible stalls), and must meet the American Disability Act (ADA) requirements.

4. ACCESS ROAD
   The entrance exit, sidewalks and pedestrian must be wide enough for public access and shall be in conformance to the Guam Highway Master Plan. Must be coordinated with DPW, Division of
   Highways (rights of way section).

5. STREETLIGHTS
   The developer shall be responsible for the streetlights and must be coordinated with DPW, Division of Highways (traffic management control section).

6. FLOOD ZONE
   The applicant, is required to hire a professional engineer to perform hydrologic and hydraulic analysis which meet the current Federal Emergency Agency (FEMA) for flood insurance study standards and must be licensed to do business in Guam.

7. PARKS AND PLAYGROUNDS
   The construction of parks and playgrounds including landscaping must be design in detail and make use of its physical and biological resources which will have a great impact to the environment.

8. SOLID WASTE
   Provide solid waste composition

9. TRANSPORTATION
   To coordinate with DPW, Bus Operations Divisions for the bus shelter designated location, and must not hinder the (entry exit) public access to the housing area.

10. OTHERS
    Comply with all the Geotechnical requirements related to site preparations.
    Ecological planning is needed to ensure the conservation of its resources.
    All structure, including accessory, structures, shall not cover more than 30% of the area.

GUAM POWER AUTHORITY

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

September 26, 2017

MEMORANDUM

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

From: General Manager

Subject: Lot 5-R4, Municipality of Agat, (Jupiter Juno Co. Ltd); Tentative Subdivision Application to construct 30 Single Family Dwellings. **Application No. 2017-44**

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

A. Comments and Recommendations Concerning GPA requirements:

1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
   - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
   - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
   - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
   - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
   - Provide scheduling and magnitude of project power demand requirements for new loads.
   - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
   - **GPA reserves its easement rights established under document number 257393, 643515 and map 200FY2013.**

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

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

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

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

for JOHN M. BENAVENTE, P.E.

ASG/arp

Doc. No. 34GL-18-1620.

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: **Guam Power Authority**
Applicant: Jupiter Juno Co. Ltd
Location: Lot 5-R4, Agat
Type of Application: Tentative Subdivision
GLUC GSPC Application No. 2017-44
Brief Project Description:
To construct 30 Single Family Dwellings.

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

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

2. If the answer to #1 above is YES, then:
   I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently **ADEQUATE** to support this project:
   Yes ☐ No ☒

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

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

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

for JOHN M. BENAVENTE, P.E.
General Manager

9/29/17
Date

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

ASG arp

GUAM WATERWORKS AUTHORITY

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

DEPARTMENT OF LAND MANAGEMENT
RECEIVED
OCT 17 2017
335
CLTC/GALC/GLUC

MB 10/17

MEMORANDUM

October 12, 2017

TO: Michael Borja, Director, Department of Land Management

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

SUBJECT: Position Statement on Tentative Subdivision Application No. 2017-44 for Lot 5-R4, Tract 31002, in the Municipality of Agat.

APPLICANT(S): Jupiter Juno Co. Ltd.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a tentative subdivision application approval for the proposed construction of thirty-one (31) single-family dwelling units with full improvements, in an "R2" (Multi-Family Dwelling) zone.

This memorandum shall serve as GWA's position statement to the above zone tentative subdivision application 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 tentative subdivision 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 and sewer design calculations and complete drawings and specifications. Design calculations shall include proposed water demand calculations including fire-flow and sewer production calculations.

2. GWA requires the applicant to coordinate with the GWA Engineering Department at least six months prior to 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. Offsite utility available capacity may not be sufficient to serve the proposed development. The water system capacity is a concern, given the proposed project's density and elevation.

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

   Any infrastructure improvements will be at the expense of the applicant, including any required land acquisition to construct utility 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. Developers and subdivision owners who have installed water and/or wastewater pump stations whose sole purpose is to serve only the proposed development or subdivision, and consequently have no excess capacity to serve customers beyond the boundaries of said development or subdivision, shall be required to maintain their own pump station(s) and force main(s) in proper working condition to the satisfaction of GWA.

5. A construction manager hired by the developer shall oversee water and sewer infrastructure construction. A quality control document containing construction records and pictures shall be provided to GWA, to document construction practices and installed materials. GWA shall be provided with construction schedules, so that inspections may be conducted during construction.

6. GWA water meters must be installed in a public right of way or easement. If there is no public right of way or easement within the subdivision, then a master water meter shall be installed on the public right of way or easement near the entrance to the subdivision. All water and sewer utilities downstream of the master meter shall be the developer's responsibility to maintain and operate.

   If there will be a public right of way or easement through the subdivision and the developer intends to request that GWA assume ownership of the subdivision's water and sewer utilities, then GWA must have 24-hour access to utility rights of way/easements. GWA must approve the access method to the subdivision, the developer shall register the appropriate documentation (such as a utility grant of right of way) with DLM.

7. Backflow prevention devices are required for non-residential activities, swimming pools, or when a development will be served by a master meter.

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

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

10. Sewer load discharges to the public sewer system might be limited to certain times of day at certain rates to avoid adverse impacts to the receiving public sanitary sewer system.

11. Certain activities are subject to sewer pre-treatment requirements. Grease traps or interceptors are required for food service establishments. Oil-water separators are required for vehicle maintenance activities.

12. Only wastewater shall be discharged to the sanitary sewer system. Storm water, pool water, and pool backwash water discharge to the sanitary sewer system is prohibited.

13. 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. 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.

IGNACIO F. SANTOS
Land-Use Consultant
P.O. Box 651
Hagåtña, Guam 96932

Suite 201, Guam United Plaza, Hagåtña, Tel: (671) 646-0629 Cell: (671) 777-3862 email: ifsplannerd@yahoo.com

January 30, 2018

RECEIVED
1.31.18

Mr. Michael Borja
Acting Executive Secretary
Guam Land Use Commission
% Planning Division
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Ref: Supplemental Information - Application No.2017-44

Dear Mr. Borja,

This letter is in response to the comments and concerns raised at Application Review Committee Hearing of September 7, 2017, pursuant to an application for a Tentative Subdivision for 30 single family lots with improvements on Lot 5-R4 in Agat. The following is a list of concerns followed by a response.

- **Outline of project boundaries.**

  See attached map showing project boundary in red.

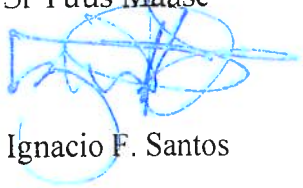
- **Relocate proposed location of ponding basin to protect existing watershed.**

  Located in attached map and outlined in light blue the new location of ponding basins.

- The other attached map is the original map as submitted. The ponding basin is located adjacent to the existing creek

I request your attention on the above and enclosure and look forward on presenting this supplemental information to Guam Land Use Commission.

Si Yũus Mãasẽ



Ignacio F. Santos

GRID 1993

30 0 15 30 60 90

GRAPHIC SCALE 1inch = 30feet

CURVE DATA :

Ⓐ
Δ = 5° 38' 42"
R = 86.40'
L = 8.51'
C = 8.51'
CB = N53° 04' 23"W

NOTES :

1. SURVEY WAS BASED ON FOUND CORNERS.
2. ELEVATION DATUM WAS BASED ON GCN 3135 WITH AN ELEVATION OF 177.49' (MSL)
3. ALL DISTANCES AND ELEVATIONS ARE IN FEET.
4. CONTOUR LINES ARE ONE (1) FOOT INTERVAL.

REFERENCES :

1. MAP L.M. No. 200-FY2013, PREPARED BY PLS No. 54

CHAINLINK FENCE
2-4'øx370 FT CORR. PVC DRAINAGE PIPE
TOE OF BANK
TOP OF BANK
DRAINAGE
S 71° 14' 12" E, 660.41'
P A R K
LOT 8 C-1 5760 SF
LOT 9 C-2 5298 SF
LOT 10 C-1 7644 SF
LOT 11 C-2 6020 SF
LOT 12 C-1 7711 SF
LOT 1 TRACT 31002
LOT 4 TRACT 31002
INFILTRATION POND
PONDING BASIN NO.1 9778 SF
20.00'
90.4'
CHAINLINK FENCE
151.8
N21° 09' 28"E, 151.78'
20-FT WIDE CHAINLINK GATE
S68° 50' 02"E 7.05'
FOREBAY
C-2 6544 SF LOT 2
C-2 6046 SF LOT 1
LOT 3 C-1 5729 SF
LOT 4 C-1 5551 SF
LOT 5 C-1 5567 SF
LOT 6 C-1 5783 SF
LOT 7 C-1 6813 SF
SCHOOL BUS SHELTER
N21° 09' 58"E 40.00'
N68° 50' 02"W 148.66'
ROAD 1
LOT 2 TRACT 31002
40' WIDE PUBLIC ACCESS AND UTILITIES RIGHT OF WAY
LOT 4-R/W TRACT 31002
ROAD 3
LOT 5-2 TRACT 31002
LOT 5-3 TRACT 31002
LOT 5-1 TRACT 31002
LOT 3 TRACT 31002
1B C-11
5436 SF B-1 LOT 26
B-1 6419 SF LOT 25
B-1 6120 SF LOT 24
B-1 6220 SF LOT 23
B-1 7641 SF LOT 22
B-1 5760 SF LOT 21
B-1 5660 SF LOT 20
B-1 5469 SF LOT 19
C-13 5893 SF LOT 17
C-14 7030 SF LOT 17
C-15 PBE=183' 5523 SF LOT 16 PBE=189.0
PBE=185' C-1 5303.8 LOT 16
C-1 5025 SF PBE=187' LOT 17
B-2 7477 SF PBE=195' LOT 18
C-2 5674 SF LOT 27
B-1 5780 SF LOT 28
B-1 LOT 29 5649 SF
LOT 30 B-1 6316 SF
PONDING BASIN NO.2 3321 SF
N18° 30' 30"E 141.78'
S 25° 23' 25" W, 586.25'
N75° 50' 46"W 137.39'
EXISTING A.C. PAVED ROAD
BULL CART TRAIL
UMANG STREET
TO RTE 2
FHY
WM
ESMH
CPP
TPD
18 FT. WIDE EXISTING A.C. PAVED ROAD
EXIST. A.C. PAVED ROAD TO BE DEMOLISHED
50' WIDE PUBLIC ACCESS AND UTILITY EASEMENT
CHAINLINK FENCE
20-FT WIDE CHAINLINK GATE

1 SITE DEVELOPMENT PLAN

C-2 SCALE: 1"=30'-0"

NOTES & LEGEND:

1. NO. OF LOTS = 30
2. NO. OF SALABLE LOTS = 30
3. NO. OF PONDING BASIN LOTS = 1
4. NO. OF PLAYGROUND LOTS = 1
5. MINIMUM AREA OF LOT= 5,400 SQ.FT. (500 ± SQ.M.)
6. MINIMUM SETBACKS:
   a. FRONT - 15 FEET
   b. SIDES - 8 FEET
   c. REAR - 10 FEET

LOTS LESS THAN 5,400 SF (520 SM)
SETBACK LINE
EXISTING PAVED ROAD
NEW A.C. PAVEMENT

SYMBOLS :

GCN STATION
TRAVERSE STATION
#4 REBAR FOUND, SET BY PLS No. 54
CPP CONCRETE POWER POLE
TPD TELEPHONE PEDESTAL
SEWER MANHOLE
WM WATER METER
FHY FIRE HYDRANT
COCONUT TREE
TREE

RENE V. BALDEMOR
LICENSED PROFESSIONAL ENGINEER
NO. 516
(CIVIL)
EXP. 4/30/17
GUAM
PROFESSIONAL ENGINEER

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

SYMBOL	DATE	BY	REVISION	APPROVED

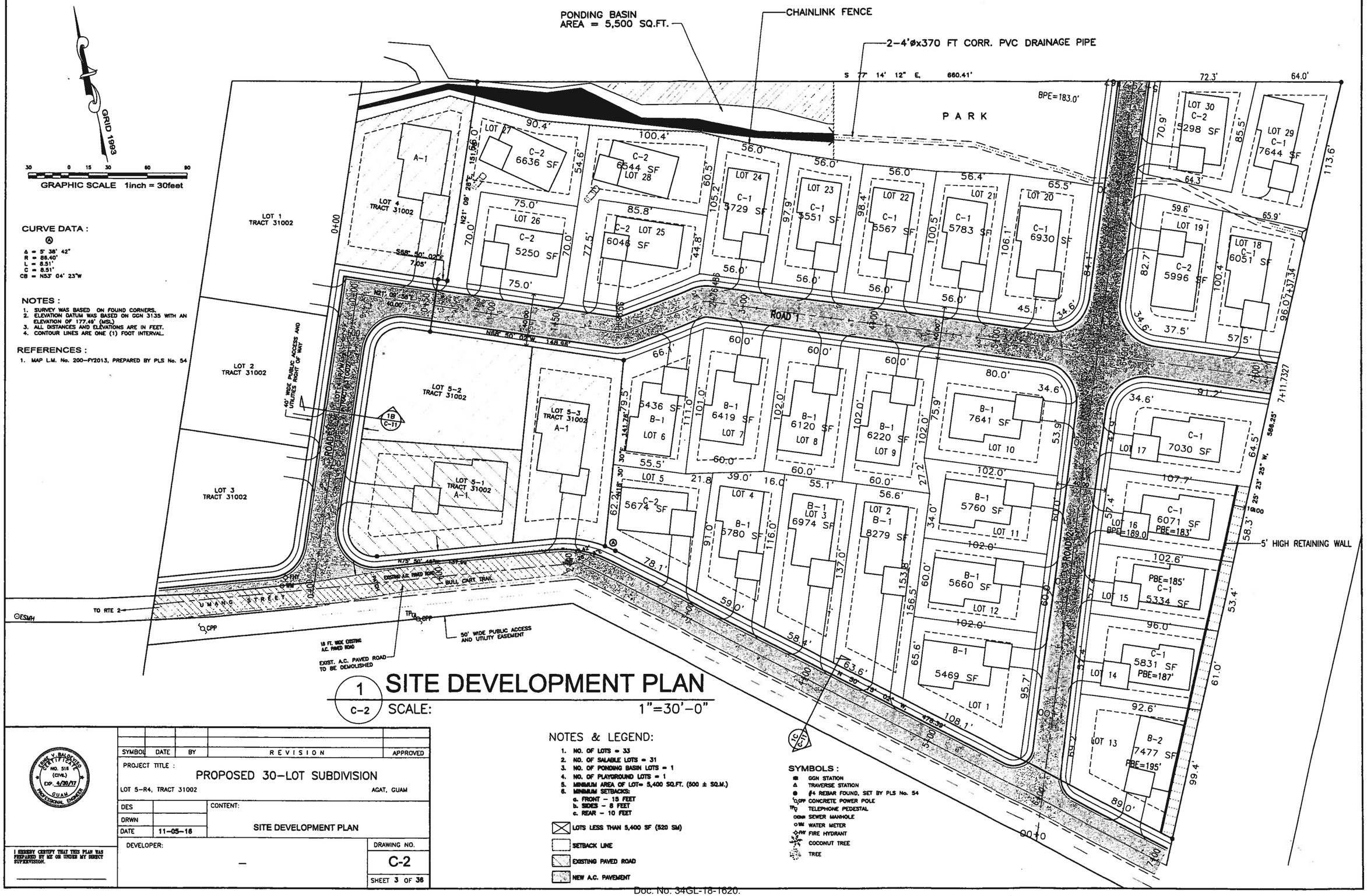
PROJECT TITLE :
PROPOSED 30-LOT SUBDIVISION
LOT 5-R4, TRACT 31002 AGAT, GUAM

DES		CONTENT:
DRWN		SITE DEVELOPMENT PLAN
DATE	11-05-16	

DEVELOPER: -

DRAWING NO. C-2

SHEET 3 OF 36



1 SITE DEVELOPMENT PLAN

C-2 SCALE: 1"=30'-0"

NOTES & LEGEND:

1. NO. OF LOTS = 33
2. NO. OF SALABLE LOTS = 31
3. NO. OF PONDING BASIN LOTS = 1
4. NO. OF PLAYGROUND LOTS = 1
5. MINIMUM AREA OF LOT= 5,400 SQ.FT. (500 ± SQ.M.)
6. MINIMUM SETBACKS:
   a. FRONT - 15 FEET
   b. SIDES - 8 FEET
   c. REAR - 10 FEET

LOTS LESS THAN 5,400 SF (520 SM)

SETBACK LINE

EXISTING PAVED ROAD

NEW A.C. PAVEMENT

SYMBOLS :

- GGN STATION
- TRAVERSE STATION
- #4 REBAR FOUND, SET BY PLS No. 54
- CONCRETE POWER POLE
- TELEPHONE PEDESTAL
- SEWER MANHOLE
- WATER METER
- FIRE HYDRANT
- COCONUT TREE
- TREE

SYMBOL	DATE	BY	REVISION	APPROVED

EDUE V. BALDEVIEZO CERTIFICATE NO. 516 (CIVIL) EXP. 4/30/17 GUAM PROFESSIONAL ENGINEER

I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION.

PROJECT TITLE :

PROPOSED 30-LOT SUBDIVISION

LOT 5-R4, TRACT 31002 AGAT, GUAM

DES		CONTENT:
DRWN		SITE DEVELOPMENT PLAN
DATE	11-05-16	

DEVELOPER: –

DRAWING NO. C-2

SHEET 3 OF 36

ATTACHMENT E

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

January 12, 2018

Memorandum

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: **Staff Report – Forth (4th) Annual Renewal Request- Application No. 2000-12B**

1. **PURPOSE:** The applicant, Reliable Builders, Inc., submits its Forth (4th) annual renewal request of its Conditional Use Permit approval for its Temporary Workforce Housing Facility (TWHF) on Lot 5160-6-3,Harmon, Municipality of Tamuning.

2. **LEGAL AUTHORITY:** Title 21, GCA (Real Property), Chapter 61 (Zoning Law) and Section 61303 (Conditional Use), Public Law 31-72.

3. **FACTS:**
In its Notice of Action, dated October 14, 2011, Document No. 828333, Condition No. 3, where it states "That this initial approval shall be for Twenty Four (24) Months and therefore shall be renewed annually (Per Section 2(4)(A) of Public Law 31-72".

The subject application is a Housing Facility for Temporary Workers in a fully contained, thirty six (36) symmetrical three-bedroom residential units community to include existing elements for sleeping, toilet and shower facilities, laundry, cooking, security including fire/medical emergency response capability, recreational facilities, transportation services, on site storm water retention system, landscaping, a six (6) foot high perimeter fence and an in house set of Rules and Regulations that addresses security and safety practices, including other factors such as personnel access and exit procedures and personal/social code of conduct.

The applicant submits its 4th annual renewal request. Other than the food vendor services, which is no longer provided, as food preparation is conducted by the workers within their unit, elements of the approved facility, persists to include the TWHF's house rules, medical plan, transportation plan, safety and security plan, housing facility management, recreation activities and landscaping are functionally existing as approved by the Commission, the applicant also provided responses to the conditions of the Commission's approval and included copies of current vehicle registrations and chauffer's licenses, a copy of DPH&SS Workers Dormitory and Sanitary Permits and photos of the complex.

On January 11, 2018 Planning Staff conducted a site visit of the approved TWHF and find that the facility is well kept, clean, volleyball/basketball elements are existing, landscaping in place, social pavilion w/exterior bar-be-cue pits still in place and on site gardening still exists. Mark Jorge with Reliable Builders was reminded that since the residents are now preparing their food within their units, to ensure that the fire evacuation maps and extinguishers are properly reviewed and maintained.

4. RECOMMENDATION:

It is our position that the applicant's continuing coordination with the permitting agencies, finds that the applicant is complying to the conditions imposed; have been and continues to work with the appropriate government entities in adhering to said Agencies requirements and ensuring that best management practices are in place. In line with the above we recommend a favorable Commission review of the request with the following condition;

1. That Applicant continues compliance to the Conditions as specified on the Notice of Action, dated October 14, 2011, filed under Document Number 828333.

Marvin Q. Aguilar

CASE PLANNER: F.P.TAITANO
Attachments: 10/13/11 & 11/29/16 Notice of Actions

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

File for Record is Instrument No. 901282

On the Year _____ Month _____ Day _____ Time _____

DE-OFFICIO

Recording Fee _____ Receipt No. _____

Deputy Recorder Jane Yamasaki
JANET YAMASAKI

(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

December 1 , 2016
Date

To: **Reliable Builders Inc.**
Represented by Daniel D. Swavely
P.O. Box 7536
Tamuning, Guam 96931

Application No. 2000- 12B

The Guam Land Use Commission, at its meeting on **November 29, 2016**.

XX Approved ____/ Disapproved ____/ Tabled

Your request on **Lot No. 5160-6-3, Harmon, Municipality of Tamuning for a:**

NOTICE OF ACTION SPS106

Application No. 2000-12B

Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of November 29, 2016

ZONING

___/ Zone Change***

XX / Conditional Use (Third Annual Renewal Pursuant to Section 61309(c), Chapter 61, Title 21, GCA)

___/ Zone Variance

[ ] Height [ ] Use
[ ] Density [ ] Other (Specify)

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and/or Definitions

___/ Other

NOTICE OF ACTION **Application No. 2000-12B**
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of November 29, 2016

APPLICATION DESCRIPTION: The applicant, Reliable Builders, Inc., Pursuant to Section 61309(c), Chapter 61, Title 21 GCA, submits its Third (3rd) annual renewal request of its Conditional Use Permit Approval for its Temporary Workforce Housing Facility (TWHF) on Lot 5160-6-3,Harmon, Municipality of Tamuning.

COMMISSION DECISION: The Guam Land Use Commission accepts the applicant's Third (3rd) annual report and approves the renewal of its Conditional Use Permit with the condition that the applicant continues compliance to the conditions as specified on the Notice of Action dated October 14, 2011, filed under Document No. 828333.

Marvin Q, Aguilar 12/13/16
Guam Chief Planner **Date**

John Z. Arroyo 12/16/16
Chairman **Date**
Guam Land Use Commission

Case Planner: Frank P. Taitano

Cc: Building Permits Section. DPW

Application No. 2000-12B

CERTIFICATION OF UNDERSTANDING

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

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

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

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

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

_____ _____ Daniel D Swavely 12/19/16
Signature of Applicant Date Signature of Representative Date

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

_____ _____ _____ _____
Applicant Date Representative Date

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

File for Record Instrument No. 828333

On the Year 11 Month 10 Day 26 Time 2:29

DE-OFFICIO

Recording Fee _____ Receipt No. _____

(Space above for Recordation)

IMPORTANT NOTICE - READ CAREFULLY

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

GUAM LAND USE COMMISSION

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

NOTICE OF ACTION

October 14, 2011
Date

To: **Reliable Builders Inc.**
Represented Daniel D. Swavely
P.O. Box 7536
Tamuning, Guam 96931

Application No. 2000-12B

The Guam Land Use Commission, at its meeting on **October 13, 2011**.

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

____/ Tabled

Your request on **Lot No. 5160-6-3, Harmon, Municipality of Tamuning for a:**

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3. Harmon. Municipality of Tamuning
GLUC Meeting of October 13. 2011

Application No. 2000-12B

ZONING

Zone Change***

XX/ Conditional Use

___/ Zone Variance

[ ] Height [ ] Use
[ ] Density [ ] Other (Specify)
[ ] Setback

TENTATIVE DEVELOPMENT PLAN

SUBDIVISION

___/ Tentative

___/ Final

___/ Extension of Time

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

NOTE ON ZONE CHANGE

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

SEASHORE

___/ Wetland Permit

___/ Seashore Clearance

HORIZONTAL PROPERTY REGIME

___/ Preliminary

___/ Final

___/ Supplementary (Specify)

MISCELLANEOUS

___/ Determination of Policy and or Definitions

___/ Other (Specify)

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot No. 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of October 13, 2011

Application No. 2000-12B

APPLICATION DESCRIPTION: The applicant. Reliable Builders, Inc., represented by Mr. Daniel D. Swavely is requesting approval of their Condition Use request to convert an existing 36-unit townhouse complex into a Temporary Workforce Housing Facility on Lot 5160-6-3, Harmon, Municipality of Tamuning.

COMMISSION DECISION: The Guam Land Use Commission **APPROVED** the applicants request subject to the following conditions:

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

2. That when actual operations begin and a new and improved procedures and measures are implemented that these amendments must be incorporated and made a part of the Workforce Housing Facility Rules and Regulations document: and a copy be provided to Planning Division. Department of Land Management.

3. That this initial approval shall be for Twenty Four (24) Months and therefore shall be renewed annually (Per Section 2(4)(A) of Public Law 31-72): and

4. That there shall be no changes to the approved Conditional Use Permit unless subjected before the ARC review and GLUC approval: and

5. That the applicant present to the Guam Land Use Commission a 6 month status report. Deleted

Ext. - See 10/9/2015 Sept. T. Lunsford re Condition of Approval Item No. 5

Marvin Q, Aguilar
Acting, Guam Chief Planner

10-14-2011
Date

Jay L. Lather
Chairman
Guam Land Use Commission

10-21-11
Date

Case Planner: Frank P. Taitano
Attachment(s): ARC Distribution List
Cc: Building Permits Section. DPW (Attn: Mr. Jesus Ninete)

NOTICE OF ACTION
Reliable Builders, Inc.
Represented by Daniel D. Swavely
Lot 5160-6-3, Harmon, Municipality of Tamuning
GLUC Meeting of October 13, 2011

Application No. 2000-12B

CERTIFICATION OF UNDERSTANDING

I/We RELIABLE BUILDERS INC. / DANIEL D. SWAVELY
(Applicant [Please print name]) (Representative [Please print name])

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

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

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

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

Signature of Applicant Date — Daniel D Swavely 10/26/2011 — Signature of Representative Date

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

Applicant Date — Daniel D Swavely 10/28/11 — Representative Date

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

ATTACHMENT F

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

January 8, 2018

MEMORANDUM

To: Chairman, Guam Land Use Commission

From: Guam Chief Planner

Subject: **Commission Brief - Request for Amendments to Leo Palace Resort's Approved PDD Master Plan, Tract 2511, Municipality of Yona**

The applicant Leo Palace Resort represented by Mr. Dan Swavely, is requesting to amend the existing Leo Palace Resort's PDD's *(Planned District Development)* Master Plan to permit the continued operation and upgrade of the existing Japan Aerospace Exploration Agency (JAXA) Guam Downrange Tracking Station located on a 5,418 square meter portion of Phase 2 of Tract 2511, leased by Sky Properties Corporation, a Guam corporation.

On June 14, 2001 the Guam Land Use Commission approved a Zone Change Application by Sky Properties Corp. for the development of the existing Downrange Tracking Station with a condition of approval up to a period of twelve (12) years, expiring on June 14, 2013.

This technical amendment request follows two other previous Commission approvals; that the intend is not to change the designated zone of the Downrange Tracking Station site, but to request for approval to continue the use and upgrading of the existing Tracking Station.

The PDD was approved in 1988 to accommodate facilities for hotel, golf, sports and residential development throughout a 1,000 acre site and as noted by the applicant on its two previous amendment requests, that, since the PDD was approved Leo Palace Resort has built and retained status as a top tourism, sports, hotel and residential destination and that the overall balance of its approved uses in 1988 remains intact.

Considering that, other than its failure to renew the Guam Land Use Commissions' approval in 2013, SKY Properties Corporation has always maintained its legal status on Guam and appropriately maintained its facility and activities to promote the protection of the public's health, safety and general welfare. We have concluded that the continued existence of the facility will not have any negative adverse impact to the surrounding uses either inside or outside of Leo Palace's master plan and thus inclined to support the applicant's request and recommend the Commission's favorable consideration.

Marvin Q. Aguilar
Guam Chief Planner

Attachment: Request Package